

**From Consultation to Civic Engagement:
The Road to Better Policy-making and Governance in Hong Kong**

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Abbreviations

AAB	Antiquities Advisory Board
ACE	Advisory Council on the Environment
AOs	Administrative Officers
BCSB	Broadcasting, Culture, and Sports Bureau
CDO	City District Office
CFA	Court of Final Appeal
CHC	Culture and Heritage Commission
CoP	Commission on Poverty
CPA	Committee on Performing Arts
CSD	Council for Sustainable Development
CSI	Civil Society Index
CSOs	Civil society organisations
DPA	Development Permission Areas
EIAs	Environmental Impact Assessments
EOI	Expression of Interest
EPCOM	Environmental Pollution Advisory Committee
EPD	Environmental Protection Department
ExCo	Executive Council
GDP	Gross domestic product
EU	European Union
HAB	Home Affairs Bureau
HEC	Harbour-front Enhancement Committee
HKCSS	Hong Kong Council of Social Service
HKSAR	Hong Kong Special Administrative Region
IR	Invitation and Response (document)
ICTs	Information and communication technologies
IWMF	Integrated Waste Management Facilities
LegCo	Legislative Council
LCSD	Leisure and Cultural Services Department
LPs	Layout Plans
MSW	Municipal solid waste
NENT	Northeast New Territories
NCVO	National Council of Voluntary Organisations
NWNT	Northwest New Territories
ODPs	Outline Development Plans
OECD	Organisation of Economic Co-operation and Development
OZP	Outline Zoning Plan
PlanD	Planning Department
POAS	Principal Officials Accountability System
PRC	People's Republic of China
PVRM	Personalised Vehicle Registration Marks
RCB	Recreation and Culture Branch
RSD	Regional Services Department
SARS	Severe Acute Respiratory Syndrome
SENT	Southeast New Territories

SDU	Sustainable Development Unit
SWAC	Social Welfare Advisory Committee
SWNT	Southwest New Territories
TDS	Territorial Development Strategy
TPB	Town Planning Board
UC	Urban Council
UK	United Kingdom
URA	Urban Renewal Authority
US	United States
USD	Urban Services Department
VCS	Voluntary and community sector
VPS	Venue Partnership Scheme
YMCA	Young Men's Christian Association
YWCA	Young Women's Christian Association

Executive Summary

I. Background

1. Hong Kong has come to a critical juncture. The traditional mode of public consultation has failed, but a new mode has yet to be established. The political and social ecology of Hong Kong has changed so drastically since 1997 that governing through an advisory system and conventional public consultation no longer satisfies public expectations. The chief executive has only a weak and limited power base from which to exercise the enormous constitutional power he possesses. New political forces that are beyond his control—the elected legislators and political parties—have strongly resisted a top-down approach in policy-making and consultation. In addition, the media and civil society have actively targeted government failures and demanded that the government become more accountable, transparent, and responsive. In face of these challenges, it is imperative that the government and the people of Hong Kong find a new way of engagement.

2. The awakening of civil society after the massive rally of 1 July 2003 makes the search even more pressing. Demands from civil society since 2003 have increased in scope, scale, and intensity. Through protests, rallies, and various other actions, civil society organisations have amassed enough societal pressure to halt the West Kowloon Cultural District development and to demand a say in public projects relating to the reclamation of Victoria Harbour and the redevelopment of Kai Tak, to cite but two examples. Not only has civil society become more vocal, but the emergence of new groups and new forms of organisation has also increased the unpredictability of societal demands and actions. The most recent case in point has been the effort of citizens to stop demolition of the Star Ferry Pier. Clearly the traditional form of public consultation no longer fully encapsulates the views of civil society, which are dynamic and changing.

3. New problems call for new solutions, and we can learn much from the global trend in public governance. The United Nations, the World Bank, the OECD, and the European Union have attached great importance to civil society organisations in their work. The governments in Canada and the United Kingdom have developed formal agreements with their civil societies for the joint promotion of social development. The two countries have also experimented with new ways to engage their citizens in policy-making. Outstanding examples are Vancouver's CityPlan and Community

Visions projects, which have sought to develop a shared vision of the city's future. The projects consisted of a series of extensive engagement exercises that employed a variety of methods to help citizens to learn and deliberate about the issues of future planning. The envisioning exercises were well received across the entire Vancouver community, and they have helped to generate public endorsement of many of the planning principles that will guide the city's future development.

4. We can also learn from recent engagement exercises at home. The year 2003 marked not only a watershed of civil society development in Hong Kong, but also the emergence of a new mode of advisory committee and public consultation in policy-making. That year saw the establishment of the Council for Sustainable Development, an advisory body that adopted a new method of public engagement that emphasised learning and deliberation. Following suit, a number of advisory bodies also incorporated relatively new elements into their processes of civic engagement. As the experience of these exercises may affect the future development of civic engagement, it is important to examine them to discover what we can do to improve similar practices in the future. It was in this spirit that in May 2006 the Bauhinia Foundation Research Centre commissioned the Centre for Civil Society and Governance at the University of Hong Kong to study different modes of the advisory system and of public consultation that the HKSAR government had employed and to make recommendations to improve civic engagement.

II. Definition of Civic Engagement

5. "Civic engagement" does not have a well-established usage. For the purposes of this report, the concept is defined as

an organised process where a government has taken the initiative to involve citizens in all stages of policy development, from identification of problems, to clarification of values and interests, development of policy alternatives and prioritisation of proposals.

It follows from this definition that civic engagement is not an *ad hoc* or informal process of stakeholder discussion; it involves the active participation of citizens, which is characterised by citizens' actively learning, reflecting, and deliberating, as well as active interaction among participants.

6. In Hong Kong, civic engagement is usually carried out in the form of advisory committees, in which membership is restricted to a small group of government-appointed major stakeholders. More recently, searching to involve a larger public, the government has been experimenting with large-scale public consultation that it has conducted in partnership with advisory committees. A study of civic engagement, therefore, must take into account the internal engagement of an advisory committee (*committee engagement*) and external engagement, the process of reaching out to the public that is conducted or assisted by the advisory committee (*public engagement*).

III. Focus of the Study

7. Civic engagement mechanisms in four designated policy areas were selected for examination.

- In *arts and culture*, the focus was the issue of management of performing venues and facilities and the engagement efforts as carried out by the Committee on Performing Arts.
- In *the environment*, the focus was solid waste management and hence the Support Group on Solid Waste Management of the Council for Sustainable Development and the Advisory Group on Waste Management Facilities under the Environmental Protection Department.
- In *planning*, the focus was the development of South East Kowloon, more popularly known as the Kai Tak development, and its most important engagement mechanism, the Harbour-front Enhancement Committee.
- In *social welfare*, the focus was poverty alleviation, and therefore the Commission on Poverty, which was one of the two major non-statutory bodies set up after 1997 in the area of social welfare.

These engagement mechanisms were chosen for study either because they employed relatively novel methods of public engagement or of constituting the engagement body; and because all had to deal with core issues of contention in their respective policy areas.

8. The study used two methods, interviews and documentary analysis. We conducted a total of 70 interviews with people associated with the work of the selected advisory bodies; 28 of the interviews were with government officials and 42 were with civil society actors. We analyzed the documents issued by the advisory bodies and relevant government bureaux and departments, as well as newspaper reports about the selected cases of civic engagement. We also studied overseas experience of civic engagement through documentary research.

IV. Analytical Framework

9. Taking into account the characteristics of successful engagement, we designed a three-level analytical framework of the four empirical cases. The first level examined two factors—the actors and institutional arrangement for engagement—that may have influenced the smoothness of the engagement process. Actors refer to both government officials and civil society actors. We examined the background of these actors, their values, ideologies, and attitudes towards civic participation, as well as the kind of engagement strategies they employ in the engagement process. The institutional arrangement for engagement has to do with the engagement mechanism itself. It includes the following aspects: statutory status, functions and powers, membership, stakeholder representation, as well as resources and institutional support.

10. The second level concerned the engagement process itself. Specifically, we focused on the clarity of common aims, the commitment to engagement on the part of government officials and civil society actors, the presence of trust among participants, the level of transparency of the engagement process, the amount of accountability, the quality of deliberation, and the degree of stakeholder participation outside the engagement mechanism.

11. The third level concerned the results of the engagement process, which can basically be categorised into two types: policy output and governance outcome. Policy output concerns whether civic engagement brings improved policy quality and bestows a higher degree of legitimacy to a new policy. Governance outcome concerns whether trust in a particular engagement mechanism can be enhanced and actors' capacity for governance partnership be built.

V. Results

12. Our analysis of the success of the engagement mechanisms in the four policy areas is summarised as follows:

A. Committee on Performing Arts, Home Affairs Bureau

13. The Committee on Performing Arts (CPA) was established in 2004 and is attached to the Home Affairs Bureau (HAB). The body is tasked to advise the government on strategies and plans for the development of performing arts facilities and services, and this includes reform of venue management, the focus of our study.

14. Engagement at the committee level was successful. It started with a relatively clear common understanding of the committee's scope and direction and considerable cooperation and trust was fostered among committee members, the staff of the secretariat, and officials in the HAB and Leisure and Cultural Services Department (LCSD). Different players were largely positive about the recommendations.

15. The external engagement exercise was also quite successful. The CPA proactively reached out to arts groups through a series of formal and informal consultation meetings. The views of smaller arts groups in particular led to significant revisions of the recommendations. The arts groups and stakeholders in the sector in general appreciated the CPA's engagement efforts, despite criticisms about the lack of clear feedback regarding the views expressed in the consultation meetings and about the narrow scope of the review.

16. As regards overall public responses, legislators were in general positive about the work of the CPA, though some raised doubts as to how their recommendations would be implemented. The CPA attracted little media coverage and hence did not trigger any public reaction.

B. Advisory Group on Waste Management Facilities, Environmental Protection Department

17. The Advisory Group on Waste Management Facilities (Advisory Group) was formed in 2002 under the purview of the Environmental Protection Department (EPD). The government appointed the sub-group chairmen, who in turn selected their own sub-group members. The task of the Advisory Group is to advise the government on

the establishment of assessment criteria in the provision of waste management facilities, and on the selection of waste management technologies and sites. Our study focused on issues of solid waste management.

18. Engagement at the committee level was successful. There was a shared understanding of the tasks of the Advisory Group and considerable trust between members and government officials. Through in-depth discussions, members arrived at a set of proposals, including the acceptance of incineration as a safe alternative to landfill. Members found the engagement experience a good learning opportunity and a rewarding experience. The Advisory Group did not conduct any formal public engagement, however; the EPD intends to conduct public engagement exercises regarding the selection of incineration sites.

19. The public responded positively to the work of the Advisory Group. The EPD's recommendation to use incineration did not meet with strong opposition from green groups, experts, or district councilors. Instead, many of them gave conditional support.

C. Support Group on Solid Waste Management, Council for Sustainable Development

20. The Council for Sustainable Development (CSD) was established in 2003 and is served by the Sustainable Development Unit under the chief secretary's Office. Its chief responsibility is to advise the government on the preparation of a sustainable development strategy, facilitate community participation in sustainable development, and promote public awareness of the issue. Under the full council of the CSD, there are a Strategy Sub-committee and three Support Groups, the Support Group on Solid Waste Management (Support Group) being one. The Support Group was set up in 2004 to assist the work of the CSD. The Support Group was tasked to identify key issues concerning solid waste management, design and implement an engagement process for public discussion, and make proposals to the CSD. Our study focused on solid waste management issues.

21. Engagement at the Support Group level was successful. Members shared a clear understanding of the group's tasks, worked well with officials present in the group, and participated actively in the public engagement process. Members of the Support Group, however, evaluated the role of the CSD as a mixed success. Although the CSD succeeded in raising community awareness and allowed the Strategy Sub-

committee and Support Groups to take charge of public engagement, it was criticised for showing insufficient resolve in pursuing its tasks and for not urging the government to do more. The CSD also lacks green group representation in the full council.

22. At the public level, the engagement initiative was a success. The five-stage public engagement method was new and carefully designed. It employed various means, such as summits, forums, workshops, and information leaflets to engage a great variety of stakeholders. Three civil society organisations acted as partners throughout the process. Both official and unofficial members of the CSD and the Support Group were generally positive about the engagement process and results.

23. The CSD's public engagement exercise has significantly shaped the government's policies. There has been no strong public opposition to the overall strategies proposed by the government on solid waste management, including the use of incineration.

D. Harbour-front Enhancement Committee

24. The Harbour-front Enhancement Committee (HEC) was established in 2004 and is attached to the Housing, Planning and Lands Bureau. The committee has three types of members: representatives nominated by various professional associations and advocacy groups, unofficial appointees from a variety of backgrounds, and official members from various bureaux and departments. The body is charged to advise the government on planning, land use, and design and development issues relating to existing and new harbour-fronts, particularly in the Wan Chai North and South East Kowloon reviews, and on matters concerning public engagement. Our focus was the Kai Tak Planning Review (2004–2006), conducted by the Planning Department in partnership with the HEC. The Review aimed to formulate a new development plan for Kai Tak, “with no reclamation” as the starting point, and to facilitate public participation in the process.

25. Engagement at the committee level was a mixed success. While the HEC was able to channel voices from civil society to the government, the government and the unofficial members did not share views on several important matters, including the desirability of membership by group representation, the ambit of the HEC (beyond the two reviews), and the role of the secretariat. Strong trust was lacking among members. The government seems to have had doubts about the desirability or

effectiveness of the HEC, although some unofficial members hoped to continue to improve and expand its work.

26. Engagement at the public level was successful. The Kai Tak Planning Review was unprecedented in attempting both inclusive representation and extensive engagement of the public. Most interviewees considered the exercise successful because the government, different stakeholders, and the public worked out planning issues openly without a predetermined agenda. Both government and non-governmental stakeholders devoted much time and resources to the exercise. The three-stage consultations channeled a great variety of views and interests into a final set of proposals that seems to have been acceptable to the stakeholders.

27. For the general public, the Outline Zoning Plan on Kai Tak has not provoked as much controversy in the community as before. The engagement process has engendered a new pattern of policy consultation and interaction between the government, civil society groups, and the community.

E. Commission on Poverty

28. The Commission on Poverty (CoP) was established in 2005 and is served by a secretariat housed under the financial secretary's Office. The commission is set up to study and identify the needs of the poor, make policy recommendations to alleviate poverty and promote self-reliance in Hong Kong, and encourage community engagement and cross-sector cooperation. Our study focus was poverty issues.

29. Engagement at the committee level had a low level of success. There is no denying that the CoP is supported by a dedicated, proactive secretariat and by a number of working groups eager to tackle poverty issues, but their efforts did not yield significant results. This is mainly because members had fundamental ideological disagreements on matters relating to the seriousness of the problem of poverty, its root causes, and the kind of policies and resources needed to fight against it. The discussions not only failed to resolve these conflicts but actually deepened distrust and frustration. Many pro-grassroots members felt that there was no genuine dialogue in the CoP because the government chose to exclude basic issues and confine the discussion to piecemeal solutions. Nor were pro-grassroots members themselves united on all issues. Quite a few unofficial members expressed disappointment with the official members, describing them as passive and defensive, and as such failing to make good use of the forum to actively contribute to policy coordination.

30. Many visits were made to selected districts, forums, and social services agencies. While the CoP had listened to and sometimes adopted the opinion of the people they talked to, there was nothing close to a large-scale public engagement exercise that would allow for public deliberation and consensus building. As regards overall public responses, certain sectors of the public regarded the CoP as unresponsive to the seriousness of the poverty problem and the need for effective actions.

VI. General lessons from civic engagement cases

31. Of the many lessons that can be drawn from the above cases of civic engagement we shall start with two most important ones that concern public engagement and committee engagement.

32. **Lesson 1: In public engagement, genuine government commitment to an open-ended process is essential to its success. Such exercises, if well planned and executed, can do much to build public consensus and help government develop policies that can win support from stakeholders and the public.**

33. Of the five cases listed above, two conducted extensive public engagement exercises, and both are judged as successful by the stakeholders involved. The two cases are the Council for Sustainable Development (with the assistance of the Support Group on Solid Waste Management) and the Kai Tak Planning Review conducted by the Planning Department with the partnership of the Harbour-front Enhancement Committee. Their success is attributable to several common factors.

- The government made known to the stakeholders its genuine commitment to an open-ended public engagement process, with no hidden agenda or preconceived policy positions.
- An inclusive, transparent process led by civil society actors and officials who cooperated closely.
- The two exercises engaged in learning and deliberation. They involved many participants, and went through different stages that served different purposes, from the general to the specific, from problems to solutions. Different methods such as summits, forums, workshops, information leaflets were

employed to stimulate learning and deliberation.

34. Lesson 2: Successful committee engagement depends to a significant extent on whether official and unofficial members of a committee can develop a shared understanding of the issues to be addressed or the goals to pursue. The government's attitude is crucial to the development of shared understandings.

35. There are two cases in which committee engagement was successful: the Advisory Group on Waste Management Facilities (Advisory Group) attached to the Environmental Protection Department (EPD), and the Committee on Performing Arts (CPA) attached to the Home Affairs Bureau (HAB). Each committee had a well-defined aim that was shared by the members in general. For the Advisory Group, the assessment of solid waste management technologies was a relatively specific, well-defined problem. The EPD officials genuinely wanted the input of green groups and experts to assess the available technologies and gave them a free hand. For their part, the unofficial members knew exactly what they were expected to do and went along with the defined terms of reference.

36. Similarly, the CPA had a well-defined task to develop strategies for the development of performing arts facilities and services. Furthermore, many of the CPA's members agreed that developing strategies according to the guidelines generated by the Culture and Heritage Commission was the most practical way to move forward. Of course, its public engagement activities also significantly shaped the thinking of CPA members throughout the process.

37. Unlike the Advisory Group and CPA, the Commission on Poverty (CoP) failed to build a shared understanding on fundamental issues. The government did not come to the committee engagement with a "blank paper." Instead, it carried an implicit but strong pro-status-quo ideological standpoint that would permit only small, piecemeal changes within the present economic and social policy framework. This put it seriously at odds with the views of pro-grassroots members that poverty is a long-term structural problem, the solution of which requires fundamental changes in social and economic policy. The establishment of such a high-powered advisory committee had raised expectations among its pro-grassroots members and the public, but government's reluctance to address the fundamental issues inevitably led to their disappointment.

38. If any general lesson can be learned from this case, it is that the government's sincerity and open-mindedness are critical factors for the success of civic engagement. The government should conduct engagement with a persistent commitment to open-ended, genuine discussions. Otherwise, civic engagement leads only to frustration and cynicism on the part of the participants.

39. The HEC and the CSD are cases of mixed success in committee engagement. We have not observed any fundamental ideological clash between the government and the committees or within the committees themselves. But the wide ambit of the two committees' terms of reference has given rise to different expectations about the direction of work and the issues to tackle in future.

VII. Civic engagement experiences in perspective

40. In addition to the two major lessons derived from our case studies, a few general issues merit a more focused discussion here. They have to do with the "hardware" (institutions) and "software" (people) of civic engagement. Following our analytical framework, the issues are grouped under three headings: institutional arrangement for engagement, actors, and engagement process.

A. Institutional arrangement for engagement

Membership and diversity: Who to invite?

41. One of the most important considerations in conducting civic engagement is the membership of the advisory committee. All the committees studied comprise participants with diverse backgrounds. Many civil society actors interviewed welcomed such a diversity but government officials were generally more ambivalent about it. They pointed to problems that they perceived to be linked to diversity: the lack of a common language and common knowledge to address the issues, difficulty in bridging differences in perspective and interests, and endless arguments and disagreements. Furthermore, some officials thought diversity meant that government might have to appoint individuals sharply critical of the government.

42. Whatever problems diversity may bring to the dynamics of discussion and interaction among committee members, we believe that there is no feasible alternative to bringing together people from a variety of backgrounds. The public will judge a

highly imbalanced committee as improper. A committee that fails to include certain core stakeholders would be seriously challenged. Worse still, a committee composed of friends of the government defeats the very purpose of civic engagement.

43. Furthermore, the principle of diversity of background does not mean that the government has to appoint the most radical or least compromising individuals to an advisory committee. The spirit of committee engagement is deliberative and consensual, not one of confrontation or endless argumentation. Successful engagement requires participants to have certain characteristics: open-mindedness, civility, willingness to listen and take seriously other people's views, willingness to find common ground and bridge differences, and so forth. The more effective way to accommodate radical views or adversarial personalities is by public engagement, which is precisely established to facilitate exchanges of a wide range of viewpoints. Different views will compete in open discussion, and the dynamics of the process will help sort out the views that have more adherents from those that have fewer.

Membership and nomination: Should civic society organisations nominate their representatives to be members of an advisory committee?

44. Another issue raised by some interviewees concerns how advisory committee members are nominated. The HEC has adopted the method of group representation, allowing more than a third of its seats to be filled by selected professional or civil society organisations. This arrangement confers a higher degree of independence on unofficial members, and some civil society actors have suggested that other important advisory bodies should adopt this method. However, some government officials interviewed were not as enthusiastic. They worried that civil society organisations (CSOs) might nominate individuals too insistent on their organisation's position and hence not easy to work with. Some officials also felt that some CSOs may work for the business sector and have covert business interests.

45. We believe that certain more fundamental issues must be addressed before any conclusive judgment can be made about the overall desirability of group representation. If CSOs want to claim a more prominent (institutional) role in civic engagement, their accountability and transparency need to be considerably strengthened. Although CSOs in Hong Kong, as elsewhere, are becoming more vocal and influential, they typically lack any transparency and accountability comparable to their influence in society. Many CSOs do not release important information about their organisation, including financial statements, major sources of income, salaries of

top management, and employment size. There is also no easy access to information about their board of directors. This situation is partly attributable to the absence of a coherent set of non-profit laws in Hong Kong that specifies the rights and duties (especially disclosure duties) of voluntary organisations. Civil society has yet to develop a system of public accountability mechanisms for CSOs to follow.

The status of the secretariat: Should it be independent of the government?

46. The lack of independence of an advisory committee's secretariat was another comment several civil society actors made in our interviews. They thought that the secretariat, which is staffed by civil servants, tended to act as an arm of the government to steer the committee by manipulating agendas and the minutes of meetings. These civil society actors requested that the secretariat be formed as an independent unit outside the government bureaucracy and staffed by individuals outside the civil service. Some government officials disagreed with these views. They argued that the secretariat cannot manipulate the agenda and minutes, as these things are subject to the scrutiny of the entire committee. Members who are dissatisfied with the agenda or the minutes prepared by the secretariat can always discuss their concerns in committee meetings and request changes.

47. We believe that while an independent secretariat is arguably more free from government interference, at the same time it loses easy access to government information and the support of the bureaucracy. Furthermore, a secretariat completely disconnected with the bureaucracy may not be able to serve effectively as a bridge between the government and the committee. It may make more practical sense to explore less radical ways to improve the trust between the secretariat and the committee it serves. One way is to recruit civil society participants with relevant expertise and experience to join the secretariat to help develop agendas and conduct research. Another is to set up an agenda group, which comprises the chairman and unofficial members nominated by the entire committee, to work with the secretariat to oversee the agenda-setting process.

The status of advisory committees: Should they be turned into decision-making bodies with statutory powers?

48. Some civil society interviewees commented that since advisory committees have no binding powers on the government, their efforts will have been in vain if the government refuses to accept their recommendations. So they proposed that the

committees be made into statutory bodies with decision-making authority conferred by the law.

49. We believe that such a proposal raises a whole range of questions about representation, legitimacy, and accountability. Why should some individuals and not others have the power to make public decisions? How can those individuals be held accountable to the public? It seems that statutory-based authorities should be the exception rather than the rule in policy-making. If more and more policy-making powers are transferred from the government to independent statutory bodies, then not only would the responsibility of the government be seriously circumscribed but the Legislative Council would also have less ability to check the work of these bodies on the behalf of society.

50. We should explore non-statutory methods of making sure that the government takes the results of civic engagement (both committee and public engagement) seriously. One useful way is to have the government publicly respond to the recommendations of an advisory committee in writing and give detailed justification if any recommendation is not accepted (as in the case of the CSD). The government should also produce an evaluation report of each civic engagement exercise that would be submitted to the Legislative Council for discussion.

B. Actors

Divergent perceptions of participants in civic engagement

51. Our case studies discovered a large discrepancy between the way officials see themselves and the way they are perceived by civil society actors, and vice versa. At the risk of oversimplification, our general observation is that officials tend to see themselves as guardians of the public interest, the bulwark of administrative rationality, as well as impartial arbitrators of the conflicting interests of social groups. Civil society actors, however, tend to perceive officials as removed from social reality, yet arrogant.

52. Civil society actors tend to regard themselves as guardians of society's long-term interests and especially of the interests of the underprivileged. Being champions of progressive values (such as sustainable development, social justice, and the arts), they supply indispensable knowledge in policy development. Officials, however, tend to perceive civil society actors as self-serving activists who will oppose policies for

the sake of short-term gains. They are also thought to lack the prerequisite knowledge of policy issues and administrative reality and to be unwilling to bear policy responsibility in partnership with government. This discrepancy in perceptions naturally leads to a problem of trust. Many officials and civil society actors often come into engagements with considerable caution and reservation.

Two types of people who can build bridges and foster trust

53. In the interviews we have seen two types of individuals who can build bridges and foster trust among members in advisory committees. The first type is dedicated civil servants whose commitment to engagement has impressed both friends and critics of government. These civil servants are willing to spend long hours with civil society actors. Being forthcoming and frank in discussion, they are not afraid to take risks in proposing new initiatives to address the concerns of the public. A question for further investigation is what administrative changes need to be made to pave the way for this type of civil servant to emerge and flourish in the bureaucracy. Administrative directives, incentives, and training, for example, should be provided in a systematic and robust fashion to help the civil service develop a culture of civic engagement.

54. Another type of individuals is the “policy brokers,” who mediates and bridge the gaps between expectations on the two sides, or the “policy entrepreneurs,” who is able to seize opportunities to push for changes. Having ample experience in dealing with both the government and civil society, these individuals have developed an appreciation of the values and constraints of both sides. They may be retired civil servants who have a genuine commitment to civil society, or former legislators who have a high standing in civil society but have close working relations with government, or civil society activists or academics who have substantial experience in advising government through participation in advisory bodies or consultancy for the government. An engagement that involves individuals of this kind has a greater chance of success.

C. Engagement process

Leadership and team work

55. Strong leadership and teamwork is a key to success. If the chairperson and vice-chairs of a committee, the conveners of sub-committees/working groups, the

secretariat, and active members working as policy brokers or entrepreneurs can all develop a sense of joint ownership and work together as a team, they serve as a vital force driving the committee's work and building consensus. The CPA's effort seems to have demonstrated great success in this regard. The Advisory Group attached to the EPD was also praised by interviewees to the extent that they exhibited some elements of teamwork. It is also worth noting that the presence of a strong team on a committee gives a clear signal to civil society actors as well as the public that the government is committed to making an engagement exercise work.

Frequent change of personnel

56. Frequent changes of government personnel threaten the success of civic engagement. In our case studies, the CoP's secretary left the post in the middle of the engagement process; the CPA's secretary was transferred to another post soon after the committee's report was produced, and as a result there was no continuity of personnel in turning the proposals into actual policies and in overseeing the implementation. In yet another case, the Environment, Transport and Works Bureau merged with the EPD during the engagement process of the Advisory Group, thereby disrupting their work. This problem affects civic engagement even more seriously because personal relations and trust, which take a long time to build, count much in engagement.

Policy coordination and implementation

57. Policy-making will not be effective if the body that proposes and the body that implements a policy do not collaborate closely in an engagement process. This seems to have been a problem in at least three policy cases. In the CoP, the different policy bureaux involved seemed to have had little input into the formulation of policies and therefore tended to take up decisions made by the commission in a very passive manner. In the CPA, even though the department had provided substantial input throughout the engagement process, one interviewee worried that important problems might still arise when the department finally executed the proposed policies. In the CSD, there was also a problem of linkage with the EPD, which participated as a stakeholder but was not obliged to adopt suggestions from the council.

VIII. Conclusion — Lessons and Principles for Civic Engagement

58. Our study gives rise to the following lessons and principles for civic engagement:

A. General lessons

- a The more successful cases of civic engagement, whether committee engagement or public engagement, have produced policy recommendations, most of which the government has adopted and many stakeholders have endorsed.
- b Government sincerity and open-mindedness are critical factors for the success of civic engagement. The government should conduct engagement at an early stage of policy development and maintain a persistent commitment to open-ended, genuine discussions. Otherwise, civic engagement leads only to frustration and cynicism on the part of the participants.
- c A well-planned multi-staged public engagement that incorporates a strong element of learning and deliberation can do much to build public consensus and help the government develop policies that can win support from stakeholders and the public. Advisory committees should carry out public engagement exercises whenever possible. Internal committee engagement alone is insufficient for complex policy issues.
- d Successful committee engagement depends to a significant extent on whether official and unofficial members of a committee can develop a shared understanding of the issues and goals. The government's attitude is crucial to the development of shared understandings.

B. Institutional arrangements

- e An advisory committee on a major public policy issue should be composed of individuals from diverse backgrounds. Members should have attitudes and mindsets conducive to committee deliberation, such as open-mindedness, civility, and willingness to find common ground and bridge differences. Any deficiency in inclusion of viewpoints and concerns in the committee can be addressed through public engagement.

- f The trust between the government-controlled secretariat and the committee it serves can be improved by recruiting civil society participants to join the secretariat, or by setting up an agenda group within the committee to work with the secretariat.
- g Government responsiveness to advisory committees can be improved by a mandatory requirement that the government publishes response statements to committee recommendations as well as an evaluation report of each engagement exercise.
- h If civil society organisations are to play a more prominent institutional role in civic engagement, such as having group representation on advisory committees, their accountability and transparency need to be considerably strengthened. The government should enact a coherent set of nonprofit laws to specify the rights and duties (especially disclosure duties) of civil society organisations (CSOs) to facilitate their mature development. Civil society also needs to develop public accountability mechanisms for CSOs.

C. Actors

- i There is a general lack of trust and appreciation between government officials and civil society actors. This problem can be considerably lessened if both sides can come to a better appreciation of the values held by actors on each side and the constraints they face.
- j The present political and bureaucratic arrangement and the administrative culture of the government do not give enough support to officials to undertake civic engagement. Administrative directives, incentives, and robust training programmes should be set up to help the civil service develop a culture of civic engagement.
- k The government should help cultivate and make better use of “policy entrepreneurs” or “brokers,” individuals who are able to mediate and bridge the gaps between the expectations of the government and those of civil society and to seize opportunities to push for policy changes.

D. Engagement process

- l In appointing the chairperson and members of an advisory committee, the government should take care to form a strong team to drive the work of the committee and develop a sense of joint ownership. The presence of such a team represents a clear commitment of the government to make the engagement exercise a success.
- m Frequent change of government personnel is a threat to the success of civic engagement. The government should avoid changing key personnel in the course of an engagement process.
- n Effective civic engagement should be premised on effective coordination between the policy bureau and the implementing department. In cases where different bureaux are involved in an advisory committee, they should be attentively coordinated by a higher-level official.

IX. Overall Recommendations

59. In addition, we propose certain overarching recommendations to further develop the software, or people's attitude and mindset, and hardware, or institutional arrangement, of civic engagement. The order of the recommendations begins with those that the government can pursue on its own to those that require active cooperation with civil society.

Recommendation 1:

Develop a framework for civic engagement in policy-making.

60. This framework should include the following elements:
- a A civic engagement requirement. Every policy proposal put to the Executive Council must contain an assessment of the policy's engagement process and its results;
 - b A civic engagement code for all policy-making bodies to follow. The code should contain performance guidelines and standard operating procedures for the engagement process;

- c An overall annual government report on civic engagement to the chief executive (CE), the Executive Council, and the Legislative Council;
- d A secretariat within the office of the CE (or the chief secretary for administration[CS]) to oversee implementation of the framework.

Recommendation 2:

Adopt measures to strengthen the government's capacity to conduct civic engagement.

61. To build capacity, the government should adopt the following measures:
- a Civil service training in civic engagement, including the methods, techniques, and tools of citizen engagement and an examination of experiences in other countries;
 - b Periodic secondment of civil servants to civil society organisations;
 - c Provision of more work experience at the district level for administrative officers;
 - d Substantial investment in policy research in all policy-making bodies and advisory committees.

Recommendation 3:

Adopt measures to strengthen the capacity of civil society to serve as an effective and responsible partner in civic engagement.

62. The government should carry out the following measures:
- a Help develop programmes to strengthen capacity in various CSO dimensions, that is, in areas such as finance, human resources, management, knowledge acquisition, and research;
 - b Encourage civil society to form roundtables or umbrella bodies within sub-sectors of civil society in order to promote effective exchanges within civil society and between civil society and the government;
 - c Improve the regulatory framework for civil society by enacting new nonprofit or charity laws on registration, governance, fundraising, reporting, accountability, etc. and by requiring internal social auditing and accreditation mechanisms;
 - d Help create community foundations to sponsor the above work;

- e Secondment of civil society actors to the secretariats of advisory committees.

Recommendation 4:

Negotiate an agreement between the government and civil society to build an effective relationship similar to the Compact in the UK (1998) and the Accord in Canada (2001).

63. The agreement would seek to:
- a State the values shared by the two sectors and the values unique to each sector;
 - b Set out commitments of the relationship and the guiding principles for building the relationship;
 - c Develop codes of good practice regarding the relationship in policy consultation and development, funding, service delivery, accountability, and so forth;
 - d Create administrative infrastructure to implement the agreement, such as a permanent secretariat or unit under the office of the CE (or CS), a cross-bureau committee chaired by the CE (or CS), and a government-civil society roundtable to oversee its implementation.
64. The above recommendations on civic engagement would, we believe, set Hong Kong on the road to better policy-making and governance.

從諮詢到公民參與—優化香港政府決策及管治之道

行政摘要

I. 背景

1. 香港正進入一個關鍵時刻：一方面，傳統的公眾諮詢方式已失去效用；另一方面，新的模式仍有待建立。自 97 回歸以來，香港的政治與社會生態經歷巨大的轉變；政府沿用的一套諮詢委員會制度及公眾諮詢方法，已無法滿足公眾期望。行政長官雖然依法坐享巨大權力，但卻缺乏堅實的支持基礎：新的政治力量，例如政黨與民選立法會議員等皆不在其掌控之中；他們十分抗拒政府一貫由上而下的諮詢與決策方式。此外，傳媒與公民社會均熱衷於針對行政當局的失誤，並要求政府加強問責與透明度，以及更迅速回應民間訴求。面對當前嚴峻的形勢，政府以至廣大市民必須尋找一種新的方式，讓公眾更積極參與決策。

2. 2003 年「七一」大遊行促成了香港公民社會的覺醒，民間對政府訴求涉及的範圍、表達訴求的規模，以至行動的激烈程度均與日俱增，對於政府來說，尋找新的公民參與方式更形迫切。事實上，透過示威、遊行與其他社會行動，本地的公民社會團體成功營造足夠的社會壓力，令政府不得不暫緩西九龍文娛藝術區發展計劃。它們亦要求參與其他基建發展項目，包括與維多利亞港填海相關的公共建設項目、以及啓德機場舊址的重建規劃等。此外，一些新的組織或團體的興起，令政府更難預計民間訴求與社會行動的走向；月前市民阻止清拆天星碼頭觸發的抗爭便屬明顯的例子。由此可見，政府傳統的公眾諮詢方式，已無法有效捕捉活躍而經常變化的民意趨勢。

3. 要解決新的問題，便須有新的思維與方法。參考外地有關公共管治的經驗：聯合國、世界銀行、經濟合作與發展組織與歐洲聯盟等國際組織，皆十分重視公民社會團體的參與；英國與加拿大政府更與當地的公民社會簽訂了一些協議，共同推動社會發展。兩地政府曾試行新的模式，在制定政策時增加公眾參與，當中最成功的例子，莫過於加拿大溫哥華市的「城市計劃」(CityPlan)與「社區願景規劃」(Community Visions projects)，當地政府透過廣泛的社會參與活動，協助市民學習、了解及討論未來的城市規劃，協同構建城市的願景。有關計劃在溫哥華社區獲得廣泛好評；最重要的是，一些引領城市未來發展的重要規劃概念與原則，都能夠贏得公眾的認同與支持。

4. 香港方面，2003 年除了是本港公民社會發展的分水嶺外，政府於同年亦在諮詢委員會制度及公眾諮詢方面引進新的模式，例如新成立的可持續發展委員會，便採取了嶄新的公眾參與方式，強調參與者從中學習、討論與表達意見。隨此之後，多個諮詢組織亦在公民參與過程中注入新的元素。凡此種種皆影響香港日後公民參與的發展，有必要作出仔細探討。爲了進一步改善香港的公民參與的情況，智經研究中心於 2006 年 5 月委託香港大學公民社會與治理研究中心進行研究，檢視香港特別行政區政府實施的諮詢委員會制度及公眾諮詢模式，並提出改善方案。

II. 公民參與的定義

5. 直到目前爲止，「公民參與」一詞的定義及應用仍未有明確的規範；就本研究而言，其定義爲：

政府在制訂政策過程的每個階段，由找出問題所在、釐清當中涉及的價值與利益、提出相應的政策建議以及決定落實建議的優次等，皆主動引進市民參與。

以上的定義顯示，公民參與不是臨時性的，也不是政府邀約一些持份者進行的非正式討論而已。有關過程還包括市民自身的積極參與，從中學習、討論與反映意見，尤其著重的是參與者之間的互動交流。

6. 過去，香港政府主要以諮詢委員會的形式推動公民參與，委員會的成員局限於一小撮由官方委任的人士。直至最近，政府爲了把諮詢範圍擴大至市民大眾，於是跟相關的諮詢委員會合作推行大規模的公眾諮詢。因此，要全面研究公民參與，必須從兩個層面入手，包括在諮詢委員會**內部**進行的「委員會參與」(committee engagement)，及透過諮詢委員會**對外**進行的，開放予普羅大眾的「公眾參與」(public engagement)。

III. 研究重點

7. 我們挑選了四個政策範疇，檢視當中涉及的公民參與機制。

- **文化與藝術範疇**：主要研究本港表演場地與設施的管理，以及表演藝術委員會就此引進公眾參與的情況。

- **環境範疇：**重點探討固體廢物處理問題，故此以可持續發展委員會轄下的固體廢物管理支援小組，以及環境保護署轄下的廢物管理設施諮詢小組作為主要研究對象。
- **規劃範疇：**主要審視東南九龍發展計劃(即啓德機場舊址的規劃發展，以及相關的重要諮詢組織－共建維港委員會。
- **社會福利範疇：**重點研究扶貧問題，以及扶貧委員會的工作－該委員會是九七回歸後在社會福利範疇設立的兩個主要非法定諮詢組織之一。

我們選擇上述公民參與機制作研究個案，是因為他們採取了創新的公眾參與方法，或以嶄新的方式組成有關諮詢組織。此外，他們所處理的都是有關政策範疇中富有爭議性的議題。

8. 本研究採用了面談訪問與文獻分析兩種研究方法。我們訪問了 70 位與上述諮詢組織的相關人士，包括 28 位政府官員和 42 位公民社會人士，並檢視了有關諮詢組織、政策局及部門發出的文件，以及與上述四個研究範疇相關的報章報導。我們也利用文獻資料及相關研究報告探討海外的公民參與經驗。

IV. 分析架構

9. 本研究根據一些公民參與的成功案例，擬訂了一個由三個層級組成的分析架構，對上述四個範疇的案例進行實證分析。第一個層次主要探討兩個因素－「參與者」(actor)及「制度安排」(institutional arrangement)，兩者皆影響公民參與過程的暢順程度。「參與者」包括政府官員與公民社會人士，我們會探討這些人士的背景、價值觀、對公民參與的態度以及採取的策略等。「制度安排」是指推行公民參與的相關機制，包括其法定地位、功能與權力、組成方法、持份者代表的參與情況、資源以至制度方面支援等。

10. 第二個層次涉及公民參與的具體過程。具體而言，我們會探討政府官員與公民社會人士的投入程度、是否彼此信任，及能否具備清晰而且彼此認同的目標。我們亦會審視整個參與過程的透明度、問責性、討論質素以及在機制以外的持份者是否有足夠的參與機會等。

11. 最後一個層次檢視公民參與的成果，分別會從政策與管治兩個層面進行探討。政策層面方面，主要探討公民參與有否提高政策質素，及賦予新政策較高的認受性；管治層面方面，則關注有關過程有否提升參與各方的互信，以及促成各方參與者在管治上建立夥伴協作關係。

V. 研究結果

12. 現把前述四個政策範疇相關的公民參與機制的成效臚列如後：

A. 民政事務局表演藝術委員會

13. 表演藝術委員會成立於 2004 年，隸屬民政事務局，主要就制定表演藝術設施與服務的發展策略及規劃向政府提供意見，當中涉及的表演場地管理改革問題正是本研究的重點所在。

14. 委員會參與方面成效理想：無論是委員會成員、秘書處職員、民政事務局與康樂及文化事務署官員，均相當明瞭委員會的職權範圍與工作方向，能夠彼此信任及合作無間。此外，各方參與者對委員會的建議普遍持正面態度。

15. 委員會對外引進公眾參與方面成效亦算不俗。該委員會透過一連串正式或非正式的面談諮詢，主動接觸不同的藝術團體，並因應部份小型團體的建議，對原來的方案作出了相當重要的修訂。藝術團體與界別內的持份者基本上肯定該委員會在引進公眾參與方面所作的努力；當然仍有少數人批評檢討的範圍狹窄，以及委員會未有就諮詢會議上提出的意見作明確回應。

16. 整體公眾反應方面，立法會議員對於該委員會的工作普遍持正面態度，祇有少量議員質疑有關建議如何落實執行；由於傳媒甚少作出報導，該委員會的工作沒有引起任何公眾討論或反應。

B. 環境保護署廢物管理設施諮詢小組

17. 環境保護署(環保署)轄下的廢物管理設施諮詢小組成立於 2002 年，政府委任小組內工作分組的主席，然後讓他們選擇其成員。諮詢小組的主要工作，是就大型廢物處理設施的評估準則、選址與技術等事宜向政府提供意見。本研究集中檢視固體廢物的處理問題。

18. 委員會參與的成效理想：政府官員與諮詢小組成員對於該委員會的職責存在共識，彼此之間也有相當程度的互信。諮詢小組經過深入討論後，提出了一連串建議，包括接納以焚化爐取代堆填區，作為處理固體廢物的方案。再者，小組成員也視有關參與過程為一次難得的學習經驗，深感獲益良多。諮詢小組雖然沒有進行任何正式的公眾諮詢，但環保署日後會就焚化爐的選址問題諮詢公眾。

19. 公眾對於諮詢小組的工作亦持正面態度。環保署提出以焚化爐處理固體廢物，並沒有引起包括環保團體、專家及區議員等強烈反對，當中對方案予以有條件支持的更為數不少。

C. 可持續發展委員會固體廢物管理支援小組

20. 在 2003 年成立的可持續發展委員會，其秘書處設於政務司司長辦公室轄下的可持續發展組。該委員會主要就籌劃可持續發展策略、推動社區對可持續發展的參與，以及提高公眾對有關問題的關注等方面向政府提供意見。該委員會下設策略工作小組與三個支援小組(包括固體廢物管理支援小組)。固體廢物管理支援小組成立於 2004 年，其主要職責包括找出固體廢物處理的關鍵事項、設計及落實一個社會參與過程，俾使公眾可以參與討論及向可持續發展委員會提出建議。本研究將集中檢視固體廢物處理問題。

21. 在支援小組層面，公民參與的成效理想。小組成員清楚本身職責，跟參與小組工作的政府官員合作愉快，並積極投入引進公眾參與方面的工作。不過，他們認為可持續發展委員會的作用成敗參半：雖然該委員會提高了社會大眾對可持續發展的認識，並放手讓策略工作小組及支援小組主導公眾參與工作，但在實踐可持續發展的目標，以及促請政府加強對可持續發展工作的支援方面卻有欠積極。可持續發展委員會在大會層面缺乏環保組織代表也受到批評。

22. 在公眾層面，支援小組以嶄新方法推動社會參與，取得了可觀的成果。小組設計了一個五個階段的公眾參與模式，透過高峰會、論壇、工作坊與派發單張等方法接觸不同持份者。該小組更邀請三個公民社會團體作為合作夥伴，協同推動公民參與。整體而言，無論是可持續發展委員會官方及非官方成員，以及支援小組本身，皆充分肯定有關參與過程及成果。

23. 可持續發展委員會推動公眾參與的結果，使政府的政策更貼近民意，例如公眾對於政府就固體廢物處理提出的整體策略，包括使用焚化爐等，均未見強烈反對。

D. 共建維港委員會

24. 共建維港委員會在 2004 年成立，隸屬房屋及規劃地政局。該委員會有三類成員：壓力團體及專業團體提名的代表、政府委任的不同背景人士、以及來自相關政策局及部門的官員。該委員會的職責，是就維多利亞港現有及新海旁的規劃、土地運用、設計與發展等事宜，尤其是灣仔北與東南九龍規劃檢討，以及有關的公眾參與工作，向政府提供意見。本研究集中檢視啓德規劃檢討(2004-06)，有關檢討由政府規劃署及共建維港委員會聯手進行，以「零填海」作為規劃的基準，制訂計劃的過程要廣邀公眾參與，希望能為啓德機場舊址制定全新的發展計劃。

25. 委員會參與方面毀譽參半。該委員會固然成功向政府轉達了一些民間聲音，但政府官員與部份非政府委員就團體代表的模式是否有利於委員會的運作、委員會的權限(是否超越上述兩項檢討)、秘書處的角色等重要問題存在不同意見。委員之間的互信程度亦不高，部分非政府委員希望進一步擴大委員會的權限及改善其工作，但政府對於委員會的組成及工作成效，似乎存在疑問。

26. 不過，委員會在推動公眾參與方面甚為成功。事實上，啓德規劃檢討在委任諮詢代表方面表現的高度包容性及引進公眾參與的廣泛程度，均是前所未有的。大部份受訪者認同這次檢討得以成功，有賴事前沒有預設議題，政府、持份者以及公眾人士也能夠坦率討論，而政府與非政府的持份者在檢討過程中皆投入了不少時間與資源等因素。經過三個階段的諮詢，該委員會成功吸納不同意見及平衡各方利益，令最終的規劃建議獲得廣泛接受及支持。

27. 普羅大眾的反應方面，新制定的啓德機場舊址分區計劃大綱圖沒有再像過去的規劃方案那樣引起廣泛的爭議。可以說，這次公眾參與過程為政府的政策諮詢，以至政府、公民社會團體及社區之間的互動交流，創造了一套新的模式。

E. 扶貧委員會

28. 在 2005 年成立的扶貧委員會，其秘書處設於財政司司長辦公室。該委員會的主要職責包括研究及了解貧困人士的需要；就紓解貧窮問題及推動自力更生提出政策建議；鼓勵社區參與；並推動跨界別的合作。本研究將集中探討有關貧窮問題。

29. 委員會參與的成效不彰。雖然該委員會的秘書處相當主動及努力作出

配合和支援，轄下的多個工作小組亦極欲解決貧窮問題，但他們的努力未能取得實質進展。這與委員之間在多個重要問題上存在重大的意識形態分歧有莫大關係，例如貧窮問題的嚴重程度及根源，以至對抗貧窮所需的政策與資源等；委員會會議不僅無助縮窄分歧，徒添各方之間的不信任及失望。不少代表基層市民的委員抱怨，委員會內缺乏真誠的對話，認為政府刻意迴避基本問題，並將討論局限於一些少修少補的措施。再者，代表基層的委員之間亦不能事事達成一致意見。此外，若干名非政府委員對政府代表感到失望，批評他們態度被動，只顧維護政府立場，未有善用委員會這個討論平台為政策作協調溝通。

30. 雖然扶貧委員會多次落區探訪、出席研討會及探訪社會服務機構，顯示出願意聆聽社會聲音的誠意，也採納了一些意見，其實際效果與大型的公眾參與相去甚遠，更遑論促進公眾討論及建立共識。公眾反應方面，若干社會界別批評委員會未能因應貧窮問題的嚴重性作出回應，以及提出有效措施。

VI. 公民參與的成功要訣

31. 綜合上述五宗公民參與個案，可歸納出兩項至關重要的成功要訣，分別適用於「公眾參與」與「委員會參與」。

32. 要訣 1：公眾參與能否取得成功，關鍵在於政府是有多大決心推動一個完全開放的諮詢過程，及接受不可預知的諮詢結果。有關諮詢過程若經過仔細規劃及切實執行，將有助凝聚社會共識，及令政府政策贏得公眾與相關持份者的支持。

33. 在上述五宗個案中，有兩宗涉及廣泛的公眾參與過程，其成效獲得相關持份者肯定：他們分別為由可持續發展委員會推動(經固體廢物管理支援小組協助)的公眾諮詢活動；以及由政府規劃署夥同共建維港委員會推行的啓德規劃檢討。有關工作取得成效，主要基於以下因素。

- 政府向持份者承諾，公眾參與過程盡力做到全面開放，及政府並無秘密議題或既定政策立場。
- 政府官員與公民社會人士緊密合作，締造一個高度包容與公開透明的公民參與過程。
- 兩項公眾參與均包含讓參與者從中學習及交流討論等積極元素：有關過程吸引了大量社會人士參與，採取分階段循序漸進模式進行，諮詢的

議題由最初的處理一般性議題逐步提升至討論專門問題，從發掘問題發展至尋求相關解決方案。參與形式亦力求多元化，包括高峰會、論壇、工作坊以至派發資料單張等，務求能夠刺激學習與討論。

34. 要訣 2：若委員會參與要取得成果，政府與非政府代表能否建立共同關注的議題與工作目標至為重要；當中政府官員的態度，更是能否建立共識的關鍵所在。

35. 在眾多研究個案中，環保署廢物管理設施諮詢小組(諮詢小組)與民政事務局表演藝術委員會，同樣在委員會參與方面取得可觀的成效。兩者皆具備清晰的目標，並獲得委員廣泛認同。諮詢小組就固體廢物處理的技術作出評估，問題相對具體清晰，環保署官員亦期望參與小組的專家與環保團體提供協助，因此放手讓委員們各展所長；對於小組成員來說，他們十分明白政府對他們的期望，而他們也願意在既定的職權範圍內工作。

36. 跟諮詢小組一樣，表演藝術委員會的工作範圍相當具體，主要就表演藝術設施與服務提供策略性建議。不少委員會成員認為在構思有關建議時最務實的做法是按照文化委員會的相關指引擬備有關策略；另外，該委員會積極進行了公眾參與，有關諮詢結果也影響了委員們的想法。

37. 相比之下，扶貧委員會成員卻未能就一些基本問題達致共識。事實上，政府在開展扶貧委員會的工作時，並非「白紙一張」，而是已有既定立場的，是希望維持現有的經濟與社會政策，並只在此框架內推行一些少修少補的措施。這與委員會內代表基層的成員的想法大相逕庭：後者認為貧窮是長遠的結構性問題，必須透過社會及經濟政策的根本改變，才能獲得解決。政府成立這樣高層次的諮詢組織，一度令代表基層委員與普羅大眾產生殷切的期望，然而政府迴避核心問題的取態，卻令人們倍添失望。

38. 扶貧委員會這個案顯示，政府真誠與開放的態度是公民參與的成敗關鍵。政府應該以開放態度，努力推動公民參與，與市民真誠對話，不然的話，公民參與只會徒添參與者的猜疑及沮喪。

39. 在委員會參與層面，可持續發展委員會與共建維港委員會均毀譽參半：雖然委員會內部，以至與政府之間並無明顯的意識形態分歧；但由於兩個組織的職權範圍廣濶，委員們對於工作方向，以至具體要處理的事項等，難免存在不同期望。

VII. 公民參與的實踐經驗

40. 除了以上兩項要訣，有關研究個案也帶出一些一般性問題，值得進一步探討。這些問題可概括為公民參與的「硬件」(機制)與「軟件」(參與者)；按照本研究分析架構，會從下列三個角度逐一分析有關問題，分別是：制度安排、參與者與參與過程。

A. 制度安排

諮詢組織成員多元化：邀請誰人參與？

41. 政府推動公民參與時，其中一項重點考慮的問題是諮詢組織的成員組成問題。在上述研究個案中，所有諮詢組織都能做到兼收並蓄，包括不同背景的人士。事實上，大部份公民社會人士皆支持委員背景多元化的做法；不過部份政府官員對此卻有所顧慮，擔心成員組合太廣泛會導致缺乏共同語言及共同的知識基礎以處理問題，及難以協調不同的意見與利益，甚至出現爭拗不斷、相持不下的情況。此外，部份官員亦憂慮，委員背景多元化意味政府必須委任那些經常作出尖刻批評的人士。

42. 諮詢組織成員多元化，對於組織內部討論以至成員之間互動，無疑會構成一定困難；縱然如此，卻沒有其他可行的替代辦法。倘若諮詢委員會的成員組合偏重某類人士，或不包括某些具關鍵角色的持份者，難免招徠公眾批評。若委員會席位全部由政府友好人士佔據，更與推行公民參與的原意相違背。

43. 此外，力求委員們背景多元化的委任原則並不等於政府必須委任最激進或堅拒妥協的人士加入諮詢組織，因為委員會參與的精神在於積極討論並尋求共識，而非無止境的爭拗與衝突。諮詢組織要取得成效，其成員必須態度開放、文明理性、願意聆聽、認真對待他人意見、願意縮窄分歧並尋求共識等。對於那些激進派或堅持對抗態度的人士，透過公眾參與方式讓他們發聲，並與不同意見者交流激盪以競逐公眾認同，相信是更有效的處理方法。公開辯論的過程更有助凝聚出社會的主流意見。

團體提名：應否讓公民社會團體自行提名代表加入諮詢組織？

44. 一些受訪者特別關注諮詢組織的組成方法。共建維港委員會採取「團體代表」模式，讓三分之一以上的席位由公民社會團體或專業人士提名；有關安

排增加了非政府委員的獨立性，部份公民社會人士認為，其他重要的諮詢組織可以仿效。不過，部份政府官員對此不以為然，擔心公民社會團體會提名一些拒絕妥協的「死硬派」，一味堅持團體立場，難以合作，也有官員質疑個別團體只為商界服務，甚至涉及隱藏的商業利益。

45. 本研究認為，在判斷由團體提名諮詢組織代表這做法的優劣前，須先行處理若干根本性問題。倘若公民社會團體希望在公民參與(特別是在建制架構方面)擔當更重要的角色，必須先增加自身的透明度與問責性。雖然香港的公民社會團體影響力日增，也較以往活躍敢言，他們卻普遍缺乏應有的透明度與問責性。部份公民社會團體甚少公開像財務報告、主要經費來源、高層薪酬與員工架構等重要資料；甚至連索取有關董事會的資料也有困難。有關情況部份可歸咎現時欠缺一套規範志願團體的權利與責任(特別是公開資料方面)的非牟利法規。其實，公民社會本身也須建立一套機制，讓公眾向團體問責。

秘書處的地位：應否獨立於政府以外？

46. 部份接受訪問的公民社會人士質疑，諮詢組織的秘書處欠缺獨立性，因為委員會的職員主要是公務員，他們透過掌控議程與會議紀錄，協助政府督導委員會的運作。受訪者建議委員會秘書處應獨立於政府以外，並聘請非公務員處理工作。對此，政府官員不表贊同，強調在諮詢委員會全體成員的監察下，秘書處沒可能操控議程或會議紀錄；倘若委員們對秘書處擬備的議程或會議紀錄有異議，可在開會時提出討論並要求修改。

47. 本研究認為，一個完全獨立的秘書處或可免受政府干預，但會失去官僚體制的支援，較難掌握政府資訊。若秘書處脫離於官僚架構的話，將難以充當政府與諮詢組織之間的橋樑。因此，政府應考慮一些相對溫和措施，以增加秘書處與所屬諮詢委員會之間互信，具體方法包括引進一些具有相關經驗與專業知識的公民社會人士加入秘書處，協助制定議程並從事研究；或在委員會下面成立議程小組，成員包括委員會主席及由全體委員提名的非政府代表，就擬訂議程提供意見。

諮詢組織的地位：應否賦予諮詢委員會法定權力，使之成為決策機構？

48. 一些來自公民社會的受訪者認為，目前諮詢組織的建制安排對政府缺乏約束力，政府若不採納有關建議，委員們的努力便會盡付東流。因此，他們

建議將諮詢委員會變成法定組織，根據法例享有決策權力。

49. 本研究認為，上述建議須面對代表性、認受性與問責性等連串問題：為何某些人士有權參與公共決策，其他人卻被摒諸門外？公眾可以透過甚麼途徑向這些人士問責？，法定組織獨立於政府以外，在整個決策機制中只能屬於例外的情況。倘若政府將更多決策權力轉移至這類組織，不但自身的權責會受到損害，立法會代表整體社會作出監察的權力也會被削弱。

50. 因此，我們應該尋求其他方法，確保政府認真對待由公民參與過程(包括公眾參與及委員會參與)中凝聚的民意。其中一個有效方法是參考現時可持續發展委員會的做法，規定政府對諮詢組織的提議作公開及書面回應，尤其是必須詳盡解釋拒絕有關建議的原因。此外，政府亦應就每次公民參與過程擬備檢討報告，並交予立法會討論。

B. 參與者

參與各方彼此印象欠佳

51. 研究個案顯示，政府官員對自己的看法，跟公民社會人士對他們的評價有很大差異，相反情況亦然。整體而言，政府官員普遍自視為公眾利益的守護者、堅守行政程序理性，並以不偏不倚的態度，仲裁不同社會群體之間的利益矛盾；不過，公民社會人士卻認為官員多剛愎自用，跟社會現實脫節。

52. 公民社會人士則多以社會長遠利益捍衛者自居，他們尤其關注弱勢社群的權益。他們積極提倡可持續發展、社會公義及文化藝術等社會進步思想，在政策構思的過程中提供不可或缺的知識。然而，政府官員卻認為部份參與者存有私心，他們反對政府政策，不過是要追求自身的短期利益；他們對於政策問題也欠缺深層了解，對政策執行的情況缺乏認識，又不願意跟政府一起承擔政策的責任及後果。上述的觀感差異，令政府官員與公民社會人士缺乏互信，在合作互動的過程中各有保留，步步為營。

兩類可以促進溝通及建立互信的人士

53. 訪問的過程中，我們發現有兩類人士可以在諮詢組織內發揮促進互信及擔當橋樑的角色。第一類是那些全心全意推動公民參與的公務員，他們的付出與承擔，無論是政府友好或批評者皆予以肯定。這些公務員不辭勞苦，不吝時間跟公民社會人士溝通，坦誠交流討論，又敢於提出創新的建議以回應公眾關注的問題。政府應探討如何改革公共行政，俾能在公務員系統中培養更多這類人才，並讓他們冒出頭來。具體來說，政府可透過行政指令、獎勵或培訓等，有系統並全方位地在公務員體系內建立有利於公民參與文化。

54. 另一類人士可稱為「政策中介人」(policy brokers)，他們擅於在各方參與者之間折衝協調，俾能縮窄分歧，或「政策企劃人」(policy entrepreneurs)，他們的強項是捕捉推動改革的機會。這些人士長期跟政府及公民社會交往，因此相當了解雙方秉持的價值觀與面對的局限性，當中包括願意為公民社會作出貢獻的退休公務員；在公民社會享有崇高地位、並與政府維持緊密工作關係的前立法會議員；以及透過參與諮詢委員會或為政府當顧問的，經常向政府提供意見的學者及公民社會人士。吸納以上兩類人士參與，將有助提高公民參與的成功機會。

C. 參與過程

領導與團隊合作

55. 強而有力的領導與團隊合作是公民參與得以成功的關鍵所在。若諮詢委員會正、副主席、小組委員會/工作小組召集人，及其他活躍份子能扮演政策企劃人或政策中介人的角色，並致力建立榮辱與共的團隊意識，他們將成為推動委員會向前邁進及凝聚共識的重要力量。民政事務局表演藝術委員會的經驗正是一個成功的例子，環保署轄下廢物管理設施諮詢小組所展現的團隊精神也受到受訪者的讚譽。值得注意的是，政府在諮詢組織內建立強大團隊，將有力地向公民社會及市民大眾傳遞政府有誠意做好公民參與工作的信息。

頻繁的人事更替

56. 政府內部頻繁的人事更替，勢將影響公民參與的成效。在本研究的個案中：扶貧委員會的秘書中途調職；可持續發展委員會的秘書也在委員會發表報告後不久調職，破壞了報告建議與具體政策及落實執行之間的延續性；環保署併入環境運輸及工務局，亦阻延了廢物管理設施諮詢小組的工作。總括來說，人際關係與信任需要長時間才能建立，對於公民參與的發展尤其重要；頻繁的人事更替，肯定會嚴重削弱公民參與的成效。

政策協調與推行

57. 公民參與過程若缺乏決策與執行部門的積極參與，或與之緊密溝通，有關政策勢難取得成效。以扶貧委員會為例，該委員會的工作涉及多個政策局，他們參與相關政策制定過程的程度相當有限，自然對該委員會的政策建議採取被動的態度；在表演藝術委員會的個案中，即使相關政府部門已積極投入公民參與工作，一位受訪者依然擔心有關部門在執行政策時會面臨重重困難。此外，環保署以持份者身份參與可持續發展委員會的工作，但兩者之間沒有從屬關係，致使委員會的提議對該部門並無約束力。

VIII. 結論 — 總結經驗 歸納原則 完善公民參與

58. 上述個案研究可以總結出以下經驗教訓及基本原則，作為改善香港的公民參與的參考：

A. 經驗教訓

- a. 比較成功的公民參與個案(無論是委員會參與或公眾參與)都能提出一些政策建議，並獲得政府採納及持份者認同。
- b. 政府當局的真誠及開放態度，是公民參與賴以成功的關鍵。因此，政府應該在政策構思的開始階段便引進公眾參與，並一直以開放、真誠的態度與民討論，不然只會令參與各方猜疑及激化矛盾。
- c. 一個計劃周詳、多階段的公民參與過程，若能同時讓參與者從中學習及作有建設性的討論，將有助營造社會共識，令政府政策獲得持份者

與公眾支持。因此，諮詢組織應盡可能引進公眾參與，對於一些複雜的政策議題，只在委員會層面引進公民參與並不足夠。

- d. 委員會參與能否取得成效，很大程度取決於政府及非政府委員對委員會的目標與議題能否有相同的理解；要建立有關共識，政府的態度至為關鍵。

B. 制度安排

- e. 因應個別重大公共政策議題而成立的諮詢組織，成員的背景應力求多元化。委員們應該抱持開放、文明理性、求同存異的態度進行討論。若諮詢組織內部討論的涵蓋面不足，可以引進公眾參與，藉以吸納更廣泛的意見與觀點。
- f. 爲了提升諮詢組織與由政府掌控秘書處之間的信任，政府可考慮委派公民社會人士加入秘書處，或在組織內成立議程小組，與秘書處協同擬定議程。
- g. 政府在加強對諮詢組織的回應方面，可考慮強制規定須書面回應有關組織的建議，以及就每次的公民參與作業擬備檢討報告。
- h. 若公民社會團體要在公民參與機制中扮演更重要的角色，例如以團體代表加入諮詢組織，他們的透明度與問責性便須相應加強。政府應該制定一套非牟利法規，列明公民社會團體的權利與責任(特別是公開資料方面)，以促使他們的發展更趨成熟。公民社會本身也應制定一套機制，俾使公眾可以向有關團體問責。

C. 各方參與者

- i. 目前，政府官員與公民社會成員之間普遍缺乏互信及體諒，若要改善有關情況，對對方的價值觀與面對的局限，均須予以諒解。
- j. 現有的政治與官僚制度，以及政府內部的行政文化，皆未能爲政府官員推行公民參與提供足夠支援。政府應透過行政指令、培訓與獎勵措施，在公務員體系之內建立一套有利於公民參與文化。

- k. 政府應協助培育並善用「政策企劃人」及「政策中介人」，這些人有能力折衝協調政府與公民社會的想法及期望，縮窄兩者間的差距，從而為政策轉變創造條件。

D. 公民參與過程

- l. 政府在委任諮詢組織主席及成員時，應致力建立一個強而有力的團隊，及委員們的認同與承擔，俾能合力做好有關工作。政府此舉將有助向外界顯示推行公民參與的決心。
- m. 政府內部人事更替頻繁，會影響公民參與的成效，故應在某項政策推行公民參與時，盡量避免更換主事官員。
- n. 公民參與要取得成效，實有賴政策局與部門之間的有效聯繫。倘若諮詢組織工作涉及不同的政策局，應由一位更高層次的官員負責協調統籌。

IX. 建議

59. 除上述經驗教訓與基本原則外，本研究亦提出一些規範性建議，以進一步推動公民參與所需的軟件(參與者的態度與思維)與硬件(制度安排)的發展。有關建議的次序是先介紹一些可以由政府單獨落實的措施；隨後的則是一些需要公民社會積極配合的措施。

建議 1: **就制定政策的過程，建立一個公民參與架構。**

60. 有關架構應包含下列元素：
- a. 強制推行公民參與的規定。任何向行政會議提交的政策建議，必須夾附對相關公民參與過程及成效的評估；
 - b. 制定一套公民參與守則，讓所有參與決策的部門及機構有所依循。有關守則須列明推行公民參與的標準程序與表現指引；
 - c. 有關政府部門向行政長官、行政會議及立法會提交推行公民參與的年度表現報告；

- d. 在行政長官辦公室或政務司司長辦公室之下設立秘書處，監察公民參與架構的運作情況。

建議 2:

採取措施，加強政府推行公民參與的能力。

- 61. 政府應該採取下列各項措施以提升推行公民參與的能力：
 - a. 為公務員提供有關公民參與的培訓，具體內容包括推行方法、技巧與途徑、以及相關的海外經驗；
 - b. 借調公務員到公民社會團體工作一段時間；
 - c. 讓政務主任級別官員多吸收地區工作經驗；
 - d. 投入更多資源，協助所有參與制訂政策的部門、機構與諮詢組織進行政策研究。

建議 3:

採取措施提升公民社會的能力，俾使在政府推行公民參與過程中發揮具效率及負責任的夥伴角色。

- 62. 政府應該推行下列各項措施：
 - a. 協助籌組多種類型的活動，以加強公民社會團體在財政、人力資源、管理、求知與研究等方面的能力；
 - b. 鼓勵公民社會的不同界別，各自成立圓桌會議或聯合組織，藉以加強公民社會內部，以及與政府之間的溝通聯繫；
 - c. 完善公民社會的規管架構：包括制定新的非牟利或慈善團體法規，範圍包括註冊登記、管治、籌款、報告與問責等範疇；以及要求公民社會建立內部審計及評核機制；
 - d. 協助設立由社會人士捐獻成立的社區基金會 (community foundations)，以支援上述各項工作；
 - e. 安排公民社會人士借調至不同諮詢委員會的秘書處工作。

建議 4:

政府與公民社會商討及訂定協議，其形式類似英國的 *Compact (1998)* 以及加拿大的 *Accord (2001)* 協議，以建立有效的夥伴關係。

63. 有關協議旨在：

- a. 列明彼此認同與各自秉持的價值；
- b. 表明雙方的承擔及有關合作關係的指導原則；
- c. 因應雙方的夥伴關係，就政策諮詢與發展、資金、服務提供、問責性與其他不同範疇，制定實務守則；
- d. 在政府內部建立行政架構以落實推行有關協議。具體的做法包括在行政長官辦公室或政務司司長辦公室設立永久秘書處或工作小組、成立由行政長官或政務司司長主持的跨決策局委員會、以及由政府及公民社會組成圓桌會議，共同監察協議的落實執行。

64. 我們相信，上述各項改善公民參與的建議若得到落實，將會帶領香港邁向良好管治與決策之路。

Chapter 1

Introduction

I. Why Civic Engagement?

1. Public consultation and participation in policy-making is certainly not new to Hong Kong. In the colonial era, the government of Hong Kong had once described the nature of its governance as a “consultative democracy.” The regime, of course, was not a democracy as it is commonly understood, but consultation was nevertheless a principle that the colonial government took seriously and had acted upon from time to time. As senior civil servants, both current and retired, told us in our interviews, in the seventies and eighties of the last century, unofficial members in the Executive Council (and to a lesser extent the Legislative Council) could provide genuine input into policy-making, even though their power was heavily constrained by the fact that they were appointed by the governor. Some advisory committees were powerful, but this was in part because they were chaired by community leaders who enjoyed exalted social status and who had demonstrated credibility and trustworthiness in the minds of civil servants. These “strong” chairpersons were at the same time assisted by other community leaders in the committees who could work well with the government (and it was no doubt for precisely this reason that the government appointed them).

2. These committees knew only too well the rules of the game—they were there not to “rock the boat,” or publicly discredit the government, or obstruct the work of the government. Instead they were expected to assist in the process of governance and to work within certain tolerable parameters. The acceptance of this restricted autonomy by the active participants brought a significant degree of mutual trust and hence effectiveness in participation. Honest, frank discussion and disagreement between officials and unofficial committee members were possible. In fact, it was not uncommon for poorly written proposed policies or bills to be so strongly challenged in the committee room that they had to be returned to the government for drastic changes. Similarly, civil servants who could not provide the necessary facts and analysis to support a proposal would be looked upon with disapproval and sometimes even draw stern criticisms from unofficial members.

3. When viewed from the outside, this form of consultation and participation seemed to be heavily constrained in power and limited in scope. From the inside, however, it exhibited certain features, such as mutual trust, shared aims and terms of

reference, and mutual confidence in frank deliberation that make civic participation in policy-making a genuine experience. Citizen participation of this kind—heavily constrained and hence safe and controllable, yet genuine and at times influential—was perhaps as much as a strong colonial regime could tolerate, and it was also as much as the weak, disorganised civil society in Hong Kong could get. Needless to say, this precarious form of participation in policy-making was effective only against the background of an imbalance of power between a strong government and a weak society. When the colonial government began to lose its dominance over the Legislative Council beginning with the introduction of functional constituencies in 1985 and of geographical constituencies in 1991,¹ this form of participation was quickly thrown into disarray.

4. Today, the conditions that made this precarious form of civic participation possible no longer exist. From 1985 to the present, Hong Kong's governmental authority has been undergoing a gradual decline. Contributing to this process is a set of forces unleashed by democratisation: the elected legislators' belligerent attitude in policy-making, the development of political parties and the politics of opposition, the media's eagerness to expose government failures, the fragmented nature of the new constitutional order after the handover, the rising sense of belonging among Hong Kong people and hence rising political awareness in the post-colonial era, and last but not least the rapid growth of a vocal civil society that persistently makes strong demands for government accountability, transparency, and responsiveness.

5. What this means for public participation and consultation, however, is that it has become much more difficult. Many civil society activists and politicians refuse to accept a set of narrow parameters laid down by the government for the purpose of participation in policy-making. They want to work together with the government to define policy problems, set agendas for discussion, explore policy alternatives, and devise solutions. They want to walk every step with the government in the process, leaving only the final one—the very act of making a decision—to the government. In short, civil society actors want *engagement*, not *consultation*.

6. The stakes for the government have also changed. Civic engagement means not just higher administrative costs but also considerable political risks. Engagement requires time and resources; it almost certainly slows down the policy-making process,

¹ For a detailed analysis of the changing roles and influences of the Legislative Council in policy-making since 1985, see Kathleen Cheek-Milby, "Legislative Functions," in *Hong Kong Government and Politics*, ed. Sing Ming (Hong Kong: Oxford University Press, 2003), 117–149.

and it invites into the discussion room social and political forces that are now beyond government's control. In genuine engagement, the government is unable to confidently steer the policy process; the process is open-ended and its result unpredictable. If conditions are unfavourable, or when engagement is not properly conducted, the energy and intensity inherent in engagement may breed distrust, antagonism, and cynicism in all the participants.

7. Considering the difficulties of engagement, anyone with a certain sense of realism may ask this question: In policy-making, why should government actively engage civil society if the stakes of engagement are high and its results uncertain? The answer is quite simple: the government cannot afford to make policy without any civic engagement at all, and once it begins to do so, it has to allow its full expression to prevent backlash. For reasons to be explained below, policy-making without engagement is simply out of the question in the current political situation. Half-hearted engagement is even worse on balance, as it raises high expectations in the participants, which is followed by deep frustration and discontent. Genuine, sincere engagement, if properly carried out, is truly rewarding for both the government and civil society. It helps the government make better policies, which enjoy greater legitimacy, and it promotes the civic mindedness and participation of citizens.

8. That policy-making without engagement is politically infeasible is obvious to anyone who understands the political situation of Hong Kong since 1997. Hong Kong's current political system is a semi-democracy, a half-way house that offers neither the comforting efficiency of an autocracy nor the lofty legitimacy of a democracy. However, many people in Hong Kong still expect the HKSAR government to govern as effectively and efficiently as the strong executive-led colonial regime, while at the same time as responsively and transparently as a full democracy. Yet the political resources available to meet these expectations are very limited. The present political arrangement confers enormous constitutional power, but only a weak and limited *power base*, on the chief executive, who is elected by a small electoral committee of 800. Meanwhile, forces of all kinds in politics and civil society have now been unleashed that have not been integrated into, or accommodated by, the new political system. How can a chief executive, without the blessings of a popular mandate, deliver governance effectively in the face of strong challenges from the legislature, the political parties, the media, and civil society?

9. The answer is that a democracy-deficit government like the HKSAR government can boost its governance only by policy performance, which in turn depends on strengthening policy inputs (views of citizens) and outputs (policies). Civic engagement is a critical condition for success at either end of the policy process. Effective engagement brings into an otherwise top-down administrative process essential information concerning the views and interests of citizens and thus can help make better policies. Furthermore, effective engagement is capable of giving stakeholders a considerable sense of ownership, and hence can lend legitimacy to the policies that are produced. Engagement, therefore, is strongly linked to how policy performance is *perceived*. However hard a government tries to fulfil its functions, public perception of government performance is ultimately the result of a political process in which all stakeholders play a part. Any government that excludes stakeholders and the public from engagement in policy-making will antagonise them and push them into the opposition.

10. Effective engagement, on the other hand, not only brings in citizen expectations as policy inputs, but in the process it also *changes* expectations in such a way that unrealistic or mutually conflicting expectations are transformed to better align with the policies finally adopted. Our interviews with civil society actors and government officials noted several instances where just such a transformation took place. Participants came to see a broader, more complex picture of the policy problem, to appreciate the legitimate interests of other stakeholders, and to be more open to making compromise. Because of this experience, participants adjusted their expectations; they came to see the constraints on government with greater sympathy and understanding and to endorse the final policies more strongly or at least criticise them less fiercely.

11. To be sure, the government of HKSAR is aware of the necessity of civic engagement and has conducted several engagement exercises, both large and small, in different policy arenas since 1997. The real question for the government, therefore, is not whether civic engagement is necessary, but how its optimal extent and scope may be determined. To use the language of administrative officers, the question is about the *priority* of civic engagement—how much political will and what administrative resources should the government commit to civic engagement? But even regarding this question of priority, the above analysis of the necessity and utility of civic engagement to governance remains highly relevant, for it serves to remind us that engagement should be taken seriously *precisely for the sake of good governance*, to which the HKSAR government is explicitly committed and on which its legitimacy is

based. In fact, just as the question of priority troubles the government, it bothers civil society actors as well. According to our interviews, one main source of discontent for many civil society actors is that the government has not given enough priority—in terms of commitment, sincerity, and resources—to the engagement process it has engaged in, and as a result these actors regard some of the exercises as futile or sometimes even as counterproductive.

12. If the above analysis is correct, any government decision to undertake civic engagement has to be based on a genuine, thorough understanding of its rationale and importance, and the engagement process has to be supported with determination and ample resources. Otherwise its impact on governance is as bad as, if not worse than, a lack of engagement. Once the engagement process begins, it has to be carried out to the full. This is not to suggest, of course, that every single government decision requires the same depth of civic engagement. There are different methods of civic engagement suitable for different purposes that require different resources and time commitments. But the general principle is the same: there has to be sincerity among all participants and commitment of the time and resources required by the particular mode of engagement chosen.

II. Civic Engagement: Definition and Process

13. “Civic engagement” does not have a well-established usage. For the purposes of this report, we define the concept as

an organised process where a government has taken the initiative to involve citizens in all stages of policy development, from identification of problems, to clarification of values and interests, development of policy alternatives and prioritisation of proposals.²

14. Given the concerns of this study, it is important to note the following features of the concept.

- Civic engagement is *initiated* by a government to engage citizens in its administrative process, rather than by citizens or civil society groups to

² This definition is adapted, with modification, from Miriam Wyman, David Shulman, and Laurie Ham, *Learning to Engage: Experience with Civic Engagement in Canada* (Canadian Policy Research Networks Inc., 1999), 3, <http://www.cprn.com/documents/18162_en.PDF>.

engage government officials.³ While both kinds of engagement are important in their own right, this study does not examine citizen-initiated engagement.

- Civic engagement is an *organised* process that involves planning, implementation, and evaluation. It is not an *ad hoc* or informal process of stakeholder discussion without any administratively defined goals or terms of reference.⁴
- Civic engagement involves the *active participation* of citizens, which is characterised by citizens' active learning, reflection, and deliberation, as well as active interaction among participants. In this sense, civic engagement differs from traditional forms of consultation that only allow minimal, one-sided communication between government and citizens.
- Civic engagement *encompasses all stages of policy development*, from problem diagnosis to development of a solution, and so it differs from traditional forms of public participation that merely seek citizens' views after government has defined the problem and formulated policy proposals.
- Civic engagement *does not dispense with government authority*; it focuses on *policy development* rather than making policy decisions. In most cases of civic engagement, the ultimate authority of decision-making is retained by the government agency that initiates and administers the engagement, and there are generally good reasons for mandating government agencies to retain their authority.⁵ An exception is a special type of engagement that takes the form of a statutory body with decision-making power provided by law (such as the Town Planning Board of Hong Kong).

15. In Hong Kong, civic engagement is usually carried out in the form of advisory committees, in which membership is restricted to a small group of government-appointed major stakeholders. More recently, in an effort to involve a larger public, the government has been experimenting with large-scale public consultation that it conducted in partnership with advisory committees. A study of

³ Ibid., pp. 3–4.

⁴ The organised nature of engagement is stressed in James L. Creighton, *The Public Participation Handbook: Making Better Decisions Through Citizen Involvement* (San Francisco, CA: Jossey-Bass, 2005), 7.

⁵ For a further discussion on these reasons, see Ibid., pp. 12–13.

civic engagement thus has to take into account the internal engagement of an advisory committee, which we call *committee engagement*, and the process of reaching out to the public that is conducted or assisted by the advisory committee, which we call *public engagement*.

16. Given the above definition, let us now picture, albeit somewhat optimistically an ideal process of civic engagement. The relevant literature shows that a successful civic engagement initiative possesses the following characteristics:⁶

- It is an inclusive process that brings key stakeholders together.
- Sufficient time, necessary information, and ample administrative resources are given to participants to ensure that deliberation is sustained and based on informed understanding and analysis.
- Deliberation is supported by a professional staff or secretariat that steers a structured process with open and fair agenda-setting procedures, minutes-taking, and decision-making rules.
- Deliberation focuses on problem-solving; it aims to convert differences of views into genuine dialogue, to find common ground, and to arrive at solutions acceptable to most, if not all, stakeholders.
- The government agency that initiated the engagement process takes the recommendation reached by the process seriously and publicly states the reasons to endorse or reject the recommendation.

III. Focus of the Study

17. In May 2006 the Bauhinia Foundation Research Centre commissioned the Centre for Civil Society and Governance of the University of Hong Kong to study different modes of the advisory system and of public consultation that the HKSAR

⁶ The following discussion is partially drawn from Peter Levein, Archon Fung, and John Gastil, “Future Directions for Public Deliberation,” in *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century*, eds. John Gastil and Peter Levine (San Francisco, CA: Jossey-Bass, 2005), Ch. 19, 273–274 (this is a summary chapter); and Creighton, *The Public Participation Handbook*, pp. 14–17, 214–219.

government had employed and to make recommendations to improve civic engagement.

18. Civic engagement mechanisms in four designated policy areas were selected for examination.

- In *arts and culture*, the focus was the issue of management of performing venues and facilities and the engagement efforts carried out by the Committee on Performing Arts.
- In *the environment*, the focus was solid waste management and hence the Support Group on Solid Waste Management of the Council for Sustainable Development and the Advisory Group on Solid Waste Management Facilities under the Environmental Protection Department.
- In *planning*, the focus was the development of South East Kowloon, more popularly known as the Kai Tak development, and its most important engagement mechanism, the Harbour-front Enhancement Committee.
- In *social welfare*, the focus was poverty alleviation and therefore the Commission on Poverty, which was one of two major non-statutory bodies set up after 1997 in the area of social welfare.

These engagement mechanisms were chosen for study because they come to represent new engagement methods and structures and because all of them had to deal with core issues of contention in their respective policy areas.

19. The study used two methods, interviews and documentary analysis. We conducted a total of 70 interviews with people associated with the work of the selected advisory bodies; 28 of the interviews were with government officials and 42 were with civil society actors. We analysed the documents issued by the advisory bodies and relevant government bureaux and departments, as well as newspaper reports about the selected cases of civic engagement. We also studied overseas experience of civic engagement through documentary research.

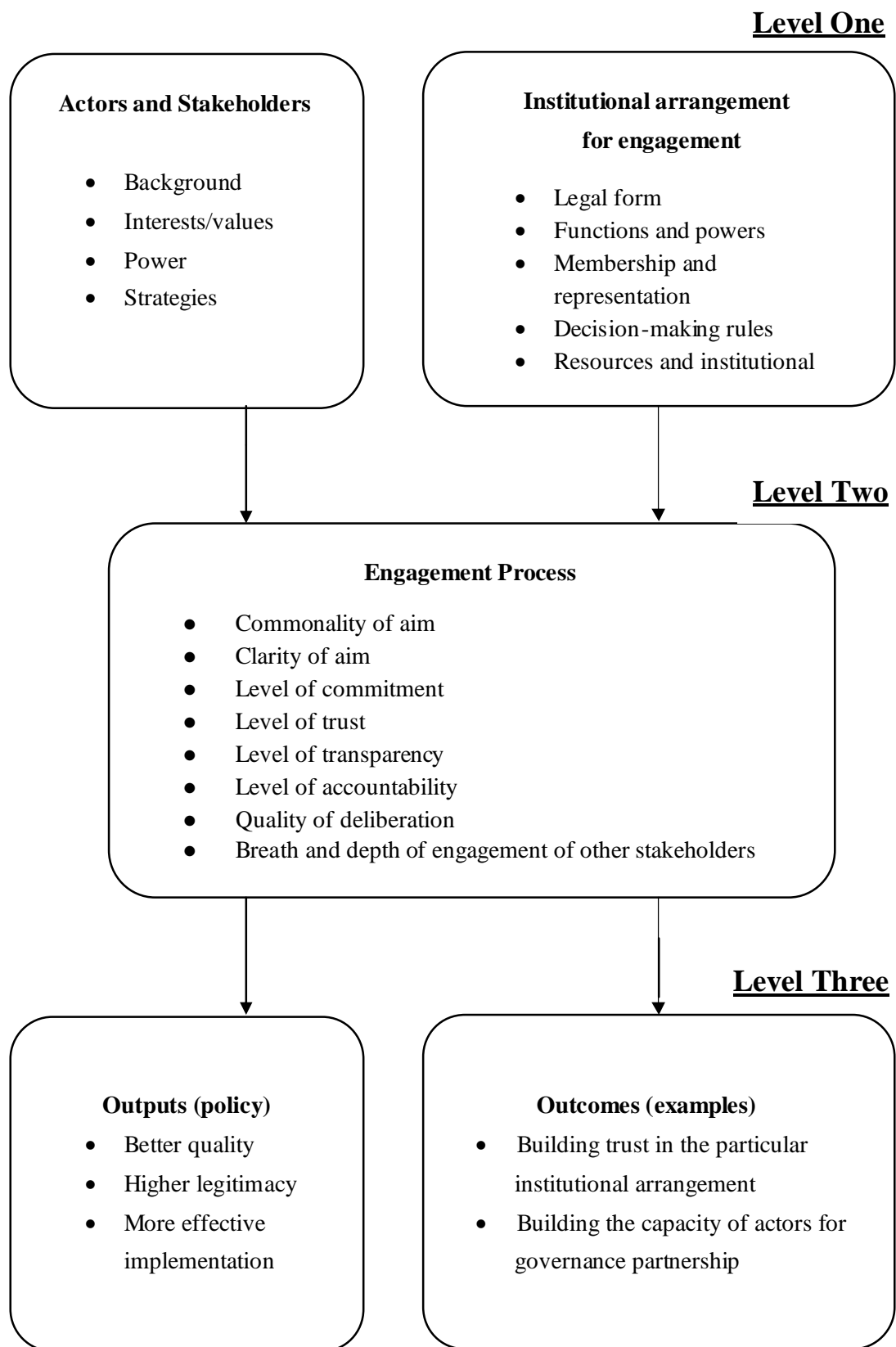
IV. Analytical Framework

20. We designed a three-level analytical framework in our analysis of the four empirical cases. The first level examined two factors—the actors and the institutional arrangement for engagement—that may have influenced the smoothness of the engagement process. Actors refer to both government officials and civil society actors. We examined the background of these actors, their values, ideologies, and attitudes towards civic participation, as well as the kind of engagement strategies they employ in the engagement process. The institutional arrangement for engagement has to do with the engagement mechanism itself. It includes the following aspects: statutory status, functions and powers, membership, stakeholder representation, as well as resources and institutional support.

21. The second level concerned the engagement process itself. Specifically, we focused on the clarity of common aims, the commitment to engagement on the part of the government officials and the civil society actors, the presence of trust among participants, the level of transparency of the engagement process, the amount of accountability, the quality of deliberation, and the degree of stakeholder participation outside the engagement mechanism.

22. The third level concerned the results of the engagement process, which can basically be categorised into two types: policy output and governance outcome. Policy output concerns whether civic engagement brings improved policy quality and bestows a higher degree of legitimacy to a new policy. Governance outcome concerns whether trust in a particular engagement mechanism can be enhanced and actors' capacity for governance partnership be built.

Figure 1: Research Framework



Chapter 2

International Values and Principles of Civic Engagement

1. Chapter 1 points out that the changing political conditions and growing civil society in Hong Kong have made civic engagement an imperative for policy-making. The massive 1 July 2003 rally and the subsequent growing demands of citizens and social groups to be part of the policy-making process in many arenas testify to the vibrancy of Hong Kong civil society. This phenomenon is, in fact, not unique to Hong Kong. Civil society is becoming increasingly active in many parts of the world. Many civil society actors and civil society organisations (CSOs) see themselves as watchdogs of government and proponents of progressive policies. Movements in Eastern Europe and former USSR in the 1980s and 1990s forcefully showed that civil society could topple a government. At the same time, studies by the American political scientist Robert Putnam have demonstrated that civil society is instrumental in improving the lives of citizen and the performance of democratic institutions.⁷ Seeing the threats and recognising the benefits of civil society, many governments in established democracies have actively sought to engage civil society and citizens in policy-making. International organisations such as the United Nations, the World Bank, the Organisation for Economic Co-operation and Development (OECD), and the European Union have all laid down principles for civic engagement.

2. This chapter focuses on civic engagement in the international arena. It begins with an overview of factors that have contributed to the global trend of citizen participation in policy-making and governance, followed by an introduction to the values and principles of civic engagement proposed by international organisations. We then present selected country experiences in civic engagement. All of this we hope will shed light on the state of civic engagement in Hong Kong.

I. Background

3. It is generally accepted that the end of the Cold War triggered a significant change in contemporary politics. Ezra Mbogri and Hope Chigudu point out that the major developments reshaping the role of government and altering the relationship between government and civil society include: democratisation, decentralisation,

⁷ Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

globalisation, governance, transnational activist networks, and sustainable development.⁸ Miklos Marschall highlights a “power shift” in governance that fosters changes in three major areas: globalisation and communication, civil society networks, and norms and ethics. In sum, the growth of civil society has been attributed to the following international trends and developments.⁹

4. *Democratisation.* The collapse of authoritarian regimes under numerous developing or former communist countries since the end of the Cold War has resulted in a new wave of democratisation. In the dozens of democracies established over the past decade, CSOs play an essential role in building a “culture of democracy” which helps the public learn the practices of democratic citizenship.¹⁰ As fighting communism has waned as an excuse for western governments to turn a blind eye to the poor democratic records of their allies, “democracy” and “good governance” became key foci of their concern.¹¹

5. *Decentralisation.* Citizen mistrust in many countries has resulted in the diminishment of the central government’s governing power, propelling centralised authorities to devolve responsibility and decision-making to subnational and community levels in order to maintain effective governance. And while government has shrunk, many CSOs have come to play increasingly important roles in service delivery, shaping and implementing programmes, and mobilising communities to secure the provision of basic needs.

6. *Governance Problem.* It is widely recognised that a healthy, flourishing democracy requires “good governance”—a process that is more inclusive, participatory, transparent, accountable, and responsive than in the past.¹² But at the same time there is an upsurge of public dissatisfaction regarding the performance of representative governments, even in many democratic countries. This has been signalled by the steady drop in voter turnout in elections, falling membership in political parties, and declining confidence in key public institutions. Taking note of the fundamental premise that the people have the urge as well as the right to be part of

⁸ Ezra Mbogori and Hope Chigudu, “Civil Society and Government: A Continuum and Possibilities,” in *Civil Society at the Millennium* (West Hartford, Conn.: Kumarian Press, 1999) (published in cooperation with CIVICUS), 110.

⁹ Miklos Marschall, “From States to People: Civil Society and Its Role in Governance,” in *Civil Society at the Millennium*, 168.

¹⁰ Mbogori and Chigudu, 110.

¹¹ Jeff Haynes, “Tracing Connections between Comparative Politics and Globalisation,” *Third World Quarterly* 24(6) (December 2003): 1039.

¹² Mbogori and Chigudu, 111.

the events and processes that shape their lives, governments are under pressure to integrate public input into the policy-making process and involve more actors outside of government from the civil society.

7. *Economic Globalisation.* Globalisation and market liberalisation have exerted a profound impact on the contemporary economies of individual nations, particularly the developing countries. Global industrial production chains and rapid communications demand a qualitative transformation and restructuring of the role of the state. The institutional, technical, administrative, and political capacities of the state are as important now as they have ever been, and good government continues to be an absolute prerequisite for successful economic growth in the developing world. In addition to answerability (i.e. the obligation of public officials to inform about and to explain what they are doing) and enforcement (i.e. the capacity of accounting agencies to impose sanctions on powerholders who have violated their public duties), the accountability and legitimacy of governments might also be enhanced by a third central element—the knowledge and opinions of citizens.¹³

8. *Transnational Activist Networks.* In the past two decades, a growing network of transnational non-governmental organisations (NGOs) has gained unprecedented influence in shaping global policy issues, such as the banning of land mines, debt cancellation, and environmental protection. On the new global stage, CSOs and NGOs have become potent players that the state can no longer ignore.

9. *Information and Communication Technologies (ICTs).* The challenges of the emerging information society are forcing governments to adopt new ICTs and prepare for more comprehensive and faster interaction with citizens. More and more governments are making a substantial effort into bringing their administrations and their citizens online, and after doing so, they have increased their release of information through elaborate websites.

II. Global Values of Civic Engagement

10. In the recent global development movement, there has been a growing recognition of the virtues of civic engagement. As Peter Oakley et al. (1991) note, “Whereas up to ten years ago a review of project-based literature would probably

¹³ The World Bank, *State-Society Synergy for Accountability: Lessons for the World Bank*, World Bank Working Paper No. 30 (2004), 1–8.

highlight technological effectiveness, good planning and management, and resource efficiency as the key ingredients of project (i.e., anti-poverty projects, etc.) success, today participation figures prominently; some would say that it is the most important ingredients.”¹⁴

11. In fact, many supranational organisations have longstanding cooperative relationships with CSOs and the breadth and quality of their working relations have intensified in the past decade. For instance, CSO involvement in World Bank-funded projects rose steadily from 21 percent of the total number of projects in fiscal year 1990 to an estimated 72 percent in fiscal year 2003.¹⁵ Country Assistance Strategies documents prepared with civil society participation also jumped from 20 percent in fiscal year 1998 to 88 percent in fiscal year 1999, and they continue to maintain a high level of involvement.¹⁶

12. Several supranational organisations, such as the United Nations, the World Bank, and the OECD, have attached great importance to civic engagement as a way to enhance the quality of governance and public administration. The United Nations has adopted “participatory governance” as the major direction it recommends when encouraging and helping member states to improve public administration. To assert the importance of engaging civil society in policy-making, OECD and the World Bank have conducted specific research. In 2001 the OECD issued *Citizens Partners: Information, Consultation and Public Participation in Policy-making* as its policy document on the subject, and the World Bank published *Issues and Options for Improving Engagement between the World Bank and Civil Society Organisations* in 2005.

13. Civic engagement also plays a greater role in improving the accountability of organisations involved in global governance, and many global governance agencies have devised various mechanisms to engage CSOs. For instance, the International

¹⁴ Khalid Malik and Swarnim Wagle, “Civic Engagement and Development: Introducing the Issues,” p. 9,

<<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan006234.pdf#search=%22Civic%20Engagement%20and%20Development%3A.%20Introducing%20the%20Issues%22>>.

¹⁵

<<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20093161~menuPK:220423~pagePK:220503~piPK:220476~theSitePK:228717,00.html>>.

¹⁶ The World Bank, “Social Development Update: Monitoring Civic Engagement in Bank Lending and Policy Instruments,” (2002), 3.

<[http://lnweb18.worldbank.org/ESSD/sdvext.nsf/66ByDocName/MonitoringCivicEngagementinBankLendingandPolicyInstruments/\\$FILE/monitoring-civic-engagement.pdf#search=%22%22Social%20Development%20Update%22%22](http://lnweb18.worldbank.org/ESSD/sdvext.nsf/66ByDocName/MonitoringCivicEngagementinBankLendingandPolicyInstruments/$FILE/monitoring-civic-engagement.pdf#search=%22%22Social%20Development%20Update%22%22)>.

Monetary Fund circulates a quarterly *Civil Society Newsletter* to well over a thousand recipients. The World Bank maintains publicly accessible information centres in many of its resident missions around the world. Each UN global summit (such as those in Beijing, Cairo, Johannesburg, and Monterrey) includes a parallel civil society forum, and its Non-Governmental Liaison Service works with 16 global governance institutions in the UN family.¹⁷

14. Many supranational organisations recognise how valuable civic engagement is for improving governance. Examples include the following.

A. United Nations

15. The United Nations General Assembly has recently stressed the importance of good governance and participatory public administration responsive to the needs of the people. It has also recognised the importance of government efforts in fostering public participation in governance and development processes by bringing together all stakeholders including the private sector, civil society, and NGOs in a cooperative framework.¹⁸ Participants of the Sixth Global Forum on Reinventing Government agreed that participatory and transparent governance has important implications in the resolution of current political, social, economic, and administrative problems. They recommended in the Seoul Declaration on Participatory and Transparent Governance (2005) that the successful implementation of participatory and transparent governance hinges upon the ability of governments to collaborate and cooperate with diverse actors in their societies. The Declaration further emphasised that governments should recognise and engage civil society as a partner in both the decision-making process and the implementation of public policies. It added that the UN itself could tackle democracy deficits and strengthen global governance by engaging civil society in policy- and strategy-making at all levels in the UN, not just as partners in the implementation of programmes established without civil society input.¹⁹

B. The World Bank

¹⁷ Jan Aart Scholte, "Civil Society and Democratically Accountable Global Governance," *Government and Opposition* 39(2) (Spring 2004): 215 – 216.

¹⁸ Resolution adopted by the United Nations General Assembly 60/34. Public administration and development A/RES/60/34, 17 March 2006, 1 – 2.

¹⁹ <<http://www.gppac.org/page.php?id=538>>.

16. Civic engagement is now an integral piece of the World Bank's strategy to strengthen the investment climate and promote empowerment in developing countries.²⁰ From a pragmatic point of view, stakeholder participation can help build ownership and ensure the long-term sustainability of its funded projects. CSOs can be used to demand a higher degree of transparency and accountability, and this will eventually enhance the effectiveness of development projects and policies. In addition, it has been widely noted that civil society is an important agent of development because CSOs can contribute very effectively in the direct delivery of social and economic services, and in improving natural resource management and environmental protection. Stakeholder participation and social accountability are also an important component of the governance equation. The World Bank notes that the institutional, technical, administrative, and political capacities of the state—in short, a good government—are now, in this era of globalisation and market liberalisation, as important as have they ever been.²¹ The increased need for good governance and greater transparency has opened doors for CSOs to become players in the development business, where they can play an active role in the provision of information, sectoral expertise, and policy advice.

C. OECD

17. The OECD also holds that strengthening relations with citizens is a sound investment in better policy-making and a core element of good governance. Doing so allows government to tap new sources of policy-relevant ideas, information, and resources when making decisions. Moreover, it contributes to building public trust in the government, which raises the quality of democracy and strengthens civic capacity. Such efforts can also help strengthen representative democracy.²²

D. European Union

18. The European Union is well aware of the need for good governance, and it has adopted openness, participation, accountability, effectiveness, and coherence as its guiding principles. It regards the involvement of civil society as one of the major moves to enhance public participation in governance, for it holds that civil society

²⁰ The World Bank, *Issues and Options for Improving Engagement between the World Bank and Civil Society Organisations* (2005), ix.

²¹ The World Bank, *State-Synergy for Accountability: Lessons for the World Bank* (2004): 1.

²² OECD, "Engaging Citizens in Policy-making: Information, Consultation and Public Participation," *PUMA Policy Brief* 10 (July 2001): 1.

gives voice to the concerns of citizens, delivers services that meet people's needs, and acts as an early warning system for the direction of political debate. At the global level, many NGOs have been key players in the formulation and implementation of development policy.²³

III. International Principles of Civic Engagement in Policy-making

19. Acknowledging the contributions of civil society for improving governance at the local, national, and global levels, many supranational organisations have not only incorporated civic engagement as part of their operating principles, but have produced frameworks for engagement and guiding principles for consultation that governments can use.

A. United Nations

20. The Seoul Declaration on Participatory and Transparent Governance (2005) recommends a framework of participatory, transparent governance under which governments should engage civil society as a partner in the decision-making process and the implementation of public policies. For its part, civil society should seek and develop new forms of civic engagement and involvement at a global level in order to make the decisions of intergovernmental organisations more transparent and democratic.²⁴ With regard to regional development, the Declaration emphasised the importance of good governance for sustainable development in Africa. It suggested that African countries could improve political governance by promoting participatory decision-making, or, more specifically, by creating political systems that open opportunities for all elements of civil society, including the poor and disadvantaged, to provide for the broadest possible input in governance and development decision-making.²⁵

²³ Commission of the European Communities, *European Governance: A White Paper*, COM (2001) 428 final, 10 and 14.

²⁴

<<http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN020790.pdf#search=%22THE%20SEOUL%20DECLARATION%20ON%20PARTICIPATORY%20AND%20TRANSPARENT%20GOVERNANCE%22>>.

²⁵ Kempe Ronald Hope, "The UNECA and Good Governance in Africa," <www.uneca.org/eca_programmes/development_policy_management/Hope_Harvard.doc> (4-5 April 2003).

21. Forging stronger ties with civil society is regarded as a major measure for strengthening UN systems as well. The report of the Panel of Eminent Persons on UN-Civil Society Relations (the Cardoso Report) advised the UN not to confine its decision-making processes to governments but to open its discussions to input from civil society groups and the private sector. The report also recommended the General Assembly to include civil society organisations more regularly in its affairs.²⁶ Responding to this recommendation, the UN General Assembly, a platform traditionally involved only member states, held its first hearings with civil society in June 2005.²⁷

B. The World Bank

22. The World Bank regards participation as a “process through which stakeholders influence and share control over priority setting, policy making, resource allocations and access to public goods and services.”²⁸ World Bank programmes that directly involve civic engagement fall into following areas:

- Information dissemination: Provision of information is a precondition to citizen empowerment and public participation. Effective civic engagement requires that information be provided in a timely manner and in language that the target audience can understand easily. The World Bank has developed a consistent information disclosure policy that makes operations of the Bank more transparent.
- Consultation: Providing an opportunity to voice opinions and information and listening to those who are supposed to benefit from Bank-financed projects and consultation is essential for getting the design right, for

²⁶ UN News Centre, “UN should forge stronger ties with civil society, Deputy Secretary-General says,” <<http://www.un.org/apps/news/storyAr.asp?NewsID=12124&Cr=general&Cr1=assembly>> (4 October 2004). However, some recommendations of the Cardoso Report, such as increased civil society dialogues with the Security Council and the appointment of a senior UN official to promote engagement with civil society, are still under discussion. See Juan Sumavia, “Civil Society and the Security Council,” <<http://www.globalpolicy.org/security/docs/somavia.htm>> (29 April 2006). Also see “United Nations: The relationship between Member States and Civil Society, including non-governmental organisations” (Report to the 60th UN General Assembly), <<http://www.globalpolicy.org/ngos/int/un/access/2006/0901ngoresponse.htm>> (5 July 2005).

²⁷ UN News Centre, “General Assembly set to hold first-ever hearings with civil society groups,” <<http://www.un.org/apps/news/storyAr.asp?NewsID=14719&Cr=general&Cr1=assembly#>> (22 June 2005).

²⁸

<<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20507658~hlPK:1279660~menuPK:1278231~pagePK:148956~piPK:216618~theSitePK:410306,00.html>>.

mobilising public support for implementation, and for ensuring that the project or reform is sustainable over time. The World Bank has invested much effort in soliciting perspectives from citizens on sector strategies and Country Assistance Strategies.

- Participation: Stakeholders actively participate in the design, implementation, monitoring, and evaluation of Bank-financed activities.²⁹ This is the Bank's most intensive form of engagement with civil society.
- Facilitation: The World Bank facilitates dialogue and partnership between civil society and governments by providing resources, training, and technical support; it often convenes discussion sessions. The process of formulating country poverty reduction strategies demonstrates this type of engagement.³⁰

23. The World Bank holds that social accountability is an approach towards building accountability that relies on civic engagement. Social Accountability mechanisms should be in place to make it possible for citizens, communities, and CSOs to hold government officials and bureaucrats accountable. These mechanisms include citizen participation in public policy-making, participatory budgeting, public expenditure tracking, citizen monitoring of public service delivery, citizen advisory boards, lobbying, and advocacy campaigns.³¹

C. OECD

24. As policy-making in all OECD countries rests basically on the foundation of representative democracy, many of them have longstanding traditions of extensive citizen involvement. All OECD countries are encouraged to further strengthen government-citizen relations in policy-making through the building of legal, policy, and institutional frameworks in which access to information is regarded as a basic

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<<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTECAREGTOPSOCD EV/EXTECAREGTOPNGOCIVSER/0,,contentMDK:20845304~menuPK:2357163~pagePK:3400417 3~piPK:34003707~theSitePK:710361,00.html>>.

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<<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20093200~menuPK: 220424~pagePK:220503~piPK:220476~theSitePK:228717,00.html>>.

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<<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCE NG/0,,contentMDK:20509424~menuPK:1278120~pagePK:148956~piPK:216618~theSitePK:410306, 00.html>>.

condition, consultation is central to policy-making, and active participation is strongly encouraged.³²

25. In fact, making information available to citizens is now an objective shared by all OECD countries. The scope, quantity, and quality of the information governments provide for the public have increased greatly over the past decade. The trend of adopting access-to-information laws has gained steam in recent years. By the end of 2000, more than 80 percent of member countries had legislation providing access to information, also known as freedom of information laws. All provide access to documents held by public authorities and appeal mechanisms in cases of refusal.

26. Consultation, however, has only recently been recognised as an essential element of policy-making in the majority of OECD countries, and the legal, policy, and institutional frameworks necessary to translate this into reality are still under development. Some OECD countries rely on rules, such as cabinet orders, guidelines, standards, and informal practice when conducting public consultation. Several OECD countries have long-standing institutional arrangements for certain forms of consultation, such as tripartite forums of government, business, and labour. Many have established permanent or ad hoc advisory bodies and commissions that include CSOs. With respect to active participation by the public at large, however, only a few OECD countries have begun to explore such approaches, and experience to date is limited.³³

27. All governments in OECD countries provide an increasing amount of information online via government websites and portals, although the quantity, quality, and range vary greatly. However, the use of ICTs such as online discussion groups and interactive games for feedback and consultation is still in its infancy in all OECD countries.³⁴ Most governments in OECD countries recognise the potential of the Internet and are working to bridge the “digital divide” in order to ensure that all citizens enjoy equal rights of participation in the public sphere.

³² OECD, “Engaging Citizens in Policy-making: Information, Consultation and Public Participation,”

3.

³³ Ibid., pp. 2–3.

³⁴ Ibid., p. 3.

D. European Union

28. In light of the decision to involve more people and organisations in the policy-making process, relations between the European Commission and civil society have become more formalised and transparent. In 2001, the European Commission adopted *Communication on Interactive Policy Making*, which aims to improve governance by using the Internet for collecting and analysing reactions that will then be used in the EU's policy-making process. The Interactive Policy Making Initiative involves the development of two Internet-based mechanisms: a consultation mechanism and a feedback mechanism. The Commission has also adopted a set of general principles and minimum standards for consulting non-institutional interested parties on major policy initiatives since 2003. The minimum standards clearly stipulate the content of consultation process, the consultation target groups, requirements on publicity, time limits for participation, and acknowledgement and feedback. Corresponding measures include providing information via Internet access portals, targeting online services toward specific sections of civil society concerning particular issues, connecting with networks, and so forth.³⁵

IV. Experience of Individual Countries with Civic Engagement

29. Civic engagement is not a practice restricted to western countries and a few supranational organisations. It can be found nowadays in dozens of countries in South America, Asia, and elsewhere. For reasons for space, this section offers only a brief introduction to three countries that have had unique experience in civic engagement, namely, Canada, South Korea, and the United Kingdom. Canada has rich experience in both government-initiated and citizen-initiated engagement. South Korea's vibrant civil society has been vigorously involved not only in the country's democratic movements, but also in subsequent political and economic reforms. The government of the United Kingdom has introduced a wide range of measures to enhance public engagement and the effectiveness of consultation. Through these examples we can glimpse the state of development of civic engagement at the national level.

³⁵ European Commission, *Report from the Commission on European Governance*, European Communities (2003), 7–21.

A. Canada

30. Both the Canadian government and its civil society were well aware of the importance of civic engagement in policy-making and proactively took the initiative to engage each other. In 1999, the federal, provincial, and territorial governments (except Quebec) signed the *Social Union Framework Agreement*. This calls for joint federal-provincial planning in social policy. The Agreement also acknowledges that citizens have an important role to play in shaping their society and the governments commit to “work in partnership with individuals, families, communities, voluntary organisations, business and labour, and ensure appropriate opportunities for Canadians to have meaningful input into social policies and programmes.”³⁶ In 2001, the Canadian government and the voluntary sector signed *An Accord between the Government of Canada and the Voluntary Sector*. In accordance with the provision of the *Accord*, the *Code of Good Practice on Policy Dialogue* was prepared to provide a tool for deepening the dialogue between the two sides at the various stages of the public policy process. As set out in the *Code*, voluntary sector organisations are expected to play a valuable role in the course of policy formulation, including: issue identification, agenda-setting, policy design, implementation, monitoring, and impact assessment. To enhance the quality of policy dialogue, the *Code* also provides different sets of good practices for the government and for the voluntary sector.³⁷ (See Chapter 8)

31. Since the 1990s, the Canadian government has reached out to the public in organised and well-defined ways to facilitate effective policy-making. It called for extensive public consultation and recommendations to tackle longstanding problems of immigration and the countrywide healthcare system. With the constructive participation of civil society, the government was able to grasp public perceptions of the problems as well as public preferences with regard to policy options. Canadian CSOs have also attempted, to varying degrees of success, to engage governments at various levels in finding solutions for longer-term problems that affect their well-being. These have resulted in accomplishments such as the cleanup of the Tar Ponds (the largest toxic waste site in North America) and the settlement of Inuit land claims. The growing civic engagement of Canadian citizens is also demonstrated by their participation in the global arena, where they have mounted campaigns against

³⁶ Miriam Wyman, David Shulman and Laurie Ham, *Learning to Engage: Experiences with Civic Engagement in Canada*, (Albert Ottawa Ontario: Canadian Policy Research Networks Inc., 1999), 2.

³⁷ *A Code of Good Practice on Policy Dialogue* (October, 2002).

the *Multilateral Agreement on Investment* and opposed the merger of major Canadian banks.³⁸

B. South Korea

32. The civil society of South Korea is strong and vibrant and has actively participated in major internal political affairs for half a century. Its involvement in the pro-democracy movement successfully transformed the nation from authoritarian rule to democracy in the 1980s, and it has continued to play an important role in the politics of democratic consolidation over the past two decades. Civil society groups have aspired to a complete transformation of South Korean society, concurrently striking for political and economic reforms. Many of these groups have joined hands to monitor the performance of legislators, prevent unfit politicians from getting elected, observe National Assembly hearings on the causes of the Asian financial crisis, promote minority shareholders' interests in the fight against the dominance of *chaebol*, and perform similar actions.³⁹

33. President Roh Moo-hyun has recognised the growing importance of responsiveness to the needs of citizens and has therefore steered his administration towards a "participatory government." His guiding policy-making principles include: trust-building, transparency and fairness, dialogue and compromise, and decentralisation of power and redistribution of resources. To enhance the accessibility, transparency, and accountability of the government, the Roh administration has upgraded online governmental functions and made use of the Internet.⁴⁰ Expansion of online participation is part of his effort to build an effective e-government. Promotional projects are underway that endeavour to increase public participation in the electronic media and activate government service use and online provision of administrative information.⁴¹ Autonomy and decentralisation are being promoted so as to reduce dependency on the central administration and promote localised decision-making. Organisational and downsizing measures and new performance management systems are also being introduced.⁴² Resources and authority have been

³⁸ Wyman, Shulman and Ham, *Learning to Engage: Experiences with Civic Engagement in Canada*.

³⁹ Sunhyuk Kim, "South Korea: Confrontational Legacy and Democratic Contributions," in *Civil Society and Political Change in Asia: Expanding and Contracting Democratic Space*, ed. Muthiah Alagappa (California: Stanford University Press, 2004), 138–163.

⁴⁰ Korean Overseas Information Services, "Policy Outline: The Participatory Government," <http://korea.net/korea/attach/D/03/81_en.pdf#search=%22roh%20moo%20hyun%20participatory%20government%22>.

⁴¹ <http://www.korea.go.kr/english/egov/AA160_service25_01.jsp>.

⁴² <http://www.mogaha.go.kr/english/jsp/sub04/sub04_01.jsp>.

dispersed to provincial and municipal governments with regard to the municipal police system, control of food products, law enforcement, educational administration, fiscal arrangement, and so forth.⁴³

C. United Kingdom

34. To build stronger government-citizen connections, the Labour administration has embarked on a series of constitutional, governmental, and institutional reforms to encourage wider public participation in policy and political decision-making. In the *Modernising Government White Paper* 1999, the UK government required the public services to listen to people's concerns, involve them in decisions about how services should be provided, be sensitive to the needs of particular groups of people or businesses, reflect people's lives, make it easy to lodge a complaint, and so forth. To this end, the Freedom of Information Act 2000 provides clear statutory rights for those requesting information and supports these rights with a strong enforcement regime. In 2000, the UK government launched a new *Code of Practice on Written Consultation* which was intended to increase the involvement of people and groups in public consultations. The revised *Code of Practice on Consultation* that came into effect in 2004 further enhanced the effectiveness of consultation. Under the new code, there are six criteria of consultation, including: consulting widely throughout the process with a minimum of 12 weeks for consultation; ensuring that the consultation documents are clear, concise, and widely accessible; giving feedback on the responses received and how the consultation process influenced the policy; and so forth. In addition, this code will be used in conjunction with the *Code of Good Practice in Consultations and Policy Appraisal*, which supports the *Compact* on government's relations with the voluntary and community sector.⁴⁴ (See Chapter 8)

⁴³ Namkoong Keun, "Innovation Dominates Korean Officialdom," *Korean Policy Review*, <<http://www.dynamic-korea.com/opinion/view.php?main=FTC&sub=&uid=200600020381&keyword=>>> (February 2006).

⁴⁴ (UK) Cabinet Office, *Code of Practice on Consultation* (September 2005).

Chapter 3

Civil Society and Civic Engagement Mechanisms in Hong Kong

I. Introduction

1. Civic engagement involves the government engaging civil society organisations (CSOs) or actors in its policy-making process. Before going into the four empirical studies of civic engagement mechanisms in Hong Kong, this chapter describes civil society in Hong Kong and summarises the main civic engagement mechanisms employed by the HKSAR government. The objective is to show how civil society has evolved and to delineate the challenges that the government currently faces in view of new developments. We hope that the background information will help situate the four cases that follow this chapter, facilitate a better understanding of the current situation and help generate improved strategies formulation in future civic engagement exercises.

2. Civil society has been active in Hong Kong to various degrees over a wide range of fields since early colonial days. Its contribution to making Hong Kong a better and fairer place is undisputable. We will start by sketching the development of civil society in Hong Kong and describing the characteristics of CSOs, as well as the main features of present-day civil society. We will then outline plausible suggestions on the constraints that may limit the growth of Hong Kong civil society in the near future. The second section depicts current civic engagement mechanisms and points out their major restrictions. In brief, the broadened concerns of civil society, the new organisation and communication methods of CSOs, and the demands that civil society be involved and not merely consulted, in policy making necessitate a more proactive, inclusive, and extensive engagement that involves both learning and deliberation on the part of all parties involved, including the government.

II. Civil Society in Hong Kong

A. Historical overview of Hong Kong civil society

3. Ever since the early colonial period, Hong Kong civil society has been vital in the city's development. In the early days, CSOs, especially welfare organisations and guilds, began to play a significant part in the daily lives of the small fishing community. Basic welfare provision was left chiefly to Chinese civic groups and

religious organisations. As the population grew, neighbourhood leaders and merchants built temples and shrines, and more and more neighbourhood associations (*kaifong*) were formed to take care of common problems. The opening of the Tung Wah Hospital in 1870 was a momentous development in Hong Kong, for not only was it the first hospital to deliver health care to the Chinese community, it also brought together a group of Chinese elites to supervise the running of the hospital. The work of the Tung Wah Hospital gradually expanded to other areas, such as providing education, saving abducted women, and helping overseas Chinese. It later became the *de facto* centre where key issues of the Chinese community were discussed and disputes settled. More importantly, the leaders of the Tung Wah Hospital became a bridge between the colonial government and the local community.⁴⁵ The founding of Po Leung Kuk in 1878 was another milestone. Like the Tung Wah Hospital, it was set up and supported by wealthy merchants. Its mission was to protect and give shelter to women who had been abducted and sold into prostitution.⁴⁶

4. Foreign religious organisations were also central welfare providers in the early colonial days. Foreign missionaries opened the Morrison Education Society School in 1842 and the Ying Wa College in 1843. The Medical Missionary Hospital of Hong Kong, opened in 1843, was the first hospital to provide Western medicine to local Chinese. A few years later, in 1848, the Sisters of St. Paul de Chartres arrived and undertook to help care for foundlings, the sick, and the elderly.

5. Commercial organisations and guilds of various trades were formed. Thirty-five years after the establishment of the western-dominated Hong Kong Chamber of Commerce, in 1896, the Chinese Chamber of Commerce⁴⁷ came into existence. Guilds proliferated in the thirty years between 1901 and 1931. Some guilds were formed to establish business regulations and codes of conduct; others fought for members' rights and had features of modern trade unions; still others operated like

⁴⁵ Elizabeth Sinn, *Power and Charity, The Early History of the Tung Wah Hospital* (Hong Kong, 1989).

⁴⁶ It is interesting to note that although Po Leung Kuk was set up to help women, it was no believer in gender equality. In fact, it was conservative and traditional, as is shown in its support of the institution of female bond servants. 冼玉儀, 「社會組織與社會轉變」, 刊於王賡武(主編)《香港史新編》上冊。三聯書店(香港)有限公司, 1997。

⁴⁷ At the beginning of the 19th century, sharp cleavages and fragmentation characterised the commercial scene. The Chinese Chamber of Commerce was unable to rise above these disagreements and was closed not long after. Sinn, *Power and Charity*, 180.

mutual benefit societies.⁴⁸ Guilds were active in promoting and defending members' interests and would even stage strikes for that purpose.⁴⁹

6. Sports and recreational organisations came into existence as well. The South China Football Association was established in 1908, followed by the Chinese Recreational Club eight years later. Both organisations played a big role in furnishing and arranging leisure activities for the enjoyment of middle-class families at the time. The Chinese YMCA (formed in 1901) and the Hong Kong YWCA (1920) were influential for introducing western, especially American, culture to the local community. In addition to sports and recreational activities, the YMCA and YWCA started various educational programmes, including commercial courses, which were relatively new to the society. Their policy of accepting Chinese members made them particularly effective in the dissemination of western ideas and values.⁵⁰

7. Supported by wealthy businessmen and foreign missionaries, the CSOs largely took responsibility for welfare provision until the early 1950s. The end of the civil war in China and the establishment of Communist China triggered an influx of refugees. Their number grew by such a large measure that it exceeded the capacity of the local CSOs to cater to their needs. Funding had to be sought abroad from developed countries, overseas relief organisations, and humanitarian aid agencies. As Hong Kong's economy took off in the 1960s, and the society was thought to have the ability to handle the well-being of its members, this foreign aid was discontinued.

8. To encourage society to solve its own problems without over-reliance on the government, the Hong Kong government was active in promoting *kaifong* associations in the 1950s. By 1960, there were about 60 of them. They provided schooling and medical services at no or minimum charge; they brought relief to victims of natural disasters; and they were regular partners of the government, especially in the areas of public education and promotion of public policies.

9. The year 1967 is often regarded as a watershed in the history of Hong Kong and had great ramifications with regard to the development of civil society. The riots in 1966 and 1967 testified to the seriousness of social frustration and conflict. To be

⁴⁸ David Faure, ed., *Society: A Documentary History of Hong Kong* (Hong Kong: The University of Hong Kong Press, 1997), 78. A list of guilds and their intended purposes can be found in Table 2.1, p. 80.

⁴⁹ Ibid., pp. 82–3.

⁵⁰ 冼玉儀, 1997, pp. 191–4.

in closer touch with society, the government began to engage in community-building processes. One effort was the launching of the City District Office (CDO) scheme in 1968. One main objective of CDO was to improve communication between the government and society, and this mainly occurred via CSOs such as *kaifong* associations and other local groups.

10. Rapid urbanisation and industrialisation in the 1970s resulted in an expansion in social welfare provision. The government not only put in more resources, it actually became the major financier of housing, health care, education, and social services. Expansion of government welfare provision was not, however, accompanied by a reduction in welfare CSOs. Although the number of CSOs has ceased to grow, it has remained relatively stable at around 1,600 to 1,700 from the mid-1970s to the early 1990s. Indeed, the government has regarded CSOs as partners in service provision, with the government providing the funding and CSOs the services. The role of welfare CSOs was basically supplementary to the Hong Kong government.⁵¹ It was largely owing to this partnership that the government was able to institute free education to all children aged 6 to 15 in the 1970s.

11. Hong Kong became such a relatively prosperous city in the 1980s that instead of receiving overseas aid, as was the case in the 1940s and 1950s, it became a funding source for international CSOs. Amnesty International, Oxfam, the United Nations Children's Fund, the Red Cross Society of Hong Kong, and others have raised money in Hong Kong for operations elsewhere in the world.

12. CSOs for sectors other than welfare also continued to be dynamic. Social activism was very much alive from the 1950s.⁵² For example, the campaign for rent control in the early 1950s sparked widespread opposition across the political spectrum from over 700 organisations and companies, as well as from the press. The first campaign for Chinese as an official language, which took place from 1964 to 1971, involved over 330 organisations with a wide variety of missions. In the 1970s, issues such as equal pay for nurses, opposition to telephone rate increases, anti-corruption, and many others also involved a considerable number of CSOs.

⁵¹ Lam Wai-fung and James L. Perry, "The Role of the Nonprofit Sector in Hong Kong's Development," *Voluntas: International Journal of Voluntary and Nonprofit Organisations* 11(4) (2000): 355–373.

⁵² The following examples are drawn from a historical account of social and political activism from 1949–1979 that appears in Lam Wai-man, *Understanding the Political Culture of Hong Kong: The Paradox of Activism and Depoliticisation* (Armonk, New York and London: M.E. Sharpe, 2004).

13. Meanwhile a sense of belonging to Hong Kong was beginning to take root. Local residents became more conscious of social and environmental issues. CSOs concerning with human rights, sustainable development, environmental protection, women's rights, minorities' rights, consumer rights, and many self-help groups were formed. Most of these groups saw their role as educators and service providers, although some of them were also vocal and engaged in policy advocacy and stakeholder empowerment.

14. The political landscape of Hong Kong since the mid-1980s has been colourful and vibrant. The Joint Declaration between the People's Republic of China (PRC) and the United Kingdom on 19 December 1984 made Hong Kong's reunification with the PRC on 1 July 1997 official. The signing of the Joint Declaration signalled the beginning of the period of political transition. During this period, political groups such as the Meeting Point, the Association of Democracy and People's Livelihood, and the Hong Kong Affairs Society were formed. In the year 1991, for the first time in the history of Hong Kong, direct elections took place in the Legislative Council. This event prompted the establishment of political parties such as the United Democrats of Hong Kong, the Democratic Alliance for the Betterment of Hong Kong, and the Liberal Party.

15. At the same time, the crackdown on the student movement in Tiananmen Square in 1989 also had great repercussions in Hong Kong. People came to see the urgent need for protecting basic rights and the rule of law, and this gave rise to CSOs such as the Hong Kong Human Rights Monitor.⁵³ Research has also found that individuals who participated in activities in support of the Beijing students in 1989 and subsequent annual memorial events were more likely to be politically active.⁵⁴ Moreover, on various occasions Hong Kong society has shown its willingness to take action to protect citizens' rights and freedoms when they are under threat.

16. On 1 July 1997 Hong Kong rejoined the PRC and became the Hong Kong Special Administrative Region (HKSAR). Unfortunately, political reunification coincided with the Asian financial crisis, from which the Hong Kong community suffered dreadfully. Faced with decreased revenue, the HKSAR government was forced to adjust its funding of various services. In 1999 the government changed its

⁵³ There is also The Hong Kong Human Rights Commission, a coalition of 11 NGOs established in March 1988, <http://www.hkhrc.org.hk/homepage/index_e.htm>.

⁵⁴ Raymond Sin-kyok Wong. "From Political Apathy to Political Activism? Changes in Political Attitudes and Participation in Post-Colonial Hong Kong." Presentation made to the Department of Politics and Public Administration, the University of Hong Kong, on 21 September 2006.

welfare funding policy and formula. The new system is akin to the market mechanism in that it emphasises efficiency and flexibility. It also allows profit-making companies to compete with non-profit organisations in bidding for provision of public services. This new system has encountered considerable opposition from traditional welfare CSOs and, as a result, has strained the relationship between welfare CSOs and the HKSAR government.

17. On the political front, the demand for universal suffrage as well as political transparency and accountability became more and more insistent after the handover. The demand was fuelled by the economic downturn and intensified by a series of policy blunders that the government stumbled into. The government was thus widely perceived to be ineffective and clueless in leading society.⁵⁵ Many CSOs stepped up their efforts in the quest for universal suffrage and political accountability. The mass media, professional organisations, human rights groups, political parties, and even religious organisations (mainly the Catholic and Protestant Churches) have all been instrumental and provided leadership in this endeavour. A by-product of this enterprise has been the bringing together of CSOs as they have collaborated in various actions.⁵⁶

18. The inability to meet political demands, the slow improvement of the economy, the lack of leadership in containing the SARS epidemic,⁵⁷ as well as unpopular public policies all aggravated public sentiment, which finally led to a protest by 500,000 people on 1 July 2003.⁵⁸ The protest can be regarded as another defining moment in the development of civil society in Hong Kong. The sheer number of protestors took society and the government by surprise. Never before in the recent history of Hong Kong have so many people demonstrated against the Hong Kong government. Although the stated objective of the protest was opposition to the proposed national security bill, it could also quite fairly be seen as a collective expression of public frustration. In the end, the protest indirectly stopped enactment of

⁵⁵ Lau Siu-kai, "Tung Chee-hwa's Governing Strategy: The Shortfall in Politics," in *The First Tung Chee-hwa Administration: The First Five Years of the Hong Kong Special Administrative Region*, ed. Lau Siu-kai (Hong Kong: The Chinese University Press, 2002), 1–39.

⁵⁶ The Civil Human Rights Front is a good example. It is a coalition of over 50 CSOs and was established in 2002 to promote human rights and the development of civil society, <<http://www.civilhrfront.org/index.htm>>.

⁵⁷ The epidemic first broke out in mid-March 2003 and caused widespread public panic. By the time it was contained at the end of May the same year, over 1,700 individuals had contracted it, of whom 299 died. The government was severely blamed for its slow reaction, confused coordination, and the lack of leadership.

⁵⁸ Joseph Y.S. Cheng, "Introduction: Causes and Implications of the July 1 Protest Rally in Hong Kong," in *The July 1 Protest Rally: Interpreting a Historic Event*, ed. Joseph Y.S. Cheng (Hong Kong: City University of Hong Kong Press, 2005).

the proposed bill.⁵⁹ Two weeks after the protest, the chief executive accepted the resignation of Secretary for Security Regina Ip.⁶⁰ That same day also saw the resignation of the financial secretary, Antony Leung, who succumbed to what had come to be called the “car-gate affair.”⁶¹ The 1 July 2003 mass rally appears to have invigorated Hong Kong civil society,⁶² for the demonstration of collective strength has resulted in a sense of empowerment.

19. Heightened political consciousness has spread to include increasing concern for other issues as well. In recent years, CSOs have individually or collectively worked on environmental sustainability, harbour protection, heritage preservation, and city development. Large-scale mobilisation and public discussion occurred on issues such as reclamation of Victoria Harbour, the Hunghom Peninsula (a housing estate built under the Private Sector Participation Scheme of the Housing Authority) case, the West Kowloon Cultural District, and the Kai Tak redevelopment project, just to mention a few. CSOs may have been only partially successful in terms of meeting some of their objectives, but their achievements in public education and consciousness-raising are unmistakable.

20. Politically, 1997 was an important year because it was then that Hong Kong shed its colonial status and was reunited with its motherland. For civil society, however, 2003 was arguably the moment that marked its awakening. The massive 1 July rally seemed to inject vigour, purpose, and a sense of hope. Since then, the demands of civil society have broadened beyond universal suffrage and group interests to include topics like sustainable development and city planning. These topics⁶³ draw activists and sympathisers from across different social and political sectors. The fact that they have become societal issues and attracted an audience suggests that a Hong Kong identity has taken root and people are no longer passive citizens contented to be told what to do. Instead, more and more Hongkongers want to

⁵⁹ Despite the demonstration, the government had no intention of withdrawing the bill. It was only upon the resignation of James Tien from the Executive Council, when the government realised that it did not have enough votes to carry the bill that it decided to delay legislation.

⁶⁰ It was made known when the chief executive announced the resignation of Secretary Ip on 16 July 2003 that the latter had submitted her resignation letter on 25 June. She resigned for personal reasons and not taking responsibility for the failure of the legislation.

⁶¹ The *Apple Daily* revealed on 9 March 2003 that Antony Leung purchased a new car ahead of the imposition of the first registration tax for motor vehicles. Leung was alleged to have been dishonest and committed tax evasion because he did not declare the purchase to relevant government bodies.

⁶² Anthony B.L. Cheung, “The Hong Kong System under One Country Being Tested: Article 23, Governance Crisis and the Search for a New Hong Kong Identity,” in Joseph Cheng, ed., *The July 1 Protest Rally: Interpreting a Historic Event*.

⁶³ To be exact, these are not new topics of interest, but they have been of interest to a much smaller group before 2003.

be part of the decision-making process, to have a say in the development of the city they belong to. Diversity in topics brings in new blood and possibly new forms of mobilisation. This represents a challenge to the Hong Kong government, for the old methods of consultation may not be as effective as they once were.

21. In short, CSOs have continued to play an essential part in social service provision from colonial times, and they have, in the present day, visibly expanded their interests to other areas. The role of the government has changed from being marginal to being the main financier of social services as Hong Kong's economy has developed. Unfortunately, greater governmental involvement has been accompanied by deterioration in the government's relations with CSOs. The partnership that developed in the early colonial days has, since 1997, given way to an uneasy relationship. Furthermore, in face of increasing social and political activism as well as higher demands for participation in the formation of public policy, the government is now confronted with a tremendous challenge—to rectify and improve its relationship with CSOs and to find new ways of engaging the society—if it wishes to achieve effective and good governance.

B. Characteristics of civil society organisations in Hong Kong

22. Hong Kong civil society can be described as robust and vibrant. CSOs are of various sorts; in fact, most social groups or interest groups in Hong Kong have CSO representation. According to one recent study, non-profit organisations can basically be classified into 14 categories: arts and culture; sports; education and research; health services; welfare services; environment; civic and advocacy; politics; law and legal services; philanthropic and intermediaries; international and cross-boundary; religion; district and community-based; and professional, industry, business, and trade unions.⁶⁴

23. In addition, these organisations are quite substantial. The study estimates that CSOs account for between 1.5 and 2.1 percent of Hong Kong's GDP, and between 4.6 and 11.4 percent of the total work force. Membership in CSOs is estimated to be in the range of 3.7 to 8.3 million.⁶⁵ About 8.2 percent of the population has done

⁶⁴ Central Policy Unit, HKSAR, PRC. *Study of the Third Sector Landscape in Hong Kong* (Hong Kong, HKSAR, 2004), <http://www.cpu.gov.hk/english/documents/new/press/3rd_content.pdf>. The term "third sector" as used in the study is synonymous to our definition of CSO.

⁶⁵ Ibid. para 78.

volunteer work for CSOs.⁶⁶ Since CSOs are a major component of civil society, we will describe the characteristics of CSOs in Hong Kong before venturing to lay out the characteristics of civil society in general in Hong Kong.

24. A systematic study of Hong Kong's CSOs conducted in 2000 has identified the following key characteristics:⁶⁷

25. ***Different roles in different periods.*** Before the 1960s most CSOs worked as poverty-relief agencies, providing a much-needed social service in a comparatively poor society. From the mid-sixties onward, as the generation of locally born Hongkongers came of age, society recorded an increase in political activity. Young Hongkongers formed various kinds of pressure groups and organised protests and initiated petitions in pursuit of a socially just society. Nevertheless, at the time CSOs constituted only a loose force at best; they by no means could hold the government in check.

26. ***Ideologically moderate.*** Only a very tiny minority of CSOs believes that Hong Kong society is corrupt beyond repair and therefore in need of fundamental change. The moderate stance may have to do with the practice of the Hong Kong government of appointing core members of CSOs to its consultative committees.⁶⁸ An unintended consequence, however, is that some CSOs are being excluded from the government establishment. This result in a dual relationship between the government and CSOs; those who were co-opted by the government are friends or will probably become friends of the government, while those left outside remain or will probably become critics of the government.⁶⁹

27. ***High degree of autonomy.*** CSOs in Hong Kong usually have a high degree of autonomy—in their formation and setting of organisational goals, operations, and activities as well as in their leadership selection and financial arrangements. Although all organised groups are required by law to apply to the Registrar of Societies for registration (unless they are granted exemption), the vast majority of these

⁶⁶ Ibid. para 97.

⁶⁷ The study was conducted by Kuan Hsin-chi, Lui Tai-lok, and Chan Kin-man of the Chinese University of Hong Kong. 陳健民，「利益團體與公民社會」，即將刊於鄭宇碩編《政治學新論》。

⁶⁸ Kuan et al.'s 2000 study discovered that the core members of 40.6 percent of the organisations in their survey had been appointed to various consultative committees. See *ibid.* p.8, note 5.

⁶⁹ Lui Tai-lok, Kuan Hsin-chi, Chan Kin-man, and Sunny Check-wah Chan, "Friends and Critics of the State: The Case of Hong Kong," in *Organizing Between Family and State: Non-Governmental Organisations, Globalisation and Political Change in Asia*, ed. Robert Wellner (New York: Routledge, 2005).

applications are accepted. In the period from 1998 to 2004, 98.6 percent of all applications were either approved or exempted from registration.

28. *Small in size.* The 2000 study found that 28.6 percent of CSOs had less than 100 members, 32.6 percent had between 100 and 499 members, and 36.9 percent had over 500 members. This is consistent with the view that Hong Kong does not produce enthusiastic joiners of social organisations, a conclusion supported by the finding of another survey that a high proportion of the respondents (57.6 percent) claimed not to belong to any social organisations.⁷⁰

C. Characteristics of civil society in Hong Kong

29. The characteristics of civil society in Hong Kong are outlined in the Civil Society Index (CSI) report,⁷¹ one of the most comprehensive accounts in recent years. The study, which follows the framework laid out by the international organisation CIVICUS, examines civil society in terms of four dimensions: structure, environment, values, and impact.

30. The *Structure* dimension is concerned with the internal structure of civil society, its make-up, size, and compositions. The *Environment* dimension captures the extent to which the environment facilitates the operation and development of civil society. The *Values* dimension tracks how much civil society practices and promotes important values, such as democracy, transparency, tolerance, non-violence, gender equity, poverty eradication, and environmental protection. The *Impact* dimension evaluates how active and successful civil society is in achieving certain goals, including influencing public policy, holding the state and private corporations accountable, responding to social interests, empowering citizens, and meeting societal needs.

31. *Structure* is the weakest of the four dimensions. Hong Kong appears to be rather unenthusiastic about giving, volunteering, and joining organisations. Furthermore, civil society organisations are found to have fairly poor communication

⁷⁰ Joseph Chan and Elaine Chan, "Charting the State of Social Cohesion in Hong Kong," *The China Quarterly*, 198 (September 2006): 635–658.

⁷¹ See Joseph Chan, Chua Hoi Wai, Elaine Chan, Chan Kam Tong, and Chan Kin Man. *The Hong Kong Special Administrative Region: A Vibrant but Loosely Organised Civil Society*. CIVICUS Civil Society Index Report for the Hong Kong Special Administration Region, PRC (2006).

with each other and to suffer from inadequate resources.⁷² The *Environment* of civil society in Hong Kong is neutral. Civil society appears nervous about the protection of certain basic rights and freedoms. Equally worrying is the finding that levels of public trust, tolerance, and public spiritedness are perceived to be low. Furthermore, the relationship between civil society on the one hand, and the government, as well as the private sector on the other, is at best indifferent but sometimes uneasy. The *Values* dimension is one of the stronger aspects of civil society in Hong Kong, for basically CSOs promote all and practice most of the values of democracy, transparency, tolerance, non-violence, gender equity, poverty eradication, and environmental protection. The *Impact* of civil society in Hong Kong is deemed to be moderate. The CSOs are fairly effective in responding to societal needs and play an important role in informing and educating citizens. They enjoy various degrees of success in public agenda-setting and policy advocacy, particularly in the fields of the environment and city planning, but less so in welfare or in arts and culture. They are also much less successful in their attempts to hold private corporations accountable.

32. According to the CIVICUS report, civil society in Hong Kong can be described as vibrant but loosely organised. It is vibrant because it actively seeks to influence the public agenda and it strives to respond to social needs and empower minority groups. It is loosely organised because most civil society organisations appear to operate on their own, getting little help from umbrella organisations and receiving insufficient infrastructural support.

D. Limitations

33. On the whole, civil society in Hong Kong has been, and still is, vibrant and robust. The number of CSOs is increasing steadily. Their work has become more pluralistic—it has expanded from poverty relief and service provision to public education and advocacy. Its impact is felt in other areas as well, including cultivation of values, empowerment of disadvantaged groups, the shaping of the public agenda, and establishing a common vision of the goals of society. Despite these apparent positive signs, however, the following factors may constrain further development of civil society in Hong Kong.

⁷² The CIVICUS framework of civil society focuses on traditional CSOs with membership, face-to-face interaction, and participation. It overlooks the type of organisation that characterises the new social movement that we discuss later in this chapter. Because the Civil Society Index (CSI) is a cross-national research tool, for the purposes of comparability, the Hong Kong CSI research followed the framework closely. As a consequence, the CSI depiction of Hong Kong civil society does not include characteristics found in the new social movement organisations.

34. ***Shortage of resources.*** The government has been a major funder of CSOs. Since insufficient resources is a common problem of CSOs, they need to explore other forms of funding. Society as a whole could help alleviate the resource problem, both in monetary and human terms, but the levels of donation and volunteering, as well as participation in CSOs, are not very encouraging.

35. ***Over-dependence of some CSOs on public funding.*** The vast majority of service provision CSOs is heavily subsidised by the government. Over-dependence on public funding has three plausible adverse effects on the development of civil society. First, some CSOs will be overly prudent about their programmes in order to maintain a good relationship with the government. Second, competing for funding from a common source creates a certain level of mistrust among CSOs. Third, the government has control over what types of CSOs and what types of activities that it wants to promote or discourage by rewarding compliance and punishing defiance.⁷³

36. ***Limited support from the business sector.*** The business sector is generally indifferent to the work of CSOs except for business-related ones. Donation is probably the most common mode of business involvement in civil society in general. Setting up a volunteer team, or giving institutional support to encourage employers to volunteer or become involved in community affairs is still rare. Corporate social responsibility is only just being introduced.

37. ***Low level of transparency and public accountability.*** While CSOs are accountable to their donors, they have yet to accept the idea that they are also accountable to the public. Many CSOs do not release important information about their organisation, including financial statements, major sources of income, salaries of top management, and employment size. Such practices may alienate potential donors and hold off prospective volunteers, and they do not encourage the building of public trust.

38. ***Inadequate cooperation among CSOs.*** CSOs tend to want to work independently of each other. Cooperation is often short term and confined to certain issues. There are few umbrella bodies or federations to represent individual CSOs, to build common platforms, and to facilitate dialogue among CSOs.

⁷³ This is the corporatist characteristic of the “statist-corporatist regime” of Hong Kong’s non-profit regime as described in Eliza W.Y. Lee, “Nonprofit Development in Hong Kong: The Case of a Statist-Corporatist Regimes” *Voluntas: International Journal of Voluntary and Nonprofit Organisations* 16(1) (2005): 51–68.

39. ***Limited dialogue with the government.*** The relationship between the government and the CSOs has deteriorated since the economic slump at the turn of the millennium. The emphasis on performance measurement and the adoption of market principles has antagonised a large number of government-supported CSOs, further increasing distrust between the two sectors. Moreover, members of CSOs often feel slighted in the policy-making process as their participation is no longer regular and their suggestions seem to have lesser value. As CSO umbrella organisations are not common, it is hard for the government to ascertain the overall views of CSOs.

40. ***Political strife may hamper collective action.*** Disagreement about the pace of democratisation among different political camps sometimes spills over into other areas, making it difficult for different camps to cooperate. It also makes mobilisation for collective action much more onerous and arduous.

41. ***Outdated non-profit laws.*** The non-profit laws currently in force are out-dated when juxtaposed against those of countries with comparable levels of economic development. For example, tax exemption for “non-profit-making” or “voluntary” organisations is applicable only to organisations working in the areas of poverty relief, education, religion, or causes “beneficial” to the community. For various reasons, contributions to advocacy groups are usually not eligible for tax exemption.

E. Looking ahead: the development of civil society in Hong Kong

42. A series of strategies is needed to overcome the above constraints. In the short term, the non-profit laws could be updated to better reflect the characteristics of a pluralist society. In the medium term, CSOs could try to broaden their sources of funding and develop mechanisms of public accountability. Also, the idea of a tripartite partnership between the government, the business sector and CSOs could be further strengthened. In the long run, changes will have to be made in the value system to accentuate the importance of social justice and need for long-term commitment to civil society.

43. Notwithstanding the many challenges faced by the civil society, and particularly welfare CSOs in Hong Kong, recent happenings suggest that civil society still exhibits high levels of energy. Demands that civil society has a say in the development of Hong Kong are getting louder and more frequent, particularly since

2003. The West Kowloon Cultural District, the Kai Tak development, protection of Victoria Harbour, and preservation of historical buildings like Kam Tong Hall and F Hall of Victoria Prison are well-known examples. The latest prominent instance was the attempt to block the demolition of the Star Ferry Pier in December 2006. To facilitate the building of the road network in the central reclamation area, the Star Ferry Pier was to be moved to a nearby site and the original one torn down. Although the authorities claimed to have consulted with various groups and received no objections,⁷⁴ protests picked up steam as the time of the demolition drew closer. Just days before, protestors began to camp out at the pier where a few started a hunger strike. Eventually, a dozen of them were forcibly removed by the police as the clock tower was being pulled down. That individuals were able to get together to stage the protest and that some were even willing to take strong action show that members of Hong Kong's civil society are no longer passively accepting decisions made for them.

44. The Star Ferry Pier protest made obvious the acute blind spots in the government's advisory or consultative mechanisms. Informing the Legislative Council's Panel on Planning, Lands and Works that consultations had been conducted on the repositioning of the pier, it transpired that the government has almost exhausted the most commonly used methods of collecting public opinion. The government received no objection to the Outline Zoning Plan (OZP) when it was available for public inspection in February 2002. Legislators sitting on the relevant panel did not raise any objection when they were briefed on the engineering works related to the project. The Antiquities Advisory Board (AAB) did make a few suggestions, but it did not oppose to the demolition of the pier. The Central and Western District Council was briefed on two occasions (in March 2000 and March 2002) of the proposed relocation of the pier and the design of the new pier, and again raised no objection.⁷⁵ The fact that there was still a large outcry and an attempt to halt the demolition of the pier raises serious doubts about the traditional understanding of public consultation and the effectiveness of the conventional means for doing it. It is worth noting, however, that these consultations were carried out before 2003, and could not have taken into account the rise in public consciousness and sense of empowerment that became apparent since then.

⁷⁴ The government claimed to have conducted consultations through the Town Planning Board and the Central and Western District Council in early 2002. See "LEGISLATIVE COUNCIL PANEL ON PLANNING, LANDS AND WORKS: Reprovisioning of Star Ferry Pier in Central" <<http://www.legco.gov.hk/yr05-06/english/panels/plw/papers/plw0920cb1-2208-2e.pdf>>.

⁷⁵ Ibid.

45. In view of the awakening of civil society, the Star Ferry “movement” should not be regarded as a solitary incident. It is indicative of a change—the emergence of many issue- or subject-oriented small groups, the deepening of local identity, the rise of post-materialist values, fast mobilisation, information and knowledge-based participation, as well as the nerve to stand up and challenge the authorities.⁷⁶ The main organisers of these movements have stepped outside the traditional framework of organisation and mobilisation, and therefore are much less constrained by the limitations that traditional CSOs face. Such changes put the existing engagement mechanisms on crucial trial. If the public is not meaningfully engaged (and not merely consulted) in public decisions that have wide-ranging consequences, protest activity will only increase in frequency and intensity. The Star Ferry protest is only the tip of the iceberg, signalling a civil society calling for public engagement that has not yet been satisfied. If the government plans to stick to the course of social harmony, it is high time that it explores different methods of civic engagement.

III. Civic Engagement Mechanisms in Hong Kong⁷⁷

46. Hong Kong does not have the type of democracy that most western countries have adopted where society’s policy preference is reflected through popular elections of political leadership. In order to garner the community’s views and to gain policy legitimacy in a political system without universal, popular elections, the Hong Kong government has adopted various forms of public consultation. Indeed, government by consultation has been a motto and a practice of the Hong Kong government for quite some time.⁷⁸ Nowadays, in addition to consultation, which is almost a “standard operating procedure,” there are other mechanisms through which the government engages the public in its policy process.

47. The remainder of this chapter provides an overview of the most common mechanisms of civic engagement employed by the HKSAR government. Advisory

⁷⁶ Among these groups, the Internet has become a very popular platform for information exchange and opinion expression. Two particular groups were outstanding in the Star Ferry Pier protest—the Independent Media, which provides a platform for discussion on a variety of topics (<<http://www.inmediahk.net/public/>>), and the SEE Network, which focuses on sustainable development (<<http://www.project-see.net/>>).

⁷⁷ This section draws heavily from Peter T.Y. Cheung. “The Politics of Policy-making in Hong Kong Since 1997: Participation and Policy Dynamics in Comparative Perspective.” Paper presented at the 20th International Political Science Association (IPSA) World Congress, 9–13 July 2006, Fukuoka, Japan.

⁷⁸ For criticism of the advisory committees, see Norman Miners, *The Government and Politics in Hong Kong*, 5th ed. (Hong Kong: Oxford University Press, 1991), 108–111.

committees and statutory bodies, a legacy of the colonial government, are still being used. They represent the more traditional form of engagement, where only a select group of individuals is involved, although some have ventured to involve a much larger public. And like the Green Paper/White Paper system of consultation in the colonial era, the HKSAR government today still uses consultation papers to solicit public opinion and suggestions. There are also open forums, and Internet-based discussions. We will examine these forms of civic engagement with reference to the scale, scope, and style of engagement.

A. Advisory committees

48. Advisory committees are the most traditional type of “engagement” mechanism. Ever since the colonial era, the government has been inviting individuals, the vast majority being professionals and businessmen, to sit on various committees to advise the government on different policy areas. There were 50 advisory committees in 1950, and the number has increased over the years. They numbered about 300 in 1997 and grew to 375 in the year 2000.⁷⁹

49. Advisory committees usually include both official and unofficial members. Official members serve as chairpersons in most cases. All unofficial members are appointed by the government. These appointments are made mostly on an individual basis, and only occasionally on an organisational basis. Professionals make up the vast majority of these committees. In 2000, the five “traditional” professions—medicine, law, engineering, architecture/surveying, and accounting comprised 18.4 percent of all advisory committees; the tertiary education sector accounted for 16.2 percent; the school education sector, 6.1 percent; and the social services sector, 4.3 percent. Labour was grossly under-represented at 1.8 percent, an almost negligible figure, but this figure is close to the crest of labour representation since 1975.⁸⁰

50. The major function of advisory committees is, obviously, to advise the government, which may or may not agree with their views and has no obligation to take up their recommendations. Nonetheless, advisory committees are widely employed in policy-making processes. Some committees are set up to help the

⁷⁹ Hong Kong SAR Government, *Civil and Miscellaneous List 2000* (Hong Kong: Printing Department, 2000).

⁸⁰ The peak was recorded in 1995 when Labour made up 1.9 percent of all advisory committee members. See Anthony B.L. Cheung and Paul C.W. Wong, “Who Advised the Hong Kong Government? The Politics of Absorption before and after 1997,” *Asian Survey* 44(6) (2004): 881.

government develop new policy; the Education Commission and the Small and Medium Sized Enterprises Committee are two prominent examples of advisory committee that have contributed significantly to the development of policies in recent years. Other advisory committees have been set up ad hoc for the purpose of exploring possibilities relevant to a particular policy. The Advisory Committee on the Introduction of Broad-based Tax was set up in 2001 to gather views before commencement of a full public consultation. The Commission on Innovation and Technology was created by former Chief Executive C.H. Tung to collect expert opinions for policy formulation.

51. Chief Executive Donald Tsang designated the Commission on Strategic Development⁸¹ as the “most important advisory body.”⁸² In November 2005, the government announced expansion of the Commission’s role and scope. An executive committee and three others were established—the Committee on Governance and Political Development, the Committee on Social Development and Quality of Life, and the Committee on Economic Development and Economic Cooperation with the Mainland. A total of 153 members were appointed to the four committees of the Commission. The four committees meet for about two-and-a-half hours once every two months. Like other advisory bodies, the government controlled appointments to the Commission. Large memberships, domination of pro-government figures, and relatively short meeting times are all potential obstacles to the effectiveness of the Commission. To what extent the expanded Commission has been turned into an effective body for public consultation remains to be seen.⁸³

52. To address demands from the middle class for participation, the government established an Internet-based “Public Affairs Forum” in March 2005. The government invited 600 participants—businessmen, politicians, professionals, and academics—to a password-protected forum on the Internet for discussion of topics initiated by the government. An Internet-based forum affords a degree of flexibility beyond that of face-to-face meetings. Nonetheless, the Forum still faces a number of restrictions: participants are usually asked to comment on regularly released consultation papers; participants may not find the topics interesting; participation rates have been low; and officials need not respond to members’ input. These issues, if not properly attended to, will severely reduce the effectiveness of the Forum’s advisory function.

⁸¹ The Commission was established by C.H. Tung as a nonstatutory advisory body in 1998 to explore long-term development strategies. Tung himself headed the Commission, which had twelve nonofficial members. After publishing a report in 2000, the Commission ceased to be active.

⁸² Election Platform of Donald Tsang, Section II 2(a).

⁸³ Peter T.Y. Cheung. “The Politics of Policy-making.”

53. Advisory committees may be an effective way to obtain expert opinion, but they have only limited access to societal opinion as membership is restricted both in participation (strictly by government appointment) and in size. In addition, members of advisory committees participate on an individual basis. The absence of group representation implies that it is not the duty of members to seek the opinions of others, even in their own special areas. The problems inherent in these advisory committees are further compounded by the government's belief that the opinions collected in the advisory committees are comprehensive enough to handle technical issues and satisfy societal demands.

B. Statutory bodies

54. Statutory bodies are an important engagement mechanism in Hong Kong. According to a series of reports published by the Home Affairs Bureau (HAB) in 2004, there were over 200 of them.⁸⁴ Statutory bodies are made up of both official and unofficial members, all of whom are government-appointed. The chairperson is normally an official member. While some of these statutory bodies also have advisory commitments,⁸⁵ to the extent that they enjoy executive functions, they are more powerful than advisory committees. In a review of public sector advisory and statutory bodies, the HAB grouped statutory bodies into seven categories based on legal and functional criteria. They include: advisory bodies, non-departmental public bodies, regulatory boards, appeal boards, trusts, public corporations, and miscellaneous boards and committees.⁸⁶ The functions they serve are broad and wide-ranging, from adjudicating on appeals—such as the Administrative Appeals Board and the Immigration Tribunal—to public corporations—such as the Airport Authority.

55. Among the types of statutory bodies identified by the HAB, one particular type—non-departmental public bodies—is worth special mention. They are “non-commercial organisations set up to deliver services to the public at arm's length from the government.” Examples are the Consumer Council, the Hong Kong Productivity Council, the Hospital Authority, the Housing Authority, and the Town

⁸⁴ HAB (Home Affairs Bureau), *Three Progress Reports [a-c] and Twelve Interim Reports [d-o]—Review of Advisory and Statutory Bodies* (Hong Kong: Home Affairs Bureau, 2004a-o).

⁸⁵ Ian Thynne, “Statutory Bodies as Instruments of Government in Hong Kong: Review Beginnings and Analytical Challenge Ahead,” *Public Administration and Development*, 26 (2006): 45–53.

⁸⁶ HAB, *Review of the Role and Functions of Public Sector Advisory and Statutory Bodies — Consultative Paper* (Hong Kong: Home Affairs Bureau, 2003). See also Thynne, “Statutory Bodies.”

Planning Board. The Town Planning Board is chiefly responsible for town planning in Hong Kong. The Hospital Authority manages all public hospitals and clinics in Hong Kong, and advises the government on the public need for hospital services and the resources necessary to meet these needs. The Housing Authority is responsible for formulating and implementing public housing programmes. These statutory bodies deal with issues that have far-reaching ramifications in the lives of the people. More importantly, these organisations are empowered to make binding decisions that the government has to follow.

56. Like most advisory committees, membership in statutory bodies is by government appointment only. Most statutory bodies work the same way that advisory committees do; that is, most members participate on an individual basis, and statutory bodies do not assiduously engage a wider public to seek outside views. There are, however, some differences between the two. Some statutory bodies adopt a more open approach; for example, most Town Planning Board meetings are now open to the public, and when the Board considers development applications, it usually consults the relevant district councils. Furthermore, new statutory plans and amendments to existing statutory plans are available for public viewing for two months, and the public can file “representatives” (either supportive or adverse) to these new plans. The Board posts its decisions on its webpage. Probably because of their statutory status and executive power, statutory bodies appear more open and transparent than advisory committees.

C. Public consultation exercises

57. Like colonial government’s Green Paper/White Paper system of consultation, the HKSAR government issues consultation papers to draw out people’s concerns and preferences.⁸⁷ In the three years from 2003 to 2005, the HKSAR government conducted 70 public consultation exercises.⁸⁸ Following the publication of a consultation paper, there will be a publicity campaign in print and electronic media to announce the proposed policy or plan, and officials will go on air to introduce the policy or plan and answer questions. Usually, public forums will be organised, and an electronic address will be created for the purpose of collecting public views. It is the government that leads consultation exercises; it sets the agenda, scale, and scope of

⁸⁷ Although the HKSAR government has not publicly abolished the Green and White Papers system, it has never used them. See Ian Scott, *Public Administration in Hong Kong: Regime Change and its Impact on the Public Sector* (Singapore: Marshall Cavendish Academic, 2005), 217.

⁸⁸ Peter T.Y. Cheung, “The Politics of Policy-making.”

consultation, and it has the liberty to choose to provide feedback to views collected. Consultation exercises are used because it is presumed that people will learn about the proposed policy, and if they have views to voice out or suggestions to make, various designated channels are available.

58. Unlike the engagement sought through advisory committees and most statutory bodies, public consultation exercises can potentially reach the entire community, which is the target of consultation. However, this mode of consultation has its own limitations,⁸⁹ the most notable being the fact that the decision to put a proposed policy forward for public consultation as well as the scope and extent of consultation is often up to the relevant policy bureau, and it can vary from one policy bureau to another. There appears to be no clear set of criteria as to what proposed policies or plans should undergo public consultation. It would seem that policies which affect the community extensively or which may be contentious would merit public consultation. And this was the case with the legalisation of betting on soccer. However, a system with such broad implications as the Principal Officials Accountability System (POAS)⁹⁰ did not undergo public consultation exercise. At the moment there are no guidelines and decisions to conduct public consultation rest entirely with the government.

59. Another major limitation of public consultation exercises has to do with the impact of such exercises on policy making. People can voice out their opinion through the media or make written submissions to the government, but it is never clear how much public input counts. When consultation involves the entire community, it would seem that the government owes the public an explanation about its final decision, particularly when its decision goes against the general public view or when the public is divided on the subject. Still another shortcoming is deficiencies in learning and deliberation. Consultation exercises usually do not allow for in-depth, small-group discussions either between government officials and citizens or among citizens themselves. On a more general level, the interaction between the government and civil society is not sufficient to facilitate communication or the understanding of the issues or of the difficulties that each party faces. And this does not even address the synergy and creativity that good communication can produce.

⁸⁹ Ibid.

⁹⁰ POAS was introduced on 1 July 2002 and is arguably the most important political reform since the establishment of HKSAR. Because principal officials are politically appointed and not career civil servants, POAS practically ended the tradition of government by civil servant that had been in use during the colonial era.

D. Public engagement processes

60. The past few years have witnessed a number of large-scale public engagement processes that were carried out by the government, advisory committees, or statutory bodies. Public engagement processes may be conducted in different stages, and often include exhibitions, public forums, focus meetings (to discuss a particular item of concern), community workshops, etc. The purpose is to provide a platform open to all interested individuals and stakeholders to have face-to-face interaction and discussions. Thus, an individual may not have the chance to take part in advisory committees and statutory bodies, but any individual who cares enough to express an opinion can do so during public engagement processes. In contradistinction to consultation exercises, public engagement processes involve a larger number of the public and issues are discussed in greater depth. Also, unlike public consultation, where there is little dialogue between the government and interested individuals or stakeholders and among interested individuals or stakeholders themselves, public engagement processes allow the government, stakeholders, and interested individuals to meet face-to-face and make communication between them easier.

61. Two prominent examples were carried out by the Council for Sustainable Development (CSD) and the Harbour-front Enhancement Committee (HEC). Both CSD and HEC are advisory bodies, but unlike their more traditional counterparts, they have sought to reach farther out to society. The CSD was established in 2003; it reports directly to the chief executive. It seeks to promote and develop strategies for enhancing sustainability. The HEC was established in 2004 in response to the rising aspirations of the community to protect Victoria Harbour. The engagement processes undertaken by these two groups will be analysed in greater detail in subsequent chapters of this report. Suffice it to say here that both have employed very thorough engagement exercises.

62. Environment Impact Assessments (EIAs) are another public engagement exercise that is worth mentioning, not so much for the scale of public engagement as for the transparency of the process. An EIA is statutory for designated projects in both the public and private sectors; it is intended to identify potential environmental impacts of projects while they are still in early planning stages.⁹¹ Proposed works that are undergoing EIA processes may not engage as sizable a public as the CSD and HEC. However, the EIA process is highly transparent.⁹² It is stipulated by law that

⁹¹ For information on EIAs, see <<http://www.epd.gov.hk/eia/eindex.html>>.

⁹² For the principles of EIAs, see <<http://www.epd.gov.hk/eia/hb/materials/GN1.doc>>.

documents concerning an EIA are to be made available for public inspection. Moreover, the public is allowed to file objections at all stages of the EIA process, from the initial stage when EIA Study Briefs are approved, to the final approval of the EIA Reports and the EIA Permits.⁹³ Easily accessible information and a high degree of transparency in the EIA process make public participation much easier.

IV. Conclusion

63. Each form of engagement has its own strengths and weaknesses. While those with limited public participation and small membership may better tap expertise and promote mutual trust between government officials and members, they may overlook or misinterpret public sentiments, not to mention the fact that they ignore rising public aspiration to have a say in matters that will affect daily lives. Consultation papers provide a formal channel for public opinion to reach the government; however, they tend to solicit only the views of those who feel strongly about the issues concerned. Public engagement processes are being increasingly employed, particularly since 2003. The extent of public involvement in these processes is the highest among those discussed in this chapter. At the same time, the amount of human and material resources is also the most demanding.

64. The year 2003 marked the awakening of civil society in Hong Kong. Since then, it has been effervescent with purpose and energy across many fields on issues that may not have roused much interest in society in the past. In particular, topics related to the environment, culture, sustainable development, and city planning find themselves more and more on the public agenda. These topics reflect a change in the materialist and development values that have long dominated Hong Kong society. Side by side with these values, there are now emerging post-materialist values that put more weight on the environment, quality of life, and civil rights.⁹⁴ Furthermore, there is a proliferation of new groups whose organisation and mobilisation methods are different from their established counterparts. They tend to be small, loosely organised,

⁹³ For example, the Environmental Protection Department is now inviting comments to an EIA report regarding a wind turbine pilot demonstration project proposed by a joint venture company. See <http://www.epd.gov.hk/eia/register/report/eiareport/eia_1242006/html/index.htm>.

⁹⁴ Ronald Inglehart. *The Silent Revolution: Changing Values and Political Styles Among Western Publics*. (Princeton, NJ: Princeton University Press, 1977).

issue-based, and have little qualms about using civil disobedience when they deem it necessary.⁹⁵

65. Many protests and outcries in Hong Kong since 2003 have displayed characteristics of what scholars call “new social movements.”⁹⁶ They relate more to cultural or symbolic issues about the Hong Kong identity than to expressions of economic grievances. The groups that take the lead are usually loosely organised and diffused. They challenge the dominant norms or authorities through dramatic display, and include civil disobedience in their strategies. They are “hidden networks” in the sense that their concern is fused with their collective identity and therefore constitutes part of their daily lives; and these networks come into open only when specific issues arise. Their actions are, in contrast, highly visible.⁹⁷ Their concerns (identity rather than economic matters), their organisation (loose and submerged rather than clear and open), and their style of action (dramatic display and civil disobedience) make the traditional mode of engagement, which relied heavily on consultation and advisory committees, seem obsolete. Because the traditional mode of consultation is passive in receiving public opinions and restrictive regarding those from whom advice is sought, it does not suit the sort of organisation and style of new social movement groups. These traditional modes of consultation are therefore unable to effectively collect social sentiment. A more successful method should be proactive, inclusive, extensive, and should include learning and deliberation. Public engagement has characteristics that promise to deliver these desired results, and is therefore potentially an improvement over the traditional mode.

66. As civil society in Hong Kong expands and seeks a greater say in matters of societal consequence to the inhabitants, the HKSAR government needs to go beyond seeking advice from small groups of experts and engage the public in policy processes. Reflecting on the Star Ferry pier protest, Chief Executive Donald Tsang said, “So we have to reach out and we have to be prepared that there will be minority views.”⁹⁸ The art is to strike a balance and to find methods of public participation acceptable to both the government and civil society.

⁹⁵ For the characteristics of these groups and their causes they champion, see 鄭依依 《喊停的女子》 明報 2007 年 1 月 10 日；黃世澤 《社群的能動性》 明報 2007 年 1 月 11 日。

⁹⁶ Hank Johnston, Enrique Larana, and Joseph R. Gusfield. “Identities, Grievances, and New Social Movements,” in *New Social Movements: From Ideology to Identity*, eds. Enrique Larana, Hank Johnston, and Joseph R. Gusfield (Philadelphia, PA: Temple University Press, 1994).

⁹⁷ Alberto Melucci. “A Strange Kind of Newness: What’s ‘New’ in New Social Movements?” in Larana, Johnston, and Gusfield, eds., *New Social Movements*.

⁹⁸ Chris Yeung and Linda Choy, “Few regrets, but great ambitions,” *South China Morning Post*, 25 January 2007.

Chapter 4

Arts and Culture Policy: The Case of Management of Venues for Performing Arts

I. Overview of Policy Issues in the Arts and Culture

A. Policy issues and institutions

1. Culture is concerned with the nurturing and expression of ideas and creativity through which self-actualisation is attained and self-identity developed. Culture connotes a variety of activities, from the mundane to the spiritual, and is multifaceted. At the high end culture pertains to the nurturing of an inner quality, the promotion of particular ideologies, and the development of critical thinking; at a more operational level culture concerns the nurturing of artistic appreciation and expression, and the promotion of high culture professional art forms; at the low end culture concerns the provision of artistic programmes and performances for recreational consumption. The question of how the arts and culture should be understood and defined in cultural policy, and how government should govern, manage, and promote the arts and culture, has underlined major policy debates in cultural policy in Hong Kong and elsewhere.

2. In Hong Kong, the development of the arts and culture has been undergirded by colonial governance. Colonial rule is characterised and perhaps sustained by minimal interaction between the colonial government and the colonised society. In Hong Kong, such a colonial logic was manifested in the governing principles of *laissez faire* and positive non-interventionism. The colonial government focused on providing the necessary institutional, human, and physical infrastructure for business and economic development. In other policy areas such as the arts and culture, selective interventions were made only when they were deemed necessary for maintaining political stability and the colonial rule.

3. It was not until 1980 that the colonial government in Hong Kong established the Recreation and Culture Branch in the Government Secretariat to coordinate the formulation of the arts and cultural policy. In fact, the colonial government all along refused to stipulate a specific arts and cultural policy. The government's stance was that, given Hong Kong was a free and pluralistic society, the government should not proactively impose an official definition on the arts and culture, let alone a blueprint for its development. Instead, the government claimed to play the role of a facilitator

by providing a facilitating environment for artistic expression. Some, however, criticised the government for lacking vision and direction in its cultural policy, accusing the government of believing “the best cultural policy is no cultural policy”.

4. The non-existence of a specific arts and cultural policy, however, does not mean that the colonial government had no control or influence on the development of the arts and culture in Hong Kong. On the contrary, the government’s presence and influence in the arts and culture was conspicuous, mainly in the form of substantial resource inputs in sponsoring arts groups, training talent in particular art forms, organising artistic performances, and providing performance venues. The ways in which the resources were used and allocated, advertently or not, has been an important factor shaping the development of the arts and culture in Hong Kong. For instance, government funding and sponsorship were mainly focused on professional “high culture” art groups, with performance excellence being the aspired goal. Avant-garde art groups, on the other hand, received relatively little support. Critics have argued that such a funding pattern has steered the development of the arts and culture in the direction of artistic consumption, and stifled the sector’s diversified development. In Hong Kong, the arts and cultural policy was formulated and implemented not by decree but through the numerous administrative decisions concerning resource allocation.

5. The colonial legacy left its mark on the arts and culture sector after the return of sovereignty of Hong Kong to China in 1997; many issues of policy debate in the Hong Kong Special Administrative Region (HKSAR) have their roots in the colonial governance. In a paper prepared by the Home Affairs Bureau (HAB) to the Legislative Council in April 2006⁹⁹, the HKSAR government laid out the major elements of its arts and cultural policy. Differentiating culture with a three-tier scheme—everyday life culture, high culture, and spiritual culture—the government clearly stated that its policy focus was on high culture. Positioning itself as a facilitator, the government’s arts and cultural policy was said to be guided by four principles, namely (1) respect for freedom of creation and expression, (2) provision of opportunities for participation, (3) encouragement of diversified and balanced development, and (4) provision of a supportive environment and conditions. These four principles are based upon the six principles proposed by the Culture and Heritage Commission (CHC) in its Policy Recommendation Report submitted to the

⁹⁹ Home Affairs Bureau, *Hong Kong’s Cultural Policy* (Hong Kong: Home Affairs Bureau, 2006), <<http://www.legco.gov.hk/yr05-06/english/panels/ha/papers/ha0407cb2-1609-1e.pdf>>.

government in 2003,¹⁰⁰ that is, to be “people-oriented” while incorporating “pluralism” and “freedom of expression and protection of intellectual property”, taking a “holistic approach”, building a “partnership”, and being “community-driven”. The four principles are very similar to the basic premise of the cultural policy of the colonial government; perhaps the only difference is that the HKSAR government is more explicit about its limited role and pragmatic orientation than its colonial predecessor.

6. While the four principles lay out the general orientation of the government’s arts and cultural policy, they have stopped short of providing concrete answers to questions left unresolved in the colonial era. Specifically, four issues have dominated the policy agenda in the arts and culture in the HKSAR:

- The appropriate institutional infrastructure for the governance and management of the arts and culture: While the government and the arts and culture sector agree that the development of the arts and culture should be community-driven and people-oriented, it is not clear as to what kind of institutional arrangement for the management of the arts and culture is best able to bring about a high level of public participation. In particular, what is the appropriate role of the government in the governance of the arts and culture? What form of institutional arrangement can better reconcile the possible conflicting interests of the government, arts groups of different preferences and backgrounds, and the larger community?
- The orientation of the arts and culture: The government has made it clear that its cultural policy focuses on high culture, yet is it possible that the arts and culture could be construed from a broader perspective? What are the limits and possibilities for redefining the scope and substance of the arts and culture? Should cultural policy be confined only to high culture?
- The allocation and distribution of financial and physical resources for the arts and culture: The development of the arts and culture calls for substantial inputs of public resources, but what should be the basis and criteria for the allocation of these resources? Who should be making the allocation decisions?

¹⁰⁰ Culture and Heritage Commission, *Policy Recommendation Report* (Hong Kong: Culture and Heritage Commission, 2003),
<http://www.hab.gov.hk/file_manager/en/documents/policy_responsibilities/CHC-PolicyRecommendationReport_E.pdf>.

How can the larger community be assured that public resources are being effectively utilised?

- The promotion of the arts and culture: The development of the arts and culture should be people-oriented, but what can be done to get the local community involved in the arts and cultural activities? What kinds of artistic and cultural activities are better able to attract the interest of the local community?

7. In Hong Kong, a variety of organisations and institutions are involved in the formulation and implementation of the arts and cultural policy.

- The Policy Bureau: In 1980, the Recreation and Culture Branch (RCB) was established in the Government Secretariat to oversee the arts and culture policy in Hong Kong. In 1989, with a major restructuring of the Government Secretariat, the RCB took over the policy portfolio of broadcasting, and was renamed the Broadcasting, Culture, and Sports Bureau (BCSB). While the bureau was presumably responsible for the formulation of the arts and cultural policy, its policy-making power has been questioned. On one hand, the colonial government all along avoided stipulating a specific arts and cultural policy; on the other hand, most of the resources for the arts and culture were controlled by the two municipal councils and the two municipal services departments. After the establishment of the HKSAR, the BCSB was abolished in a restructuring of the Secretariat in 1998. The policy portfolio of the arts, culture, sports and recreation was put under the purview of the HAB. Unlike the RCB, the HAB was made the supervisory agency of the implementing department managing the arts and culture activities and facilities; this arrangement presumably rationalised relationships in the administration of the arts and culture in the government. Some critics, however, are concerned that the HAB oversees diverse policy portfolios, and consequently the arts and culture might not receive as much attention as is warranted.
- The two municipal councils before 2000: The Urban Council (UC) was a statutory body with the mandate to manage and provide municipal services. Started as an advisory body, the UC was incorporatised, and granted financial independence, in 1973; part of the membership was open to elections. The UC then became, at least *de jure*, the supreme policy-making body for

municipal services. The UC's involvement in the development of the arts and culture began in the early 1960s, when it was given the responsibility of managing the City Hall in 1963. As the UC owned and managed major arts and cultural facilities, and was responsible for organising artistic performances and activities, it gradually took up a leading role in providing the arts, cultural and recreational activities to the public. In 1985, the Regional Council was established in the mould of the Urban Council to be responsible for the management and delivery of municipal services in the New Territories. Given the territory-based representation of the two councils and their broadly defined mandates, it would be unrealistic to expect members of the councils to give particular attention to the development of the arts and culture. In fact, the members were often criticised for placing more emphasis on populist demands than on professional artistic excellence, and for failing to exercise effective control over the civil servants in the two municipal services departments. Despite this, critics were appreciative of the existence of the two councils, as they provided a channel through which members of the arts and cultural sector and the general public could influence the administration of the arts and cultural matters.

- **Government Departments:** While the two councils were policy-making bodies, the management of venues and the organisation of government-sponsored artistic programmes were carried out by the cultural managers, a corps of civil servants specialised in the management of cultural activities. During the time of the two councils, the cultural managers were housed in the two municipal services departments, namely the Urban Services Department (USD) and the Regional Services Department (RSD). The two departments were the implementation arms of the two councils, and were directly responsible to the councils. After the two councils ceased to operate in 1999, the Leisure and Cultural Services Department (LCSD) was established to take over their culture and recreation-related responsibilities. The LCSD was under the purview of the HAB.
- **The Culture and Heritage Commission (CHC):** After the abolition of the two municipal councils, the government set up the CHC to advise the government on the arts and cultural policy. Specifically, the CHC was tasked to review the overall development of the arts and culture in Hong Kong, and to recommend ways forward. The CHC was a high-level advisory committee, with strong support from the government leadership. Eleven members of the

CHC were appointed by the government with a view to including members of different backgrounds and views; there were also six ex-officio members in the commission, representing major arts organisations. In 2003, the CHC submitted the Policy Recommendations Report to the government, which was taken as the foundation for the government's cultural policy. The CHC was then dissolved.

- In 2004, the government set up the Committee on Performing Arts (CPA), the Committee on Museums, and the Committee on Libraries to follow up on the policy recommendations of the CHC. Like the CHC, the CPA is a high-level advisory committee with strong political support from the government, although it has a narrower but more focused mandate. A major task of the CPA was to review the mode of operation of government support to the arts, including both financial sponsorship and venue support. In 2006, the CPA submitted a Recommendation Report to the government, in which it proposed, *inter alia*, the idea of a Venue Partnership Scheme¹⁰¹ to establish a partnership relationship between the government and arts groups in the management of venues.
- The Arts Development Council: The council is a statutory body with representatives from different arts sub-sectors. It commands a certain level of administrative autonomy and an independent budget, and carries the mandate of promoting all-round development of the arts.

B. Development of civic engagement

8. Hong Kong society in general does not have a high degree of awareness or appreciation of the importance of the arts and culture to social well-being and development. While a large proportion of the resources for the development of the arts and culture come from the public fisc, the government has avoided a proactive approach to the arts and cultural policy. The management and allocation of the resources for the arts and culture has largely been conducted in a bureaucratic mode of administration. The arts and culture sector, on the other hand, is characterised by a high degree of diversity in interests and preferences and a relatively scattered network of relationships, and is rapidly evolving. Such a political-social ecology has

¹⁰¹ Committee on Performing Arts, *Recommendation Report (I)* (Hong Kong: Committee on Performing Arts, 2006), Chapter 3, http://www.hab.gov.hk/file_manager/en/documents/policy_responsibilities/arts_culture_recreation_and_sport/asb/asb45newsreport/asb45report_full_e.pdf.

conditioned the mode of operation of government-civil society engagement in the arts and culture.

9. In the arts and culture, a high level of power asymmetry exists between the civil servants and the civil society organisations (CSOs), mainly the arts groups. While the former controls most of the public resources for the development of the arts and culture, the latter often operates on a thin resource base, and often relies on the government for funding and support. As a result, the civil servants and the CSOs are not on a level playing field; the civil servants have much stronger bargaining power *vis-à-vis* the CSOs. Many CSOs are under the impression that they are being consulted, but not engaged. While it is commonplace that the civil servants solicit the views of the CSOs on particular issues, they seldom explain to them clearly whether and how their views have been taken into account in policy formulation.

10. Civil servants operate in a bureaucratic setting. Their action and decision space is constrained by the bureaucratic structure which, in turn, is embedded in the broader constitutional and political setting. Very often the political and bureaucratic context imposes on the civil servants imperatives that are not conducive to productive engagement with the CSOs. For instance, many senior civil servants with whom we interviewed saw the importance of restructuring the governance structure of performance venues. They agreed that making the performance venues partially funded by revenues and donation would be a good way to increase the financial flexibility and autonomy of venues. However, the Public Finance Ordinance¹⁰² does not allow such an arrangement; any reform would require a major change of the Ordinance. By the same token, cultural managers in the LCSD are well aware of the importance of venues for the development of the arts. Yet given that their mandate is concerned with the provision of services to a variety of civic activities, they have not been able to provide as much venue space and time to the art groups as they would wish.

11. The arts and culture sector comprises a large array of arts groups and CSOs with very different objectives, interests, and backgrounds. Generally speaking, three categories of CSOs can be identified. The first category covers the professional high culture art groups that receive stable funding from the government, and have a clear focus of performance excellence. With their professional orientation and financial dependence on the government, they have been less vocal, and more inclined to

¹⁰² See Hong Kong Legal Information Institute: <<http://www.hkllii.org/hk/legis/en/ord/2/>> for details.

express their views through formal channels. The second category covers the large independent art groups who are able to generate at least part of their funding themselves. These groups have been most vocal, and able to position themselves to have their voices heard by the government. Key members of these organisations are often invited to sit on advisory committees, and are sought for advice by government officials. The third category covers a large number of smaller art groups that operate on a rather thin resource base, and have confined objectives. These groups are generally passive in articulating their views, and adopt a reactive approach to the Government. They respond to government consultation only on an issue-basis.

12. While CSOs in particular art forms have been able to network among themselves through professional associations, alliances of art groups for broader purposes are largely non-existent. In response to particular challenges, such as the review of the Arts Advisory Committee in the 1990s that was going to affect the sector as a whole, some alliances have been formed to solicit views among art groups and to engage with the government. Yet once the challenges ceased to exist, these alliances unravelled rapidly.

II. Case Study—Management of Venues for Performing Arts

A. Origin of the policy problem

13. Artistic performances are impossible without adequate resources. Together with financial resources, facilities and venues are important resources for arts development. A long-standing debate in Hong Kong's arts and culture sector has focused on the question of how venues and facilities for performing arts should be governed and managed so as to facilitate community involvement and arts development. The debate on the governance and management of venues straddles major policy issues.

- Venues are an important public resource not only for performing arts, but also for the fulfilment of other civic functions such as the organisation of community activities in local districts. Hence, policy on venue management has serious implications for how the government can best utilise public resources to attain various public mandates.

- Different art forms call for different venue settings and equipment, as well as modes of operation. In other words, how venues are managed will have implications for the development of different art forms, and hence the direction of the development of the arts.
- The availability of venues not only affects the production of artistic programmes but also determines the opportunities for individual arts groups to stage performances. Performance opportunities in turn affect the survival and development of individual arts groups and particular art forms.
- The mode of governance of venues affects whether and how the community is able to become involved in determining the direction and content of the arts and culture. The current mode of governance has been criticised for being bureaucratic, excluding arts groups and the larger community from decision-making regarding the use and allocation of venues, and rendering the arts groups as service recipients rather than partners.
- The mode of governance of venues also determines the role of government in the development of the arts and culture.

14. While venue management has always been a major element in the arts and cultural policy, serious discussions about venue management started only in the late 1990s when the Planning Department commissioned a consultancy study on cultural activities. The report triggered discussions in the sector, and also responses from the two municipal councils.

15. The abolition of the two Councils in 2000 opened the policy window for a serious review of the arts and cultural policy in Hong Kong. The government set up the Culture and Heritage Commission (CHC) to review the current cultural policy and policy priorities, and to advise the government on the long-term policies for the development of culture in Hong Kong. In 2003, the CHC submitted to the government the Policy Recommendation Report of the Culture and Heritage Commission, which was adopted as the framework for restructuring the cultural policy in Hong Kong. Regarding venue management, the Commission proposed greater community involvement in the management and programming of venues through three strategies, namely (1) capitalising on the strength of territory-wide/thematic venues, (2) developing the character of venues and partnering with professional arts groups, and (3) district involvement.

B. Civic engagement mechanism—Committee on Performing Arts

16. To follow up on the policy recommendations of the CHC, the Home Affairs Bureau set up three high-level committees on museums, libraries, and performing arts, to advise the secretary for Home Affairs on policy action. The Committee on Performing Arts (CPA) is tasked to formulate strategies and plans for the development of performing arts facilities and services with reference to the CHC policy recommendations.

17. Because the government positions itself as a facilitator for arts development, its arts and cultural policy was in effect a matter of the allocation of public resources. Whether a resource allocation system is in place to cater for the needs of diverse art groups affects, if not defines, the substance and viability of the arts and cultural policy. The CPA was given the arduous task of rationalising the resource allocation system, with inputs from the arts and cultural sector and the larger community.

18. The CPA is chaired by a retired civil servant who is experienced and well-respected in the arts and culture sector. The committee was formed with a view to involving the larger community in the process of reviewing the current arts and cultural policy. Therefore, the appointed members (including the chairman and the vice-chairman) come from diverse backgrounds; only a small number of representatives from arts groups were included. To facilitate their work, three sub-committees were set up under the CPA, with each sub-committee looking into either funding policy, programme policy, or venue policy. Each of the sub-committees is led by a convener.

C. Civic engagement processes

19. The engagement process started with an effort to put together a consultation paper that would serve as the basis for deliberation and public discussion. The chairman, conveners of sub-committees, and members of the CPA took a proactive approach to reach out to the larger community and arts groups to solicit their views. The engagement took the form of both formal and informal meetings of varied scope; in particular, the senior management of the LCSD, major arts groups, and key advocates in the arts and culture sector were deeply involved in developing and putting together ideas and suggestions to be put forward in the consultation paper. The discussion and deliberation was well structured, focusing on three key areas identified

in the CHC Recommendation Report: funding mechanisms, performance presentation, and venue management. A consultation paper was issued in 2005.¹⁰³

20. The consultation paper served as the basis for further discussions in the larger community, and gauged the views of arts groups and the general public. Eleven consultation sessions were held, targeting the performing arts sector and district councils. Given that the arts and culture sector is characterised by a high degree of diversity and a large number of smaller arts groups, these consultation sessions provided a channel for the smaller arts groups to voice their concerns. In the sessions, committee members explained the proposal changes, solicited ideas and opinions, and exchanged views with members of the arts sector who might not have had the opportunity to participate in earlier deliberations, and members of the general public. Other than consultation sessions, members of sub-committees also took the initiative to meet with key actors in the performing arts sector. The formal consultation ended in January 2006. Taking into account the comments of the public regarding the proposed changes, the committee made revisions and issued the Recommendation Report in June 2006.

21. The success of any reform in venue management calls for the full cooperation of cultural managers in the LCSD, for they manage the day-to-day operation of venues. Their experience and expertise is essential when designing viable reform measures for venue management. As well as consulting at the grade of culture managers to gauge their opinion and explain to them the rationale and implications of possible changes, the CPA proactively involved senior cultural managers in drafting the Consultation Paper and Recommendation Report.

22. Judging from the revisions made in the Recommendation Report, the impact of the consultation sessions was significant. In particular, the smaller arts groups were most concerned that the proposed changes might give disproportionate benefits to, and hence further strengthen, the larger arts groups at their expense. A majority of interviewees to whom we talked agreed that such concerns were given due attention in the revision and preparation of the Recommendation Report.

¹⁰³ Committee on Performing Arts, *Consultation Paper*, (Hong Kong: Committee on Performing Arts, 2005),
<http://www.hab.gov.hk/file_manager/en/documents/policy_responsibilities/arts_culture_recreation_and_sport/asb/asb45_CPA_full_e.pdf>.

D. Civic engagement results

23. The CPA Recommendation Report made a series of proposed changes to the funding mechanism, performance presentation, and venue provision. Regarding venue support for performing arts groups, the committee recommended the introduction of a Venue Partnership Scheme (VPS) in which venue operators (LCSD) and arts groups would work together in establishing the artistic character of individual venues. The Scheme would be implemented in all 13 performing arts venues managed by the LCSD. It is hoped that the establishment of the artistic character of venues could serve as a catalyst for changes in audience building, the solicitation of corporate sponsorship, and the empowerment of the arts groups to take a leading role in the development of their art forms.

24. The Venue Partnership Scheme was not a totally new idea. The Programme Partnership Scheme, which was similar in idea and design to the VPS but narrower in scope and smaller in scale, had previously been implemented at a number of LCSD venues. The limited success of the Programme Partnership Scheme has made many sceptical of the viability of the VPS. Yet according to the chairman of the CPA, what is particularly salient about the VPS is that the scheme concerns not only the mundane issues regarding the daily management of the venues for performing arts, but also, more importantly, the empowerment of some larger arts groups to take a leading role in developing the performing arts sector. The VPS will also serve as a platform for more regular and intensive engagement between the arts groups and government officials.

25. Unlike many other Recommendation Reports, the CPA Recommendation Report offered a concrete timetable for the implementation of the proposed changes.¹⁰⁴

¹⁰⁴ Committee on Performing Arts, *Recommendation Report (I)*, para 2.56, <http://www.hab.gov.hk/file_manager/en/documents/policy_responsibilities/arts_culture_recreation_and_sport/asb/asb45newsreport/asb45report_full_e.pdf>.

E. Discussions

i. Institutional arrangement for engagement

Membership and representation

26. A major consideration in the institutional design of engagement mechanisms in the arts and culture is how to manage the tripartite relationship between the larger community, the arts groups, and the cultural managers in the LCSD. The composition of the membership of an engagement mechanism could have serious implications for the engagement dynamics among the three groups of actors, and hence engagement outcomes.

27. Given that the CPA was tasked to review the existing resource allocation and management systems, the composition of the membership was somewhat skewed towards members from the larger community. The government was of the view that, given the possible resource allocation implications of the review, the committee, as impartial arbitrator, should not include individuals who might have vested interests in the matters under review. Such an “avoidance principle”, in fact, has been consistently complied with in the appointment arrangements of most advisory committees.

28. A majority of individuals with whom we interviewed were appreciative of the new ideas and perspectives brought in by members representing wider community interests. In particular, the convener of the Sub-committee on Venue Policy had a consultancy background, which has proven to be instrumental for the smooth implementation of the engagement process.

29. There were some fears in the arts and culture sector that, despite their good intentions, members of the committee who were not from the arts and cultural sector might not have an adequate knowledge base for the task. In fact, members of the committee with whom we interviewed admitted that they found it necessary to commit much time and effort to grasp the issues involved, and to understand the political-social ecology of the arts and cultural sector.

30. The appointment of members from outside the arts profession has been interpreted by some critics in the sector as a means through which government officials might seek to dominate agenda setting and decision-making. For instance, an interviewee from the arts and cultural sector was of the view that, while the wider

public should be engaged, the arts profession is in a better position to provide necessary expert advice to inform public deliberation, and hence to play a leading role in working out reform ideas.

31. An interviewee suggested that the criteria for the appointment of members to advisory committees should be more explicit. Moreover, the appointment process should be more institutionalised and transparent, with inputs from the arts profession and the larger community.

Functions, powers, resources and institutional support

32. The CPA received secretarial support from the Home Affairs Bureau (HAB), mainly through the secretary of the committee who was an administrative officer from the HAB. Although an independent secretariat for the committee did not exist, the secretary and the HAB were able to work with the CPA effectively. All interviewees spoke highly of the dedication and hard work of the secretary and officials from the bureau; in particular, their proactive approach in engaging the art groups was much appreciated.

33. Many interviewees were concerned that the smooth implementation of the review and the engagement process to a certain extent hinged upon the dedicated contribution of particular HAB officials. In some instances, these officials personified the trust that had been built between the government and the arts sector. When these officials are transferred to other postings, it is hoped that the future existence and extent of trust between the government and the sector can be retained.

Agenda setting power and decision-making rules

34. The mandates of the CPA were focused and well-defined. The committee was tasked to formulate strategies for the development of performing arts facilities and services with reference to the policy framework laid down by the CHC. Given that the framework clearly defined the scope and parameters of the CPA review, the committee did not have to start from zero. Instead, the framework, and the direction that it implied, served as the focal point for deliberation and engagement.

35. A major element in building trust is that the actors involved are able to see the constraints and limits of each other. With the scope and parameters well-defined,

the actors did not start with unrealistic expectations which, in many other instances, had been a source of frustration and disappointment.

36. Given that any proposed change to the existing system of venue management would inevitably affect the cultural managers in the LCSD, the committee was very conscious of the need to get the management of the LCSD involved in the process of review. Although the department did not have strong representation in the CPA, their inputs and concerns were consciously taken into account in the review process.

37. An interviewee from the sector opined that the confined scope of the review and hence the task of the CPA did not allow a more holistic discussion of the development of the arts and culture in Hong Kong.

ii. Actors

Conceptions of civic engagement

38. In the arts and culture, key policy actors seem to have different perceptions of what civic engagement is meant to be, and different expectations as to what civic engagement could possibly achieve. The civil servants, particularly the administrative officers, often consider themselves to be the bulwark of administrative rationality and distributive impartiality. To many civil servants, consultation and engagement with CSOs is necessary only because it helps gather political support and expedite the implementation of government policy; civic engagement is a means to attain effective policy formulation and implementation.

39. Key CSOs and advocates, on the other hand, look at civic engagement as a way to air their grievances, and to educate government officials on how the arts and culture should develop. The different perceptions of civic engagement have often resulted in different expectations; these discrepancies in expectations have been a major source of frustration to both parties.

40. Critics have also argued that a significant knowledge gap exists between the civil servants managing the arts and cultural policy, and the CSOs affected by the policy. Most of the CSOs in the sector look at the arts and culture as a creative and expressive endeavour; the civil servants, on the other hand, often focus on administrative efficiency and convenience. It is commonplace that the two parties have talked across each other.

Interests and incentives

41. The civil servants tend not to make a clear distinction between interest articulation (or political lobbying) and civic engagement. As the civil servants control a substantial proportion of public resources for the arts and culture, they consider themselves the guardians of public interest and the arbitrator in the distribution of interests to social groups. Viewed through the lens of political exchange and lobbying, the civil servants have the propensity to maintain a distance from the CSOs, so as to avoid being captured by parochial interests. It might be true that the CSOs have their vested interests and preferences, and some CSOs have indeed tried to engage in political manipulation to advance their interests. Yet presuming that the CSOs are necessarily unable to go beyond a scramble for parochial interests might assume away the possibility of effective civic engagement, a process that creates synergistic problem-solving capabilities through deliberation and the building of trust and reciprocity.

42. A key challenge for the civil servants in engaging the civil society is to identify the “right” individuals or organisations for engagement. On one hand, the CSOs in the arts and culture sector are often the recipients of government support, and hence have an incentive to influence the formulation of policy. Also, the CSOs do not constitute the whole of the civil society in the arts and culture. On the other hand, given the broad connotation of the arts and culture, every member of the Hong Kong community is at least potentially affected by the government’s art and cultural policy. How to reach out and engage the silent majority poses a substantial challenge for government officials. In fact, many interviewees agreed that the success of an engagement effort often depends on officials’ good judgment as to whom they should engage with.

43. Generally speaking, officials at the HAB who are responsible for policy formulation are well aware of the importance of engaging the CSOs, and take civic engagement as a major component in policy formulation. Officials at the departmental level who actually manage the venues, however, are more concerned about the professional operation of the venues according to existing rules and regulations. Although members of the departmental staff deal directly with the arts groups and CSOs in their daily work, engagement at the frontline is more confined in scope and *ad hoc* in nature.

iii. Engagement process

Chairmanship and leadership

44. Instead of serving as an arena for engagement *per se*, the committee positioned itself as a team to reach out to the arts and culture sector and the larger community. With the setting up of three sub-committees, the conveners and members of the respective sub-committees took the initiative to engage key actors and stakeholders. To ensure that the actions of the three sub-committees were coordinated, the chairman, the vice-chairman, and the conveners met regularly to review progress and discuss issues of mutual concern.

45. The government worked to appoint members who had a passion for the arts, had a good track record in public services, and who were willing to spend time and effort on the job. In particular, the chairman is a retired civil servant who has substantial experience in cultural administration in government as well as public services, and is well respected in the arts and culture sector. Being someone who knows all three actors well, he was able to serve as a catalyst for building consensus not only within the committee, but also in the engagement process as a whole.

46. Officials involved in the review agreed that the effort and enthusiasm of the chairman and certain key members of the committee was a major factor contributing to the smooth implementation of the review. Members of the committee also indicated that their involvement in the review was a good learning process for them.

Policy coordination between bureau and department

47. Effective engagement is possible only if viable proposals exist that serve as the focus of discussion. In this case the government was able to present coherent proposals to the CPA and the arts and culture sector for deliberation. The HAB (the policy formulation agency) and the LCSD (the policy implementation agency) were able to cooperate with one another in reviewing and analysing the constraints and opportunities in the existing venue management system, and in identifying possible leverage points for policy change.

48. Effective government-civil society engagement should be premised on effective coordination between the policy bureau and the implementing department. No amount of discussion and engagement between policy bureau and the CSOs will

work if the implementing department does not see eye to eye with the bureau. Any policy change on venue management inevitably affects the operation and resources of the implementing department. Whether the bureau is able to reconcile the possible conflicts affects the incentives of the departmental staff to seriously engage with the CSOs.

49. A number of interviewees, from both the sector and the government, opined that the development of the arts and culture pertains not only to “Home Affairs”, but also other policy portfolios such as education, infrastructure, planning, and social welfare. Horizontal coordination among bureaux is of even greater importance than vertical coordination between bureaux and departments. The current administrative structure, particularly after the introduction of the Principal Officials Accountability System, however, seems to discourage effective horizontal coordination among policy bureaux. Given that policy secretaries are held accountable for their particular policy portfolio, they have strong incentives to guard against any encroachment on their domain, and to refrain from being seen to be encroaching on those of others.

50. An interviewee from the sector opined that a more holistic cultural policy calls for a more holistic governmental structure. Instead of putting the policy portfolio of the arts and culture under “Home Affairs”, there should be a policy bureau equivalent to a ministry of cultural affairs to oversee the overall development of the arts and culture.

Building of trust and commitment

51. Most of the issues discussed in the CPA review and the engagement process concerned institutional building for the future governance of performing venues. In other words, the outcome of the engagement process would affect not only one-off distribution of interests, but also the rules of the game for future decisions. The actors had strong incentives to have their voices heard, because the engagement outcome would have implications for their well-being in the long run.

52. The vision of collective interest is more likely to be sustained if actors can see how their interests are embedded in the attainment of the collective interest, and that the collective interest is substantial enough to outweigh short-term parochial gains. So in promoting the Venue Partnership Scheme, members of the CPA emphasised that establishing the partnership between arts groups and the LCSD was not about giving these groups preferential treatment. Instead, the Scheme was a means

to reinvigorate the performing arts sector and the operation of the venues, which is essential for the long-term sustainability and development of the sector.

53. Effective engagement requires that the government takes the initiative to send a strong signal of their commitment to the CSOs. Given the high degree of power asymmetry between the government and the CSOs, the CSOs are willing to take part in deliberation with the government only if they can see that the engagement will make a difference. It is easy for the government to say that they are committed, but making such commitment credible calls for careful handling. In the case of the CPA, credible commitment was made possible by the appointment of a strong chairman who was perceived to be impartial and well-respected in the arts and culture sector, could command the support of the government, and had the power and mandate to respond quickly to the concerns raised by the art groups.

54. Trust is built upon experience of past interaction; it would be unrealistic to expect that the CPA engagement efforts, no matter how successful they might be, could possibly bring about trust between the government and the arts groups overnight. Some interviewees made no effort to hide their distrust of the government; such distrust was a result of their experiences in dealing with the government in the past.

Transparency, feedback and accountability

55. On the basis of the policy framework laid down by the CHC, the CPA began with a set of concrete proposals which served as the focal point for policy deliberation. Major stakeholders were heavily involved in drafting the Recommendation Report. To gauge the opinions of stakeholders and to explain to them the proposed changes, the CPA adopted a proactive approach to reach out to various stakeholders to the furthest extent possible.

56. Some interviewees from the arts groups opined that, despite the extensive consultation, the CPA did not explain to them clearly whether and how their views and concerns were taken into account when they drafted the recommendation report. They were under the impression that the government, and in this case the CPA, had been periodically asking them the same set of questions, but nothing seemed to happen as a result.

57. Some critics from the sector were under the impression that the engagement efforts were more a public relations exercise than a sincere effort to improve public administration. Such an impression is shared by some smaller arts groups.

iv. Engagement results

58. A majority of the actors involved in the process agreed that the CPA Recommendation Report had triggered useful discussion of important issues, and was a solid move in the right direction. Both government officials and members of the arts and cultural sector had been well aware of the problems in venue management and the need for reforms; the CPA was able to maintain the momentum to engage various actors to come to terms with a set of concrete recommendations.

59. The arts groups and stakeholders in the sector are in general appreciative of the engagement efforts made by the CPA, and are positive about the recommendations made by the committee. They agreed that the engagement process encouraged and allowed members of the arts and cultural sector to have their views heard and be integrated in the Recommendation Report to the maximum extent possible. Particularly, the views of smaller art groups were given much emphasis in the final draft of the recommendations. In fact, the policy deliberation pertained not only to venue management *per se* but also to such important issues as the conflicting interests between large and small art groups, and the strategies for arts development in Hong Kong. A majority of actors involved agreed that, while the engagement process did not resolve all conflicts among actors and build trust overnight, it enhanced mutual understanding and brought about a certain degree of goodwill between the government and the sector.

60. Some critics from the arts and cultural sector believed that the policy deliberation could have been even more in-depth and productive had the scope of the review been broader. They were under the impression that the narrow scope of the review was a manifestation, if not a result, of the government's lack of vision for the development of the arts and culture in Hong Kong. Government officials and CPA members, however, were of the view that the confined scope of review allowed more focused deliberation.

61. The critics were also concerned about whether the CPA recommendations would actually be implemented in the near future, even though the Recommendation Report of the CPA presented a timetable for the implementation of the

recommendations. In fact, such a concern was shared by government officials with whom we interviewed, who foresaw that quite a number of issues of distribution of interests and technicality would need to be sorted out.

62. Overall, the larger community seemed to have paid relatively little attention to the work of the CPA and the review exercise. If the level of media coverage can be taken as an indicator of public attention, the review attracted very little. Perhaps the lack of attention was an indication of the larger community's lack of interest in the arts and cultural matters; yet it could also be a sign of the community's acquiescence, if not tacit appreciation, of the committee's work.

63. Members of LegCo were in general positive about the work of the CPA, and supportive of the Recommendation Report. Some of the LegCo members, however, were concerned about whether the recommendations could be implemented in an effective and impartial manner. Particularly, the implementation of the VPS would inevitably touch upon the distribution of interests among art groups; whether this issue could be handled properly would affect the sustainability of the trust and goodwill the CPA has worked so hard to build.

III. Conclusion

Summary

64. The CPA was tasked to address some of the core concerns of the arts and cultural policy in Hong Kong—to review the use and allocation of public resources for performing arts, and on the basis of the review, to formulate strategies and plans for the development of the arts. Given that performing venues are an important resource for performing arts, reforming venue management was a major focus of the review exercise.

65. The review exercise started with a clear understanding of the scope and direction of reform, which was underlined by the principles stipulated in the Policy Recommendations Report submitted by the CHC in 2003. The government was fully aware that any reform of venue management required that major stakeholders—professionals in the arts and cultural sector, venue managers in the LCSD, officials overseeing cultural policy in the HAB, and members of the larger

community—be fully engaged in the process of policy deliberation. The CPA was formed with a view to serving as a facilitator in the engagement process.

66. Cognisant of the fact that any reform of venue management would inevitably touch upon the vested interests of art groups and cultural managers, the CPA was mainly comprised of members from the larger community. To compensate for the possible drawbacks of amateurism, the government appointed a retired civil servant, who has good knowledge in and of the arts and cultural sectors in Hong Kong and is well respected by both government cultural managers and professionals in the arts and cultural sector, to serve as the chairman of the CPA.

67. The chairman, with the help of some dedicated CPA members, adopted a proactive approach to reaching out to stakeholders in the engagement process. Other than organising formal consultation forums targeting various groups in the arts and cultural sector, they held informal meetings and discussions with key members in the sector. Involvement from government officials in the policy deliberation process was also substantial. Both officials in the HAB and cultural managers in the LCSD were heavily involved in the drafting of policy recommendations. Particularly, the CPA was determined to ensure that the views and concerns of cultural managers were fully taken into account, for they would affect the viability of policy recommendations.

68. A majority of actors involved in the review process agreed that the CPA's proposed changes in the funding mechanism, performance presentation, and venue provision were steering the development of the performing arts in the right direction. Particularly, the introduction of a Venue Partnership Scheme (VPS), in which venue operators (LCSD) and arts groups would work together in establishing the artistic character of individual venues, represented an important move towards a more flexible mode of venue management and a better alignment between the use of public resources and the developmental needs of the arts and cultural sector. Although many actors foresaw that there would be major difficulties to be dealt with in the implementation of the proposed changes, they all agreed that the CPA has succeeded in making the stakeholders agree to a set of commonly-agreed policy actions.

69. It would be an exaggeration to suggest that the CPA has resolved all the conflicts between the government and the arts and cultural sector. Nor has the CPA resolved all the disagreements among art groups of different interests and preferences. Yet the CPA was successful in initiating discussion and rethinking issues of major concern to both the government and the arts and cultural sector. With concrete policy

recommendations being proposed and due for implementation, stakeholders have come to see the possibility of change.

70. Engagement took place not only between the government and the arts and cultural sector, but also between HAB officials who oversee cultural policy and cultural managers in the LCSD who manage the day-to-day operation of performing venues. Advertently or not, the CPA review exercise allowed the two groups of actors to better understand the other's stance and the constraints they face. The proposed reform measures, in fact, helped define the role of the LCSD with reference to the cultural policy of the government, and also helped rationalise the working relationships between the bureau and the department.

Lessons

71. The experience of the CPA has demonstrated (1) that civic engagement is instrumental in the formulation of policies agreeable to key stakeholders, (2) that successful civic engagement hinges upon, as well as reinforces, a certain level of trust among key actors, and (3) that the building of trust is grounded upon and sustained by an array of software factors concerning actors' attitudes, perceptions, and culture, and hardware factors concerning rules, resources, and incentives.

72. Civil servants and members of the arts and cultural sector tend to come from different backgrounds. It comes as no surprise that they have developed very different perceptions of the ways in which the arts and culture should be construed, what government could and should do to foster the development of the arts and culture, and how government and the sector should engage with each other in the formulation of a cultural policy. The basis for successful civic engagement is that both the civil servants and the members of the sector be able to develop a clear understanding of each other, and to develop a common understanding of what could be achieved by working together.

73. The experience of the CPA has suggested that the development of the common understanding could be fostered by policy entrepreneurs who are able to command respect from both sides, and who serve as a bridge to facilitate meaningful communication between the parties. More importantly, the policy entrepreneurs can bring in policy ideas and concrete proposals that can serve as the focal point for policy deliberation.

74. The development of clear understanding has to be based upon knowledge in and of the issues involved. Other than providing training to civil servants, the government might want to consider secondment arrangements with CSOs so that staff on both sides might better understand the other's situation. The government might also sponsor research-oriented public policy research so as to provide the knowledge base for informed policy debates.

75. Trust is often embedded in appropriately structured incentives. The concern about incentives is particularly important in civic engagement, given the high degree of power asymmetry between government and civil society groups (CSOs). The government should take the initiative to signal their strong credible commitment to seriously engaging the CSOs, and treating the CSOs as partners. The scope of policy deliberation has to be focused and well-defined, so that both the civil servants and members of the CSOs can engage with each other on the basis of a set of realistic expectations. More importantly, how the interests of individual actors relate to collective interests should be made as explicit as possible; the actors will be more willing to engage with each other only if they see that the engagement process could potentially create value.

76. Effective logistic arrangements are also of major importance for the success of civic engagement. The provision of effective secretarial support, the availability of communication channels addressing various groups of civic actors, the inclusion of appropriate actors in the engagement process, and the existence of strong political support are some of the major factors that facilitate effective civic engagement.

77. Neither the government nor the civil society is a unified static entity. While the "government" is composed of administrative units which might have diverse preferences and visions, the "civil society" is a collective of individuals and groups striving for diverse purposes and values. The composition and operation of both the government and the civil society is evolving, being moulded by the internal dynamics of the sectors as well as the changing environment. Civic engagement is not merely a bilateral bargaining process between two unified actors; rather, it involves harnessing the multifaceted relationships among a multitude of groups and actors with reference to a set of policy issues.

Chapter 5

Environmental Policy: The Case of Municipal Solid Waste Management

I. Overview of the Policy Issues in Environment

A. Policy issues and institutions

1. When environmental policy began in Hong Kong¹⁰⁵ in the 1970s, it had a limited scope of concern. The main focus was on containing environmental pollution, such as air and noise pollution, and legal measures were used for these regulatory purposes. The Environmental Protection Unit was established within the Environment Branch in 1977 as a small unit responsible for developing policy and formulating legislation on environmental protection.

2. The increased involvement of the colonial government in environmental policy and the expanding scope of environmental concerns in the 1980s resulted largely because of the increasingly cosmopolitan character of Hong Kong and the overall expansion of the government's role in public policy. During this period, it was evident that the government was increasingly conscious of environmental considerations when designing policies. For example, in 1986, the government issued a circular on the environmental review of major public-sector development projects. In addition, independent departments were established to address environmental policy. In 1986, the Environmental Protection Department (EPD) was established, which brought most pollution prevention and control activities under one umbrella, and in 1988, the Planning, Environment and Lands Branch was set up as the policy branch for environmental concerns. The scope of the government's environmental concerns expanded to include four major policy areas: air, noise, water, and waste. The White Paper *Pollution: A Time to Act*, published in 1989, was a comprehensive 10-year plan to fight pollution, a further indication that the government was taking a long-term approach to environmental policy.

3. The 1990s witnessed even greater government involvement in environmental policy and more government awareness that environmental policy was a collective endeavour. It began inviting regional and international cooperation on environmental issues. In 1990, for instance, the first meeting of the Hong Kong and Guangdong

¹⁰⁵ <http://www.epd.gov.hk/epd/english/resources_pub/history/history_hkep.html> and <<http://www.susdev.gov.hk/html/en/sd/index.htm>>.

Environmental Protection Liaison Group was held. In 1992, a Memorandum of Understanding between Hong Kong and Canada on Environmental Collaboration was signed. The period also saw increased government emphasis on promoting community awareness of environmental protection. At the policy level, more systematic attempts were carried out in environmental assessment and planning. In 1992, the government introduced the requirement for an Environmental Implications paragraph in all Public Works Sub-committee and Finance Committee papers. In 1994, it began to release to the media quarterly lists of environmental impact assessments (EIAs). It also enacted in 1997 the Environmental Impact Assessment Ordinance to set out the framework for controlling the environmental impact of major development projects. Since 2000, all policy secretaries and directors of bureaux and departments have to provide environmental reports for their organisations. The government also began releasing more information to the public about environmental policy. Finally, the government's vision and direction for environmental policy came more in line with the world's focus. Since the Rio Earth Summit in 1992, sustainable development has been a major concern for environmental policy worldwide, and this has influenced Hong Kong. Chief Executive Tung Chee-hwa made it clear in his 1999 Policy Address that every citizen, business, and government department or bureau would have to start working in partnership to achieve sustainable development.

4. Fostering partnership in environmental policy and cultivating community awareness of the importance of sustainable development are the two major policy themes since 2000. Examples of partners include restaurants, construction industries, civil society groups, and individual citizens. Public education on environmental awareness has come to focus on the themes of reuse, recovery, recycling, and responsibility. For instance, in 2000, the government launched a programme to promote more effective pollution control in restaurants that entailed a partnership with the restaurant trade, not simply top-down direction. In 2001 secretary for the Environment and Food announced seven major initiatives to enhance the prevention, separation, and recycling of domestic waste. In 2002, the government launched the Waste Recycling Campaign in Housing Estates, which involved community groups in a cooperative effort to launch waste recovery schemes. The same year the government implemented a mobile-phone-battery recycling programme with the mobile phone industry. In 2004, the government initiated a pilot programme on separation of waste at the source. In 2005, the government published "A First Sustainable Development Strategy for Hong Kong."

5. A number of government departments and committees are involved in the implementation of these related policies.¹⁰⁶ Like other policy areas in Hong Kong, laws and policy matters belong primarily to a bureau, and, in the area of the environment, the Environment, Transport and Works Bureau. The EPD at first functioned mainly as an executive department enforcing the related laws and policies, but since 2005, the head of the environment branch of the bureau has assumed the role as director of Environmental Protection.

6. The Sustainable Development Unit (SDU) was established in 2001 under the chief secretary for administration. The mission of this unit was to facilitate the integration of sustainable development processes into community policy initiatives and to provide support to the Council for Sustainable Development (CSD). The CSD was established by former Chief Executive Tung Chee-hwa as an initiative to promote sustainability in Hong Kong (details below). In addition, the Sustainable Development Fund was set up to provide a central source of financial support for initiatives intended to develop a strong public awareness of the principles of sustainable development and to encourage sustainable practices in Hong Kong. The Education and Publicity Sub-committee under the CSD is responsible for promoting sustainable development in Hong Kong and fostering partnerships with stakeholders in the community on initiatives aimed at promoting public awareness of, and community participation in, sustainable development.

7. A number of committees under the EPD have helped in the formulation or implementation of environmental policy. There are six appeal board panels (for example, the Noise Control Appeal Board Panel). In addition, the Advisory Council on the Environment advises the government on appropriate measures to combat pollution and to protect the environment. The Advisory Group on Waste Management advises on criteria for assessing proposals for waste management facilities, selecting sites for building such facilities, and recommending viable waste management or treatment technologies (details below). Other committees include the Energy Efficiency and Conservation Sub-committee, the Environmental Policy Working Group, the Environmental and Conservation Fund Committee, and the Environmental Campaign Committee.

¹⁰⁶ <<http://www.epd.gov.hk/epd/english/boards/energy/maincontent.html>> and <<http://www.susdev.gov.hk/html/en/sd/index.htm>>

B. Development of civic engagement

8. The oldest environmental group in Hong Kong, the Conservancy Association, was established in the 1960s. The 1990s saw a flourishing of green groups, which included the Conservancy Association, Friends of the Earth, World Wide Fund for Nature Hong Kong, Green Lantau Association, Lamma Island Conservation Society, Green Power, Green Union of Students, and Greenpeace. Although the membership in these organisations was relatively small, the broad array of them, both in nature and concern, demonstrates that environmental issues had attracted public attention. Systematic cooperation among green groups started with the campaign against development of a golf course in Shalotung in 1991 and the drafting of the Hong Kong Environmental Charter for a Sustainable Future in 1992. Supported, as the charter was, by all the major green groups in Hong Kong, it served to anchor the direction of environmental movement in Hong Kong firmly in the concept of sustainable development.¹⁰⁷

9. As with many other policy areas, the government did not seek out extensive civic engagement in environmental policy and laws until the 1990s. If consultation did occur on environmental policy, it took the form of green paper consultation that resulted in a white paper, such as the White Paper on *Pollution – A Time to Act* in 1989.

10. In 1974, the government's Advisory Committees on Land, Water, Air, and Noise were consolidated to form the broad-based Advisory Committee on Environmental Pollution. This committee was then, in 1978, replaced by the Environmental Pollution Advisory Committee (EPCOM), which was in turn supported by three Special Committees: Land and Water, Air, and Noise. Membership, however, was still largely made up of elites and experts. This is understandable because even in the late 1970s, government intelligence kept a close watch on green groups. The relationship between these groups and the colonial government was unfriendly, if not antagonistic, and any engagement with them was carried out to alleviate public pressure on the government rather than to build consensus or deliberate policy.¹⁰⁸

¹⁰⁷ Ng Cho-nam and Ng Ting-leung, "The Environment," in *The Other Hong Kong Report 1992*, eds. Joseph Y.S. Cheng and Paul C.K. Wong (Hong Kong: The Chinese University Press, 1992), 365–382.

¹⁰⁸ See, for example, Ng Cho-nam and Ng Ting-leung, "The Environment;" and Man Si-wai, "The Environment," in *The Other Hong Kong Report 1993*, eds. Choi Po-king and Ho Lok-sang (Hong Kong: The Chinese University Press), 327–344.

11. In the 1980s, the channels of dialogue between the colonial government and society became more institutionalised. In 1984, the Advisory Committee on Environmental Pollution was revived and the Special Committees on Land and Water, Air, and Noise disbanded. The advisory committee solicited relatively broad participation, which made it possible to incorporate representatives from green groups in the policy process.

12. In the 1990s, the Advisory Committee on Environmental Pollution's role was expanded to include issues of environmental sustainability, which led to its subsequent renaming as the Advisory Council on the Environment. Thereafter, its advisory role on the control of pollution was further expanded to include consultation on environmental policies. Laws more frequently came to include input from the society at large, most notably from influential green groups such as the World Wide Fund for Nature Hong Kong, Friends of the Earth, the Conservancy Association, and Green Power.

13. The present-day EPD and the HKSAR government have tried new modes of civic engagement. The EPD actively sought to engage civil society leaders and groups in consultation on solid waste facilities between 2003 and 2005. The establishment of the Advisory Group on Waste Management Facilities under the EPD pioneered a new mode of large-scale civic engagement, for the Advisory Group and the sub-groups created under it had representation from green groups, academia, the business community, and the community as a whole. This experience of civic engagement is analysed further below.

14. The Council for Sustainable Development (CSD) came into being after Tung Chee-hwa put forward the principle of sustainable development in his Policy Address in 2000. With the CSD the government both tested a model of civic engagement and experimented with the exchange of views on issues related to long-term sustainability. CSD members, all of whom were appointed by the chief executive, included people with experience and expertise in the environmental field, members of society and the business sector, and senior government officials. This experience of civic engagement is analysed further below.

II. Case Study—Municipal Solid Waste Management

A. Origin of the policy problem

15. There has been a real need to reduce municipal solid waste in Hong Kong.¹⁰⁹ The amount generated every day has risen from 12,500 tons in 1989 to 16,000 tons in 1997. Over the past nine years, municipal solid waste loads have increased by about 3 percent annually, even though the population has grown on average by only 0.9 percent. Hong Kong is running out of land for landfills. The consumption-led lifestyle is putting enormous pressure on the three existing landfills. In early 2005, it was estimated that they would be full in 6 to 10 years. If this trend continued, an additional 400 hectares would be needed to meet waste disposal needs until 2030, and finding such sites would be difficult because Hong Kong has limited land resources.

16. Since 1995, when the colonial government conducted the Waste Reduction Study, policies have been developed for waste reduction. The Study put forward proposals to drastically cut the amount of waste, and the proposals were further concretised in the Waste Reduction Framework Plan announced in 1998. This sought to enhance the overall municipal solid waste and domestic waste recovery rate and to reduce construction and demolition waste. The Waste Reduction Committee, established in 1999 to oversee the implementation of the recommendations, further indicated the government's intentions to carry through with the proposed policies.¹¹⁰ The Waste Reduction Framework Plan promulgated in 1998 and *A Policy Framework for the Management of Municipal Solid Waste 2005-2014* published in 2005 were aimed at solving related problems.

17. Clearly, several conditions prompted the government to engage the society as a whole with the development of new policies in this area. First, Hong Kong needed to find a more sustainable way of dealing with waste. In order to accomplish this, the government had to involve the public and embark on a lot of environmental public education. Second, Hong Kong needed to select suitable technologies to deal with waste. If landfill was no longer an option, were there other technologies or methods that could help solve the waste problem? From the government's point of view, it was desirable to engage society in the policy process to achieve a consensus on the issue. Third, incineration, which the government proposed as an alternative to landfill,

¹⁰⁹ <http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/wrfp_doc.html> and <<http://www.epd.gov.hk/epd/misc/ehk06/eng/text/e08.index.html#01>>.

¹¹⁰ <http://www.epd.gov.hk/epd/msw/htm_en/ch01/main.htm> and <http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/wrfp_doc.html>.

attracted a lot of criticisms and raised many concerns. The general public and green groups tended to disapprove of this option. Since the waste problem was perceived as potentially controversial, politicised, and divisive, and whatever policy was implemented would need a popular mandate, the government determined it was desirable to engage the public and green groups in the deliberation on incineration in order to enhance the acceptability of that option.

18. The background of the municipal solid waste policy illustrates why the Advisory Group on Waste Management Facilities (under the EPD), and the CSD and its Support Group on Solid Waste Management were established. Both represented relatively new methods of engagement with the public, but they were each organised for different purpose and had different frameworks.

B. Civic engagement mechanisms

i. Advisory Group on Waste Management Facilities under the Environmental Protection Department

19. The establishment of the Advisory Group on Waste Management Facilities¹¹¹ ushered a new mode of civic engagement in government decision-making. The Advisory Group does not have statutory power to make its decisions binding on the government. It is chaired by the permanent secretary for the Environment, Transport and Works (Environment). Its secretariat is staffed by the EPD and the Environment, Transport and Works Bureau. In addition, a consultancy firm collects data for the Advisory Group's consideration.

20. The Advisory Group offered the government advice on desirable criteria for assessing proposals submitted in response to Expressions of Interest (the Expressions of Interest evaluation) for providing waste management facilities in Hong Kong. It also advised the government on criteria for selecting suitable local sites for building such facilities and made recommendations on viable waste management or treatment technologies, options for integrating these technologies, and potential sites in Hong Kong for these facilities. To help assess submissions, it set up five sub-groups in the areas of environmental impact, economic viability, technological feasibility, social impact, and consumer preference. The Advisory Group and the sub-groups had representation from green groups, academia, the business community, and the general

¹¹¹ <http://www.epd.gov.hk/epd/english/boards/advisory_group/maincontent.html>.

community. The government selected individuals to chair the sub-groups, and the chairpersons were then allowed to select their own sub-group members and to facilitate free exchanges on any issues in their area of concern. The EPD stood to one side, acting essentially as a resource.

ii. The Council for Sustainable Development and the Support Group on Solid Waste Management¹¹²

21. The chief executive established the Council for Sustainable Development in 2003 as one of several initiatives to promote sustainability in Hong Kong. It is an advisory body chaired by the chief secretary for administration. The secretariat is staffed by the chief secretary's Office (Sustainable Development Unit). The CSD recommends to the government which areas should take priority in the promotion of sustainable development, advises on the preparation of a sustainable development strategy, facilitates community participation in the promotion of sustainable development, and promotes public awareness and understanding of sustainable development. Members of the CSD are appointed by the chief executive and include people with diverse expertise, as well as senior government officials, including administrative officers who are not experts in environmental matters. The three priority areas chosen were solid waste management, renewable energy, and urban living space. The Strategy Sub-committee was established to draw up a proposal for a sustainable development strategy for Hong Kong. The Sub-committee involved stakeholders from a broad spectrum of the community.

22. Through its Strategy Sub-committee, the CSD developed an engagement process to involve stakeholders and the public in the process of formulating a sustainable development strategy. Support Groups, including the Support Group on Solid Waste Management, were to help the Strategy Sub-committee identify key issues relevant to Hong Kong's long-term sustainability, collect relevant background information, design and implement the public involvement stage of the engagement process, encourage discussion by stakeholders, make proposals in response to their feedback. Unlike the Advisory Group on Waste Management Facilities where the government acted more as a resource, in the CSD, the government was both a facilitator, by providing secretariat support, and an equal partner (or stakeholder), with representatives from the EPD who participated in explaining and deliberating policy solutions with the members of the CSD. The Support Groups acted more like the executive arm of the CSD.

¹¹² <<http://www.susdev.gov.hk/html/en/council/epsc.htm>>.

C. Civic engagement processes**i. Advisory Group on Waste Management Facilities under the Environmental Protection Department**

23. The Advisory Group on Waste Management Facilities under the Environmental Protection Department consisted of five sub-groups in the areas of environmental impact, economic viability, technological feasibility, social impact, and consumer preference. Between 2003 and 2005, this Advisory Group helped with Expressions of Interest (EOI) evaluations by examining the tenders from 59 private operators. The objective of the EOI evaluation was solely to receive information and assess the various technologies available for the processing and disposal of municipal solid waste in Hong Kong.¹¹³ It was not a process for selecting a particular company.

24. The exercise began with the EPD's first proposal. This listed the "technology options" suitable and feasible in Hong Kong for solid waste treatment. The sub-groups then used their expertise to propose assessment criteria against which the EPD could examine and shortlist the tenders. The sub-group on consumer preference, for example, stressed considerations of waste minimisation, reliability, impact on the community, public concerns, health and safety, and capital and operating cost.¹¹⁴ In accordance with the agreed criteria, the sub-groups evaluated the EOI submissions, and each shortlisted company was then invited to submit a detailed proposal that elaborated on the "options" listed in the first proposal.

ii. The Council for Sustainable Development and the Support Group on Solid Waste Management

25. In 2003, the CSD devised a five-stage engagement process: (1) identifying pilot areas, (2) preparing an Invitation and Response (IR) document, (3) involving the community directly, (4) composing a report, and (5) inviting the government to act. In 2004, the CSD published the IR document *Sustainable Development—Making Choices for Our Future* and launched a campaign of community engagement. Stakeholders were invited to comment on issues related to sustainable development in

¹¹³ <http://www.epd.gov.hk/epd/english/boards/advisory_group/files/criteria.doc>.

¹¹⁴ Ibid.

three pilot areas: solid waste management, renewable energy, and urban living space.¹¹⁵

26. During the public involvement stage of the engagement process in 2004, stakeholders were encouraged to put forward their views on the pilot areas. In the forums and workshops where the pilot areas were discussed, representatives of non-governmental, professional, and other organisations were invited to make presentations on the issues to provide both information and a platform for further discussion among participants. In order to reach out to stakeholders with divergent views as well as grassroots and disadvantaged community groups, the CSD invited three organisations—the Business Environment Council, the Hong Kong Council of Social Service, and the Hong Kong People’s Council for Sustainable Development—to be partners in the engagement process.

27. Between July and December 2004, more than 17,000 copies of the IR document, and 32,000 summary leaflets and questionnaires were distributed to the public. Over 1,900 responses were received through various channels. In addition, the CSD hosted 4 public forums, 11 regional public workshops, a Youth Forum, and a Sustainable Development Strategy Summit. Total attendance at these events exceeded 1,400 people. A further 22,000 people were estimated to have visited the CSD’s exhibition on sustainable development and the three pilot areas that toured various public locations between August and October.

28. Recognising the importance of the government in implementing sustainable development in Hong Kong, the CSD also asked the government to respond to the issues identified in the IR document and to the key principles and targets for each of the pilot areas.

D. Civic engagement results

i. Advisory Group on Waste Management Facilities under the Environmental Protection Department

29. The EPD combined the proposals made by the Advisory Group on Waste Management Facilities to formulate an “integrated waste management scheme” and considered a list of technologies and facilities for this scheme. *A Policy Framework*

¹¹⁵ <http://www.susdev.org.hk/archive/en/Report/Report_ch1.html>.

for the Management of Municipal Solid Waste 2005–2014, published in December 2005, sets out a comprehensive strategy for municipal solid waste management in Hong Kong for the 10 years from 2005 to 2014. However, merger of the Environmental Protection Department and the Environment Branch of the Environment, Transport and Works Bureau in April 2005 brought about personnel changes that interrupted the flow of Advisory Group activities.

ii. The Council for Sustainable Development and the Support Group on Solid Waste Management

30. Based on the community feedback, the CSD compiled its comments and suggestions on the three pilot areas. With respect to solid waste management, 6 principles were established: (1) reducing total municipal solid waste at the source by adopting the following measures: waste avoidance, using fewer materials, green purchasing, and the use of charges and incentives; (2) introducing product responsibility legislation in order to help promote recycling; (3) achieving higher rates of municipal solid waste recovery by separation at the source and by a combination of incentives and charges, including product responsibility schemes; (4) reducing the burden on Hong Kong's landfills through waste reduction, recovery, recycling, and the use of best available waste treatment technology; (5) introducing legislation for direct user charges for municipal solid waste disposal; and (6) setting up an integrated waste authority.¹¹⁶

31. The government was invited to respond. With regard to the area of solid waste, the government's response was in general positive. The government agreed, for example, to do more to promote solid waste recovery and recycling, encourage behavioural changes through product responsibility and direct user charges, and work with business groups and the wider community towards a more sustainable Hong Kong. It also recognised the need to review the institutional framework for solid waste management periodically.¹¹⁷

32. Based on the feedback from stakeholders, the CSD identified ways of enhancing the quality of the engagement process, and these the government said it would consider. They included establishing a process for selecting new areas for engagement that would allow stakeholders to have a greater say, introducing wider outreach aimed at different targets in the population in future exercises, and actively

¹¹⁶ <http://www.susdev.org.hk/archive/en/Report/Report_ch3.html>.

¹¹⁷ <http://www.susdev.org.hk/archive/en/Report/Report_ch4.html>.

engaging young people. The principles arising out of the engagement exercises, the government's response, the main concerns gathered from replies to the IR document, and the CSD recommendations were all published in 2005 in *Making Choices for Our Future: Report on the Engagement Process for a First Sustainable Development Strategy*.¹¹⁸

E. Discussions

33. Twelve interviews were conducted between August and December 2006. Among the interviewees, 5 are government officials and 7 are civil society actors. The government officials were involved in the work of the Advisory Group on Waste Management Facilities under the EPD (Advisory Group [EPD]) or in that of the Support Group on Solid Waste Management under the CSD (Support Group [CSD]). The civil society actors were members of the Advisory Group (EPD), the Support Group (CSD), or both.

i. Institutional arrangement for engagement

Membership and representation

34. A balanced committee membership is important to a committee's effectiveness. In general, interviewees from both the Advisory Group (EPD) and the Support Group (CSD) were satisfied with the composition of their groups, which consisted of members from green groups, academics, professionals, and social elites. However, some expressed the view that part of the membership of the CSD itself should be returned via open nominations,¹¹⁹ and that green group members should be appointed to the full council.¹²⁰ Further, some thought that the engagement of academics in the policy process should be strengthened. One government official regarded academics as neutral third parties. Two civil society actors saw academics as better consultants because they said only what their professional expertise would recommend; they pursued no private interests. However, at the present, the government appears to rely less than it might be desirable on local academics, and does not meet with them on a regular basis.

¹¹⁸ Ibid.

¹¹⁹ Hong Kong People's Council for Sustainable Development, "The First Term of the Council for Sustainable Development: Achievements, Disappointments and Challenges Ahead," 2005, 3.

¹²⁰ See the comments of Mei Ng from Friends of the Earth, *South China Morning Post*, 27 November 2004, p. 13.

35. The free hand given to sub-group chairpersons in appointing members and running their sub-groups facilitated the success of the Advisory Group (EPD) in engaging its members. Three civil society actors pointed out that this arrangement raised the incentives of the chairpersons and enhanced the quality of exchanges within the sub-groups. Since members came from the same field at the sub-group level, they easily reached mutual understanding. However, one member held the view that there should also be a mechanism—perhaps a declaration of interests—to ensure that chairpersons would not misuse their power in choosing group members.

Functions, powers, resources, and institutional support

36. Both the Support Group (CSD) and the Advisory Group (EPD) were perceived to have considerable influence on the respective government policies. Most of the civil society actors interviewed for the Support Group claimed that because they were led by the chief secretary for administration, their group could command the various government bureaux involved and carry out sustainable development in a holistic fashion. Although the Advisory Group was not led by a high-ranking government official and could not give the government binding advice, one government official and four civil society actors reported that the Advisory Group nonetheless had considerable influence on the government because the advice had been solicited at a stage when no concrete policy had been developed.

37. Civil society actors in both the Advisory Group (EPD) and the Support Group (CSD) considered secretariat support important and useful. One government official confirmed that it was effective in mediating the diverse interests of various stakeholders. In addition, the government provided helpful research support, especially for the Advisory Group. The government had employed a private consultancy to assist the members with their work, and such help was highly valued. In the Support Group, ex-officio members were brought in to inform members on policy history and administration.

38. Nevertheless, the role of the secretariat was not completely satisfactory in the eyes of some civil society actors. Some found it too directive on occasions. For instance, in the Support Group (CSD), the secretariat (in the form of the Sustainable Development Unit of the chief secretary's Office) tabled certain items of discussion and motions, and some participants found that the secretariat was not responsive enough to the members' suggestions on motions and items of discussion. Three civil society actors were of the opinion that this arrangement had restricted free discussion

and might also have hindered the building of mutual trust. One civil society actor preferred an independent secretariat led by civil society actors, which might reduce the influence of government officials and the danger of selective summarising. It was also suggested that parallel reporting, in which the civil society actors and the government officials produced independent reports, might help.

Decision-making rules

39. The amount of procedural autonomy given to the chairpersons and members was another important factor of successful civic engagement. In the Advisory Group (EPD), chairpersons had selected the members and facilitated free exchanges on the issues, and the EPD had acted merely as a resource. One government official and two civil society actors felt this arrangement had been relatively important in building trust and consensus.

40. Both the Advisory Group (EPD) and the Support Group (CSD) are government-led and advisory. Although the Support Group had greater statutory power than the Advisory Group, the interviewees reported their decision-making rules were similar. The Advisory Group preferred to reach decisions by consensus, but otherwise they voted. However, the interviewees themselves reported that they never voted. Moreover, the government retained the right not to follow the advice of the Advisory Group. Similarly, in the Support Group, decisions were preferably made by consensus and by voting only if views were divided. The government was not obliged to adopt their decisions either. However, in cases where it rejected decisions of the Support Group, the government had to explain in writing. In general, the interviewees welcomed this arrangement, which they saw as an improvement in the decision-making rules of government-led advisory groups.

ii. Actors

Conceptions of civic engagement

41. The stakeholders' conceptions of civic engagement were closely related to the quality of their engagement. Those interviewed in the study expressed diverse views on the subject. While it is important, they thought, for the government to engage stakeholders in the policy-making process, it is equally important for the government and the public at large to reach a consensus on the nature of civic engagement and on its importance.

42. Two officials with relatively positive conceptions saw civic engagement as a worthy project in itself. Civic engagement enhanced society's awareness of a problem, built social consensus, and was important to the maturation of society. Practically speaking, civic engagement could also enhance the mandate for a policy or make it less controversial, facilitate mutual exchanges and positive attitudinal changes in the parties involved, and help formulate suitable implementation strategies. The officials stressed the importance of openness and transparency, and both tended to define the targets of engagement broadly, to include green groups, politicians, ordinary citizens, and so on. They cited both the Advisory Group (EPD) and the Support Group (CSD) as examples of success.

43. However, two other officials saw civic engagement as a potentially dangerous and inherently politicised process, which should be discouraged. Public opinion, they believed, just complicated things. It is difficult for the public (as laymen) to give any rational responses. One official viewed civic engagement as a good opportunity to enter into direct dialogue with the silent majority. This, the official said, ensured that the views collected on a policy were balanced and pluralistic, rather than simply representing the positions of those who spoke out aggressively, such as green groups and legislators. Such attitudes probably contributed to the officials' mindset that the government should retain control of the engagement process. The officials regarded the existing mechanisms of engagement as satisfactory and felt that public consultation was needed only for complex policy issues. With regard to whether the government needed to cooperate with green groups, one official said that it all depended on the nature of the problem. Two officials expressed an instrumental view, viewing the green groups as helpful in environmental public education for their public image and connections. They cited as an example green groups educating the public to use fewer plastic bags.

44. The civil society actors held a generally positive view of civic engagement. For them, the purpose of civic engagement was to give advice, air grievances and deliberate with the government for better policies. Other functions of civic engagement included creating a mandate for a policy and reducing the political risk that might arise with policy implementation. In addition, they felt that those government departments that have deliberated sufficiently with the public would have a greater chance of getting the cooperation of other departments in policy implementation. Four civil society actors held the view that most green groups in Hong Kong have moved from "awareness-based activists" to "knowledge-based

advocates.” The groups desired to become partners with the government, and believed they would be better partners than private consultancies, who tended to reiterate whatever the government said. However, two other civil society actors thought that the government should expand the role of consultancy in policy-making so as to obtain more practical policy suggestions. They also thought it undesirable to focus predominantly on the political function of consensus-building by civic engagement because that might make the whole activity degenerate into a talk shop.

Interests, values and knowledge

45. In general, civil society actors had a positive perception of the government officials regarding their technical expertise, and this greatly assisted the engagement process. Those from the Advisory Group (EPD) agreed to such a view. However, two civil society actors said that the administrative officers (AOs) could not grasp issues as aptly as departmental technocrats. This claim may have some truth, considering the technical nature of environmental policy and the background of AOs. Further, as one official stated, AOs may need more training in the techniques of public engagement (for example, liaison and public communication).

46. The civil society actors wanted more government appreciation of the advantages of civic engagement. Four of them claimed that, generally speaking, they were consulted but not engaged. The crux of the problem seems to lie in the officials’ mistrust of the green groups. One government official said that green groups were very experienced in dealing with the public but that they had far too many prejudices to be good “civic engagers.” One civil society actor felt that the government was also suspicious of business sector involvement in civic engagement, fearing that the green groups were merely the marionettes of large corporations seeking commercial advantages. Another civil society actor also worried about the green groups’ lack of independence. It was suggested that some green groups could not remain independent because they were financially dependent on the government, while some traditional green groups were becoming increasingly dependent on private companies for sponsorship and income.

Strategies

47. Forum, a technique of civil engagement used by the Support Group (CSD), was commonly regarded by the interviewees as effective in promoting interaction and communication between officials and citizens. Two government officials especially favoured this method because they considered that the public opinion collected by this method was more balanced and genuine. Nevertheless, most of the interviewees thought that a more extensive variety of stakeholders should be consulted so that the engagement would connect with ordinary citizens. In the current system, not every district was covered, and the times and locations of public forums were not convenient for ordinary citizens. More resources and better publicity would be necessary in the future.

48. By dispersing the Sustainable Development Fund, the CSD as a whole enabled a number of civil society groups to undertake pilot projects on the community level. Since the Advisory Group (EPD) had a consultancy supplying the sub-groups with information, their deliberations were highly efficient.

49. Two civil society actors reflected that some green groups preferred informal engagement and made use of the media. At informal meetings, participants could set aside political considerations, and since the meetings were informal, participants did not need to worry about collective responsibility. Such attitudes, they felt, would probably reduce the readiness of such groups to participate in civic engagement.

iii. Engagement process

Commonality of goal and level of trust

50. All the civil society actors interviewed said that the trust among them was good. The competition for resources among the green groups was not disruptive, and on the whole, they cooperated with each other very well.

51. Both the Advisory Group (EPD) and the Support Group (CSD) were cited as successful examples which demonstrated that government officials sincerely desired to engage the public. All the interviewees who participated in the Advisory Group thought that the committee engagement was good. Sharing in the Advisory Group was regarded as open and free, and members' ideas were treated with respect. This was probably due to factors analysed above: the freedom of the chairperson to select

members and the relatively open attitudes of the government officials involved. The interviewees who participated in the Support Group were not as affirmative on this topic. While the civil society actors for the most part gave high marks to the committee engagement within the Support Group, they viewed the full council of the CSD with some mistrust because it lacked green group representatives. Nevertheless, they did agree that the CSD as a whole had provided an effective platform for a government-civil society dialogue over sustainable development, and that such an effort was completely new in Hong Kong.

52. How could different stakeholders be successfully involved? All the civil society actors agreed that it would depend on whether government officials had an agenda. If government officials did not have an agenda, they would tend to be more open and receptive of different opinions and less inclined to lobby and manipulate. Mutual trust could be built up more easily. Similarly, mutual trust could be more easily established, as in the Advisory Group (EPD) and the Support Group (CSD), if information was readily accessible and transparent. This, in turn, would facilitate better engagement.

53. Is it possible for the government to engage without an agenda? This can happen as is apparent in the experience of the Advisory Group (EPD). The EPD was confronted with a real problem of waste management or treatment, and it needed expertise to help solve the many problems involved. Since the problem was perceived as potentially controversial, politicised, and divisive, whatever policy was implemented needed a mandate. Furthermore, the government did not yet develop any ideas as to what should be done, so engagement with the public was not carried out for political reasons or to legitimise preconceived ideas. Finally, there was growing public concern about the issue, and the EPD's attempt to engage stakeholders was considered timely.

Level of transparency

54. Because it was established as an offshoot of the government's attempt at public engagement, the Support Group (CSD) and the entire CSD set clear guidelines and procedures on information release and publication. They permitted, for instance, circulation of their publications over the Internet by posting them on the CSD website. All activities listed on the website were open to the public. However, some of those interviewed desired even more transparency, suggesting, for instance, that all council

meetings be open to the public, and that the public should be given an opportunity to give input when the CSD set its agenda.¹²¹

55. The Advisory Group (EPD) was relatively less transparent in this regard. Only some information about the Advisory Group's activity and some of its publications were released. As two of the civil society actors said, government officials could release the information about such advisory groups selectively, thus reducing the public's will and capacity to respond constructively. One civil society actor pointed out that the public had very little input in setting the CSD agenda and that it held closed-door meetings. By comparison, the level of transparency of the Harbour-front Enhancement Committee was said to be much higher.

Level of accountability

56. Both the Advisory Group (EPD) and the Support Group (CSD) are advisory bodies. Officially, they are not accountable to the public or any specific constituency. Neither usually includes the general public in its membership, although professionals and social elites are often invited to participate. The government bears full responsibility for decisions adopted by either group. However, given how they are arranged, the Support Group and the CSD have certain advantages with regard to government accountability over the Advisory Group (EPD). In the CSD, the government has to produce a response paper to explain why the council's suggestions rejected. In addition, the government has employed a third party (academics from Hong Kong Polytechnic University) to monitor the work of the CSD, which may help the government arrive at a more balanced view of the council's decisions.

Breadth and depth of engagement of other stakeholders

57. Obviously, the Support Group (CSD) excels the Advisory Group (EPD) in this regard as one of its missions is to experiment with a new mode of public engagement. Indeed, the Support Group has made many attempts to involve stakeholders. For instance, through officials it had informal links with other committees, such as the Advisory Group (EPD). Through the Advisory Council on the Environment, it extended engagement to the general public via public forums and specific professional groups. It engaged with the general public through district

¹²¹ See notes 118 and 119.

councils, district officers, district NGOs, and outreach programmes at schools. It also supported programmes at schools to teach the public about sustainable development.

58. Nevertheless, one civil society actor from the Support Group (CSD) wanted the government to give representation on the support groups and the full council of CSD to those lay people who would be affected by the implementation of sustainable development. In this view, the membership base should extend beyond professionals, green group representatives, and social elites.

Policy coordination

59. In the case of the Support Group (CSD), the policies it proposed were not necessarily fully understood by the government officials at the departmental level who were involved in actual policy implementation. And since officials at the departmental level participated simply as one group of stakeholders, they were not obliged to adopt the suggestions from the Support Group. Such difficulties may have been further aggravated by tensions between the departmental and the bureau (Environment, Transport and Works) staff, who do not always share the same views on environmental policies.

60. Changes of government personnel and structures that result in poor policy continuity will affect the quality of civic engagement. One official and three civil society actors involved in the Advisory Group (EPD) pointed out that the merging of the bureau and the EPD, which occurred during the engagement exercise, had disrupted their policy initiatives and continuity.

iv. Engagement results

Policy papers

61. Building on the advice of the Advisory Group (EPD), the EPD formulated an “integrated waste management scheme,” which was made public in 2005 in the document *A Policy Framework for the Management of Municipal Solid Waste 2005–2014*. With respect to the CSD as a whole, in 2004, it published the IR document *Sustainable Development—Making Choices for Our Future* and launched a series of public engagement exercises in the areas of solid waste management, renewable energy, and urban living space. The principles arising out of the engagement exercises, the government’s response to these principles, and the main

concerns gathered from replies to the IR document, as well as the recommendation of the CSD were published in 2005 in *Making Choices for Our Future: Report on the Engagement Process for a First Sustainable Development Strategy*.

Higher legitimacy of policy

62. In the case of the Advisory Group (EPD), civic engagement brought about a high level of legitimacy for the policy concerned. Two government officials and two civil society actors involved in the Advisory Group noted that the government had identified the stakeholders in waste management, engaged with them over the proposal to introduce incineration, and successfully convinced most green groups to accept incineration as a safe alternative to landfill. Although the exercise could not force people to agree to locate an incinerator in their district, they were convinced of the need to take action to deal with the waste problem, perhaps by reintroducing incineration. In addition, most of the civil society actors interviewed found their experience in the Advisory Group to be a good learning opportunity and a rewarding experience.

63. One government official involved in the CSD was similarly positive about the engagement results of the CSD and pointed out that public participation helped the government prepare appropriate responses to public concerns over sustainable development. Although the public submissions were mostly unscientific, they exposed a range of outstanding issues the public wanted to resolve.

64. Two government officials and two civil society actors believed that another achievement related to higher legitimacy was that legislators were less sceptical of the proposals that the Advisory Group (EPD) or the Council had deliberated. The proposals were assumed to be a product of public consultation and to reflect the concerns of the stakeholders.

Building the capacity for governance partnership

65. All the interviewees pointed out that engaging with the public could increase civic awareness and that public awareness of environmental issues was important to policy makers because the people's satisfaction with the policies would ultimately determine whether they succeeded or failed.

66. The CSD initiatives to engage the public have earned quite a lot of praise.¹²² Another important achievement of the CSD is the adoption of a new public engagement process to reach out to the community. This process was applied during the formulation of a sustainable development strategy in three pilot areas. Draft strategies were submitted for public consultation. Various workshops, forums, and summits were held at the district level to reach out to different stakeholders. Despite the fact that these outreach efforts were limited in scale and further improvements are essential, this more inclusive, participatory process set a new standard for public engagement in policy-making.¹²³

67. However, some people thought that the government's attitude towards the CSD model of public engagement was still too ambivalent and its role too passive. Although the CSD is a high-ranking advisory committee chaired by the chief secretary for administration and vice-chaired by Edgar Wai-kin Cheng (former head of Central Policy Unit), who is commonly believed to be an influential figure in the government, it does not play an important role in monitoring existing policies on the principle of sustainable development.

Promoting the concept of sustainable development

68. The concept of sustainable development has become much more popular in recent years. The CSD as a whole has done a lot to raise community awareness by stimulating public discussion and setting up the Sustainable Development Fund, which has enabled civil society groups to undertake related projects on the community level. Heightened awareness of sustainable development is also noticeable among legislative councillors, district councillors and community leaders.¹²⁴

69. Nevertheless, some people believe that the CSD should play a more active role in promoting the concept of sustainable development in public policy. For instance, some pointed out that the CSD should focus not only on devising a sustainable development strategy for the long term but also on monitoring existing actions and policies that contravene the principle of sustainable development, such as the demolition of the Hunghom Peninsula (a housing estate built under the Private Sector Participation Scheme of the Housing Authority). In other words, it should take

¹²² See, for instance, the comments of Legislative Councillor Choy So-yuk (<<http://www.legco.gov.hk/yr02-03/chinese/counmtg/handard/cm0514ti-translate-c.pdf>, pp. 4328-4369>) and Edith Terry (*South China Morning Post*, 30 June 2004, p. 13).

¹²³ Hong Kong People's Council for Sustainable Development, 2005, 2.

¹²⁴ Ibid.

up a guardian role to ensure that Hong Kong does not deviate further from the path of sustainable development. In the long run, proper sustainability impact assessments with full-fledged public participation are considered desirable.¹²⁵

III. Conclusion

Summary

70. It was estimated in 2005 that Hong Kong's three landfills would be full in six to ten years. To deal with this impending problem, the EPD set up the Advisory Group on Waste Management Facilities in 2003. It was chaired by the permanent secretary for the Environment, Transport and Works. The Advisory Group (EPD) was tasked specifically to advise the government on the establishment of assessment criteria in the provision of waste management facilities and the selection of waste management or treatment technologies, as well as the identification of suitable sites to house those facilities. It had five sub-groups: environmental impact, economic viability, technological feasibility, social impact, and consumer preference. The government appointed the five sub-group chairpersons, but they were then empowered to select sub-group members. Members of the sub-groups came from a large spectrum of society, including green groups, academia, business community, and the general community. The EPD and the Environment, Transport and Works Bureau provided secretariat support. A consultancy firm was employed to collect data requested by the sub-groups and to perform evaluations using the criteria developed by the sub-groups.

71. Between 2003 and 2005, with the help of the consultancy firm, the Advisory Group (EPD) examined tenders from 59 private operators to select the most appropriate waste treatment technology(ies) for Hong Kong's needs. Building on the advice of the Advisory Group, the EPD formulated an "integrated waste management scheme," which was made public in 2005 in the document *A Policy Framework for the Management of Municipal Solid Waste 2005–2014*.

72. Another advisory group that dealt with solid waste management was the Support Group on Solid Waste Management under the CSD. The CSD was established in 2003 by Chief Executive Tung Chee-hwa and chaired by the chief

¹²⁵ See, for example, the comments of Legislative Councillors Raymond Ho and Cheung Man-kwong (<<http://www.legco.gov.hk/yr04-05/english/panels/ea/minutes/eapl1116.pdf> - p.4, para 6, and p. 6, para 12>), and Hong Kong People's Council for Sustainable Development, 2.

secretary for administration. Its aims were to identify priorities and strategies, as well as to promote community participation and public awareness of sustainable development in Hong Kong. The Support Group sought to advise the government in the area of solid waste management through an extensive public engagement process designed by the Strategy Sub-committee of the CSD. All members of the CSD were appointed by the chief executive. They included people with diverse expertise as well as government officials. The secretariat was staffed by the chief secretary's Office (Sustainable Development Unit). The government participates in the CSD as a stakeholder, for EPD representatives explained and deliberated policy solutions with fellow members of the CSD.

73. The CSD's Strategy Sub-committee has devised a five-stage engagement process: (1) identifying pilot areas, (2) preparing an "Invitation and Response" (IR) document, (3) involving the community directly, (4) reporting, and (5) inviting the government to respond. In 2004, the CSD published the IR document *Sustainable Development—Making Choices for Our Future* and launched a series of public engagement exercises in the areas of solid waste management, renewable energy, and urban living space. The CSD received over 1,900 responses to the IR document; it hosted 4 public forums, 11 regional public workshops, a Youth Forum, and a Sustainable Development Strategy Summit that attracted more than 1,400 participants. Furthermore, 22,000 people were estimated to have visited the CSD's exhibition on sustainable development and the three pilot areas of concern. The principles arising out of the engagement exercises, the government's response to these principles, the main concerns gathered from reactions to the IR document, and the recommendation of the CSD were published in 2005 in *Making Choices for Our Future: Report on the Engagement Process for a First Sustainable Development Strategy*.

74. The Advisory Group (EPD) members felt that their ideas played a role in public decision, that government officials as facilitators were efficient, that the secretariat provided much help, and that there was trust between members and the government. The extent of transparency, procedural autonomy, and government accountability inside the committee was good. Government officials were open and receptive. Overall, the experience was rewarding and enriching.

75. Members of the Support Group (CSD) felt that the engagement process was a worthy experiment. The results of extensive public engagement served to inform the government of the general public's concerns. The fact that the government was asked to respond to the issues that had been raised in the engagement exercise strengthened

the linkage between the CSD and the government, and this seems to have increased the government's accountability to the CSD to a certain extent. Furthermore, the CSD has a fairly high degree of transparency in that many documents—the progress report on engagement exercise, the evaluation of the engagement, and the draft report of sustainable development strategies—are available on the CSD webpage. Broader criticism concerns the power of the CSD rather than the Support Group. It has been pointed out that the CSD does not have the power to oversee existing sustainability policies and is often left out when the government formulates short- and medium-term policies. Not having an independent secretariat may at times hinder trust building between the government and civil society actors.

Lessons

76. Although both the Advisory Group (EPD) and the Support Group (CSD) were advisory bodies, they represented important experiments of civic engagement in environmental policy. While the Advisory Group focused on engaging green groups, social elites, and professionals in discussion of specific policies relating to landfills and incineration, the Support Group extended its scope of public engagement to include the opinions of ordinary citizens on policies relating to the building of a sustainable Hong Kong.

77. The Advisory Group (EPD) was relatively more successful than the Support Group (CSD) with respect to internal committee engagement. The two cases show that successful civic engagement depends greatly on the level of mutual trust between government officials and civil society actors. And trust-building is sustained by a range of factors, particularly how open government officials are to various ideas on the policy being deliberated and the institutional arrangements of the committees, including their level of transparency, government accountability to them, and the degree of procedural autonomy they enjoy.

78. It is interesting to see that although the Advisory Group (EPD) is a more or less traditional, government-led advisory body, it enjoys high praise from its members. If government officials do not have an agenda to push through, then in the process of civic engagement they tend to be more open and receptive to different opinions and less inclined to lobby and manipulate. Mutual trust can more easily arise. Can the government engage without an agenda? This is probable, as can be seen in the Advisory Group's experience. The EPD confronted a real problem of waste management, and it needed expertise to help solve the problem. Since the problem

was potentially controversial, politicised and divisive, and the policy to be implemented needed a mandate. The government did not have preconceived ideas about what should be done, so public engagement was not carried out for political reasons or to legitimise a preconceived solution. Finally, there was rising public concern about the issue, and the EPD's attempt to engage stakeholders was considered timely.

79. In the experience of the Support Group (CSD), on the other hand, the mutual trust between government officials and civil society was relatively weak. Some civil society actors doubted the neutrality of the secretariat, and it was criticised for occasionally being too directive. The secretariat had tabled items of discussion and motions, and these actions were perceived as a restriction on freedom of discussion. Indeed, not having an independent secretariat may at times hinder trust-building between the government and the actors. Also, trust-building in the Support Group was adversely affected because most of the actors believed that the full council of the CSD lacked the drive to promote civic engagement and because the full council does not have green group representatives.

80. The procedural autonomy given to chairpersons and members is another important factor in successful civic engagement. Advisory Group (EPD) sub-group chairpersons were free to select their members and to facilitate free discussion. The EPD acted only as a resource. This arrangement played a great role in building trust and consensus. In contrast, all the members in the CSD were appointed by the chief executive.

81. Mutual trust is more easily established when information is readily accessible and transparent, and this, in turn, facilitates better engagement. In this regard, the CSD set clear guidelines and procedures on information release and publication, but only certain information about the Advisory Group's activity and some publications were released.

82. Trust is more likely to develop if civil society actors perceive a high level of government accountability in the committee. In the CSD, although the government was not obliged to adopt its decisions, it had to explain rejections in writing. Participants saw this arrangement as a sign of government sincerity and an improvement in the decision-making rules for government-led advisory groups.

83. Only the Support Group (CSD) set out to engage the general public, and hence the Support Group and the CSD were obviously more publicly accountable than the Advisory Group (EPD). The CSD also tried out more ways to increase the breadth and depth of engagement of other stakeholders. The CSD's deliberate effort to engage the public and its use of forums as a means to reach out in the consultation process were generally welcomed.

84. Bearing in mind that the two committees set out to achieve distinct purposes, we can conclude that both committees were successful, to varying degrees, in achieving their tasks and engaging stakeholders. Since trust-building is so essential to successful engagement, the extent of openness of government officials and their incentives to engage stakeholders and the public will have to be enhanced. From the Advisory Group's experience, we know that this can be done, especially when the government is confronted with real problems. Care should also be taken in the institutional arrangements of advisory committees regarding their levels of transparency, government accountability, and procedural autonomy. In the long run, the CSD model of civic engagement is certainly a good example to be developed further. Indeed, a sustainable environment cannot be maintained without the efforts of all, and, environmental policy, to be effective, has to make various stakeholders and the public responsible. Thus the very nature of environmental policy has made civic engagement a necessary component of the policy itself, and effective engagement will help achieve greater success in policy implementation. The issue remaining is to make civic engagement successful and a rewarding experience for all those involved.

Chapter 6

Planning Policy: The Case of the Southeast Kowloon Planning

I. Overview of Policy Issues in Planning in Hong Kong since 1997

1. Urban planning is a complicated policy area because it encompasses a number of other policy issues, such as regulation, resource extraction, and resource allocation. Each planning decision has an impact on both the short- and long-term interests of many individuals, groups, and firms and the community at large. The outcomes of planning—such as the pattern of residential, commercial or other land use—may not be known until years later, by which time the overall socio-economic and political contexts may have changed, the governmental and non-governmental actors concerned may have passed from the scene, and the sentiments of the community may have completely shifted. The outputs of planning may not be readily reversible as physical infrastructure cannot be easily scrapped.

2. Policy actors have to take a long-term view of their interests and the risks involved. Especially in Hong Kong, the private sector—in particular, the real estate developers—plays a profoundly important role in the process of planning. As planning involves the personal and intimate interests of the people involved, such as the redevelopment or relocation of their homes and businesses, it is inevitable that they would do whatever it takes to pursue their interests and to influence planning decisions.

3. Urban planning involves the pursuit of public interest through the authoritative allocation of space and infrastructures for economic and social development, environmental protection and heritage preservation. It also concerns the basic prerogative of government as plans have to be cast in statutory terms. However, the government and particularly its agencies responsible for planning have a very powerful role in the planning process.

4. The Hong Kong government has also extracted a substantial amount of land resources as revenue for decades before 1997, which makes a low tax regime possible. Therefore, aside from its role as the guardian of public interest, the government itself is a key stakeholder in obtaining revenue through the planning process. While the government had already developed various mechanisms to consult the professionals, the public and the people affected by planning, in the past two to three years a new

mode of civic engagement has been attempted. However, not only the professionals but also the general public have become much more concerned with a wider agenda concerning Hong Kong's planning since the mid-1990s. They are paying much greater attention to the conservation of Hong Kong's special identity, environmental protection and heritage preservation, as well as economic and urban development.

A. Policy issues and institutions

i. Policy issues

5. Planning encompasses a broad range of policy issues. The Territorial Development Strategy (TDS) is the main long-term strategic planning in Hong Kong. It provides a broad land use, transport and environmental framework for planning and development. A Final Executive Report of the review of the final recommendations of the Territorial Development Strategy last conducted in 1996 was released in March 1998.¹²⁶ In 2001, the HKSAR government introduced the consultation process of the new TDS entitled "Hong Kong 2030: Planning Visions and Strategies." This new TDS aims to map out the development goals of Hong Kong in the next 30 years and has identified 9 key planning issues and evaluation criteria.¹²⁷

6. One level under the TDS is the sub-regional development strategy, concerning the Northeast New Territories, Southeast New Territories, Northwest New Territories, Southwest New Territories and the Metropolitan Area. Reviews of the Northeast, Northwest, Southeast and Southwest New Territories were completed in 2001. A review of the sub-regional development strategy, known as Metroplan, and a related review of Kowloon density controls was completed in 2003.¹²⁸ Many district-level planning studies have also been completed since 1997, including some controversial ones such as the development of the Marine Police Headquarters in Tsim Sha Tsui and the Police Station in Central.

7. **Reclamation.** Since 1998, the government has put forward a number of reclamation plans for the Victoria Harbour, including reclamation in the Central and Wan Chai Districts, Southeast Kowloon, Western District (Green Island), Kowloon Point, Tsuen Wan and Sham Tseng. The reclamation plans sparked off strong community opposition. This led to applications for judicial review from interest

¹²⁶ <<http://www.yearbook.gov.hk/1998/ewww/13/1306/index.htm>>.

¹²⁷ <http://www.hk2030.gov.hk/eng/con_digest/pdf/Stage2_AnnexA.pdf>.

¹²⁸ <<http://www.info.gov.hk/hkfacts/townplan.pdf>>.

groups such as the Society for Protection of the Harbour in mid-2003. The court rulings on the judicial review of the Protection of Harbour Ordinance in July 2003 stipulated that any harbour reclamation in the future must pass three tests, namely a “compelling overriding and present need”, “no viable alternatives” to reclamation, and “minimum impairment” to the harbour.¹²⁹ Hence, in October 2003, the government announced that it would suspend all reclamation projects apart from Central Phase III, and the Southeast Kowloon Development Plan would be conducted under a “no reclamation” principle. On 9 January 2004, the government lost an appeal against the ruling on a judicial review in the Court of Final Appeal (CFA) filed by the Society for Protection of the Harbour on 8 July 2003. The Court’s ruling consolidated the three tests into the “overriding public need” test.

8. ***Multi-functional Development Project: The West Kowloon Case.*** The development of the West Kowloon Cultural District since 2002 is another key controversy in post-1997 planning. The focus of the debate was on the lack of prior consultation with the arts sector on the development of the area, the “single-developer” approach adopted by the government, and the mandatory inclusion of a giant canopy. The government thus decided to re-launch the consultation exercise on the development of the area in late 2005, with the establishment of three advisory groups and a consultative committee in April 2006 to enhance the participation of the stakeholders.

9. ***Urban Renewal.*** Another main issue in planning concerns urban renewal. In 2000, the Planning Department (PlanD) completed an Urban Renewal Strategy Study. The study identified 200 priority urban renewal projects as well as various preservation proposals for the Urban Renewal Authority (URA) to implement upon its establishment in May 2001.¹³⁰ Increasing levels of public awareness and participation led to several urban renewal projects generating great controversy. Apart from the issue of compensation, other problems that have aroused professional and community concern include heritage preservation, the clustering of businesses, and the preservation of the local community, as aptly reflected in the Lee Tung Street project (also known as “Wedding Card Street”) and the Johnston Road renewal project in Wan Chai.

10. ***Review of the Town Planning Ordinance.*** The most recent consultations on amending the Town Planning Ordinance in the form of a White Bill began in

¹²⁹ <<http://www.hplb.gov.hk/reclamation/images/jr08072003.pdf>>.

¹³⁰ <<http://www.yearbook.gov.hk/2000/eng/13/c13-09.htm>>.

1996.¹³¹ A minor amendment was made in 1998, but when the government presented a draft bill to the Legislative Council in 2000, a consensus between the community, the professional bodies and the real estate sector still could not be reached.¹³² Hence the government shelved the draft bill in May 2000 in favour of putting the legislation forward in stages. The first set of legislation was passed in July 2004 and took effect in June 2005. The main amendments under the first set of consultations aim to streamline the plan-making process and planning approval procedures, enhance the openness and transparency of the planning system, and strengthen planning enforcement control in the New Territories. Proposals were also made by the professional bodies to set up an independent Secretariat for the Town Planning Board (TPB) and to change its chairmanship to an unofficial member. These proposals have been rejected by the government.¹³³

11. ***Cross-boundary Cooperation in Planning.*** In view of Hong Kong's increasing links with the Mainland, another key planning issue concerns coordination with the Mainland authorities. The "Hong Kong 2030 Planning Visions and Strategies" project takes into account the development of the Pearl River Delta. In December 2005, the PlanD in Hong Kong and the planning authorities in Guangdong launched the "Planning Study on the Co-ordinated Development of the Greater Pearl River Delta Townships."

ii. Policy institutions and their responsibilities

12. Following the reshuffling of the responsibilities of the policy bureaux of the HKSAR government under the Principal Officials Accountability System in June 2002, the planning portfolio was moved from the former Planning, Environment and Lands Bureau to the Housing, Planning and Lands Bureau, while the environmental and transport portfolios went to the Environment, Transport and Works Bureau. The Economic Services Branch of the Economic Services and Labour Bureau has been delegated responsibility related to the planning of port and tourism facilities. Since 2000, the Home Affairs Bureau has assumed the responsibilities of the two municipal councils for the planning of cultural, arts and sports venues. The Housing Authority governs planning for public and subsidised housing.

¹³¹ <http://www.pland.gov.hk/tech_doc/tp_bill/pamphlet2004/index_e.html>.

¹³² <<http://www.info.gov.hk/hkfacts/townplan.pdf>>.

¹³³ <<http://www.hplb.gov.hk/eng/press/2006/200606286001.htm>>.

13. The Committee on Planning and Land Development “sets the overall policy framework within which planning and land development functions are performed.”¹³⁴ Led by the permanent secretary for Housing, Planning and Lands (Planning and Lands), it is a committee operating within the government and comprised entirely of senior officials from relevant departments. Its main responsibility is to consider and determine the long-term development strategies and major land development proposals. The Committee on Planning and Land Development also oversees the activities of the Planning Standards Sub-Committee in the PlanD, which is responsible for the formulation and review of the Hong Kong Planning Standards and Guidelines.¹³⁵ The Planning Standards and Guidelines is a reference manual setting out the criteria for determining the scale, location and site requirements of various land use and facilities.¹³⁶

14. Two departments (the PlanD and the Civil Engineering and Development Department), and a statutory board (the TPB) are directly responsible for day-to-day planning issues in Hong Kong. The PlanD under the Housing, Planning and Lands Bureau is the main executive authority of town planning in Hong Kong. It is responsible for “formulating, monitoring and reviewing town plans, planning policies and associated programmes for the physical development of Hong Kong.”¹³⁷ The department takes charge of the preparation of Outline Development Plans and Layout Plans for individual districts or planning areas to show the planned land uses, development restrictions and transport networks in greater detail.¹³⁸ The department is also responsible for enforcing regulations on the “unauthorised development” of lands covered by regulations in relation to Development Permission Areas (DPA) in the New Territories.¹³⁹

15. The PlanD is also responsible for the drafting of the development of urban renewal strategies.¹⁴⁰ The executive arm for the implementation of the urban renewal strategies is the Urban Renewal Authority, the statutory body which replaced the Land Development Corporation in May 2001.¹⁴¹

¹³⁴ Hong Kong: The Facts — Town Planning (Hong Kong: Government Printer, May 2005 edition).

¹³⁵ <http://www.pland.gov.hk/tech_doc/hkpsg/english/ch1/ch1_text.htm>.

¹³⁶ <<http://www.info.gov.hk/hkfacts/townplan.pdf>>.

¹³⁷ <http://www.info.gov.hk/tpb/function/compo_intro_e.htm>.

¹³⁸ <http://www.yearbook.gov.hk/2003/english/chapter12/12_06.html>.

¹³⁹ <http://www.yearbook.gov.hk/2004/en/12_08.htm>.

¹⁴⁰ <<http://www.info.gov.hk/hkfacts/townplan.pdf>>.

¹⁴¹ <<http://www.info.gov.hk/hkfacts/townplan.pdf>>.

16. The former Territorial Development Department, which was under the Environment, Transport and Works Bureau, was primarily responsible for the development of new areas and the planning of new towns in the New Territories. It “oversees the engineering design and construction works on land formation and infrastructure of the development” of the new towns.¹⁴² It is also responsible for undertaking feasibility studies on the development of new areas, such as the development of the Southeast Kowloon Development Plan. It merged with the Civil Engineering Department to form the Civil Engineering and Development Department, also under the Environment, Transport and Works Bureau, in July 2004.¹⁴³

17. The TPB is a statutory body mainly responsible for the preparation and initial approval of the draft Outline Zoning Plans (OZP) and plans for DPA in the New Territories. Based on the decisions of the PlanD on the development of a particular area, the OZPs are statutory plans of individual areas which map out the exact usage allowed in the area concerned. DPAs are “interim planning control and development guidance for rural areas in the New Territories until more detailed OZPs are prepared.”¹⁴⁴ The TPB (2006-08) comprises a chairman, currently the permanent secretary for Housing, Planning and Lands (Planning and Lands), 5 official members, and 32 non-official members. The non-official members are mainly professionals and scholars in urban planning, architecture, surveying, and engineering. There are also some social workers and district councillors.¹⁴⁵ After the OZP is approved in the TPB, it will be submitted to the Chief Executive in Council for final approval. The TPB also approves the Development Scheme Plans submitted by the Urban Renewal Authority.¹⁴⁶

18. There are two standing committees under the TPB, namely the Metro Planning Committee and the Rural and New Town Planning Committee, both of which are chaired by the director of Planning. The TPB and these 2 committees are involved in the preparation of statutory plans and consideration of planning applications within their jurisdictions.¹⁴⁷ A major function of the TPB is to receive approvals or objections (known as “representations”) on the draft OZPs; the TPB is obliged to host hearings on the representations, and to decide whether the opinions expressed should be considered in the amendment of the draft OZPs. The TPB also receives and approves planning applications (i.e. planning proposals within the zoned

¹⁴² <http://www.yearbook.gov.hk/1999/eng/13/13_13.htm>.

¹⁴³ <http://www.yearbook.gov.hk/2004/en/12_02.htm>.

¹⁴⁴ <<http://www.info.gov.hk/hkfacts/townplan.pdf>>.

¹⁴⁵ <http://www.info.gov.hk/tpb/function/TPBmem_e.pdf>.

¹⁴⁶ <http://www.info.gov.hk/tpb/statutory/plan_intro_e.htm>.

¹⁴⁷ <http://www.info.gov.hk/tpb/function/compo_intro_e.htm>.

areas in an OZP). Should the proposals be rejected, the applicant can file a review with the TPB. Should the TPB reject the planning application again, the applicant can file an appeal with the Town Planning Appeal Board, which is independent from the TPB.¹⁴⁸

19. On occasion, the TPB has sought advice from the public on planning issues, as with the “Vision and Goals for Victoria Harbour” consultation exercise conducted in 1999. On this occasion, the TPB then published a vision statement in October 1999 which formulated a number of goals for the future development of the harbourside areas.¹⁴⁹

20. Many other government departments and public bodies are also involved in the implementation of planning. Hence the institutional framework for executing planning decisions is quite fragmented. For instance, the Environmental Protection Department is responsible for the environmental aspects in planning and is the sole authority in the approval of Environmental Impact Assessments. The Building Department is responsible for the formulation and approval of building standards. The Lands Department is responsible for the acquisition, management and the disposal of land. The Highways Department is responsible for the planning and construction of roads and strategic highways whereas the Transport Department deals with the development of the transportation system.

B. Development of civic engagement in planning since 1997

21. Conventional public consultation in planning is usually conducted in the following manner. The government publishes a consultation document, explains the plans to the concerned stakeholders, and invites the public to provide comments in the form of written submissions. The government may host one public forum during the consultation period to collect opinions from the public, but such activities are not interactive. Nor does the government provide a response to the opinions collected from such consultation exercises. In addition, officials usually brief the relevant advisory and statutory bodies and district councils and solicit their views on the plans. In this conventional mode, the government has already made its draft plans and simply presents them in the consultation documents. Public participation is usually restricted to the submission of objections to the government’s proposals. Nonetheless,

¹⁴⁸ <<http://www.hplb.gov.hk/tpab/eng/general/index.html>>.

¹⁴⁹ <http://www.info.gov.hk/tpb/harbour/en/vic_harbour.htm>.

the PlanD is one of the government agencies that have conducted many public consultation exercises.

22. The PlanD has conducted three-stage consultations on the Development Strategy Reviews in the New Territories since the 1990s. The department sought the opinions from the public on the study objectives, the initial development options and the draft recommended development strategy in the first, second and third stage of consultation respectively. However, this is not radically different from the conventional mode of consultation. (Other engagement practices which have been tried since 1997 will be briefly examined in the next section.)

23. In addition to the TPB mechanism detailed earlier, 2 advisory bodies that provide community input to planning also merit attention. The first one is the Advisory Committee on the Environment, which advises the government on environmental issues. Its Environmental Impact Assessment Sub-committee advises the government on the approval of environmental impact assessments. The second one is the Land and Buildings Advisory Committee, which advises on matters in relation to land use planning in Hong Kong. Advice from this Committee is sought by the government when it publishes major consultation papers on planning matters.

24. Planning issues are also discussed in the Panels of the Legislative Council, such as the meetings of the Panel on Planning, Lands and Works, the Panel on Environmental Affairs, the Panel on Transport, and the Panel on Housing. Stakeholders can submit and express their opinions in these panel meetings attended by legislators and officials. Informal consultation between the policy secretaries and other senior officials and district based bodies, political parties, legislators, and other interested groups are also common.

25. Many civil society organisations (CSOs) have emerged in order to influence urban planning since the 1990s. Business and professional associations such as those in architecture, engineering, planning, surveying and real estate development have regularly raised their concerns over planning issues in Hong Kong. The Hong Kong Institute of Planners and the Hong Kong Institute of Architects are 2 prime examples. The rise of CSOs and their public action not only reflects the increasing community demands for more participation in planning, but also the inability of the conventional mode of consultation to channel the community's aspirations and demands.

26. The intense community focus on a number of planning controversies has actually stimulated the growth of CSOs. Particularly controversial issues are, for instance, harbour reclamation and development of the harbourside areas, urban renewal, and the preservation of local communities reminiscent of Hong Kong's distinctive local culture and historical legacy. CSOs such as the Society for Protection of the Harbour, Citizen Envisioning @ Harbour, and the Designing Hong Kong Harbour District have emerged as vocal bodies capable of shaping the public agenda and advocating public participation in harbour related issues. Even the business community formed a Harbour Business Forum in mid-2005 to articulate their views.

27. Urban renewal issues, particularly the Lee Tung Street project in Wan Chai and the Kwun Tong Town Centre project, have similarly stimulated unprecedented civil society actions. For instance, the "H15 Concern Group" was formed among district councillors, concerned parties and local residents and business owners, and they have put forward their case and alternative plans to the government seeking the preservation of the clusters of wedding card and other printing enterprises in the Lee Tung Street area.

28. Heritage preservation is another issue attracting widespread civil society and community attention. For instance, the Conservancy Association and the concerned district councils have been seeking more public participation in the development of historical buildings, such as the Central Police Station, the former Marine Police headquarters in Tsim Sha Tsui, and the "blue house" in Wan Chai. In late 2006, other newly formed CSOs became active in the movement for the preservation of the Star Ferry Pier.

29. The development of Kai Tak has attracted the attention and actions of a wide variety of CSOs. Many later attended engagement activities in the Kai Tak Planning Review. For instance, Citizen Envisioning @ Harbour has played a critical role in influencing the government's decision to form the Harbour-front Enhancement Committee (HEC) as a mechanism to deal with both the Central and Wan Chai reclamation and harbourfront enhancement and the Southeast Kowloon development. Aside from raising their objections as early as 1998, professional bodies have also been participating in the planning process through their membership in the HEC and its Sub-committees during the Kai Tak Planning Review.

30. District councils have also been deeply concerned with the Kai Tak Planning Review, as reflected in Kwun Tong District Council's apprehension over the

inadequate connectivity with the neighbouring districts and Kowloon City District Council's concern over the bad odour of the Kai Tak Nullah. Political parties, such as the Democratic Alliance for the Betterment and Progress of Hong Kong, the Liberal Party and the Democratic Party have all produced alternative plans for Kai Tak. Various ad hoc CSOs were also formed, including district-based bodies such as an alliance on Kai Tak formed by local interest groups and district councillors as well as other organisations formed by residents and home owners. Aviation enthusiasts also organised the "Save Kai Tak Campaign" to call for the preservation of its aviation facilities.

i. Hong Kong 2030—Planning Visions and Strategies

31. There has been an expansion of scope and engagement activities in the "Hong Kong 2030: Planning Visions and Strategies" consultation exercise beginning in February 2001. The "Hong Kong 2030" study introduces 4 stages of consultation (the previous TDS had three stages of consultation)—the consultation over agenda setting, the baseline review and the identification of key issues in the first stage; the examination of key issues in the second stage; the formulation of evaluation of scenarios and options in the third stage; and the formulation of development strategies and response plans in the fourth stage.¹⁵⁰

32. In this consultation, "traditional" consultation activities, such as consultation with statutory and advisory bodies at the local level as well as professional institutions, forums with district councillors, and briefings to each of the 18 district councils, have been carried out. The PlanD has also introduced new engagement activities, including the establishment of an online forum, 9 focus meetings on a particular area of concern with the study, consultation meetings in two rural villages in the New Territories (which were the key areas affected by the study), as well as briefings in secondary schools and with education workers in order to foster interest in the planning process in schools and universities.

ii. Reclamation in Central and Wan Chai

33. After the CFA overturned the government's appeal and maintained that any plans for harbour reclamation must pass the "overriding public need" test, concern groups like Citizen Envisioning @ Harbour urged the government to set up a single body consisting of representatives of various sectors to explore the development of

¹⁵⁰ <http://www.hk2030.gov.hk/eng/inception/pdf/InceptionReport_5.pdf>.

the Victoria Harbour.¹⁵¹ The government hence established the HEC in May 2004, with an aim to safeguard public enjoyment of the harbour through a balanced, effective and public participation approach in line with the principles of sustainable development.¹⁵²

34. As a platform for cooperation between the government and civil society, the HEC has played a key role in facilitating public participation in the planning of the harbour-front areas. In February 2005, members of the Sub-committee on the Wan Chai Development Phase II of the HEC unanimously agreed to withdraw a previously issued consultation document which stated three options for the development of the Harbour-front area at Wan Chai North. The consultation document was criticised by some of the HEC members as misleading as they were being asked to choose one out of three options without a proper, prior public consultation.¹⁵³ The HEC has since re-launched the consultation exercise for two major harbour-front development programmes—Wan Chai-Central and Southeast Kowloon—with the aim of facilitating public engagement in planning.

35. The new engagement activities initiated by the HEC for the Wan Chai-Central area are known as the “Harbour-front Enhancement Review—Wan Chai, Causeway Bay and Adjoining Areas.” Three stages are considered in this review: the envisioning stage, the realisation stage and the detailed planning stage. In the envisioning stage, opinions offered by the public will facilitate the government’s preparation of the Concept Plan and Master Plan. The public is encouraged to present views in forums, charrettes and questionnaires, and by letters, fax and emails.¹⁵⁴ Five public forums and two charrettes were held in the second half of 2005. An Expert Panel Forum on Sustainable Transport Planning and Central - Wan Chai Bypass was established to facilitate discussion of the bypass in August 2005, and the general public were encouraged to submit opinions to the expert panel for consideration.¹⁵⁵

¹⁵¹ *Ming Pao*, 9 February 2004, p. A18.

¹⁵² <http://www.harbourfront.org.hk/eng/content_page/terms_of_reference.html?s=1>.

¹⁵³ *Hong Kong Economic Journal*, January 26, 2005, p. 5.

¹⁵⁴ Charrette refers to a “collaborative planning process that harnesses the talents and energies of all interested parties to create and support a feasible plan that represents transformative community change.” See “What is a Charrette?” National Charrette Institute, <<http://www.charretteinstitute.org/charrette.html>>.

¹⁵⁵ Members of the Expert Panel include an overseas professor in civil and environmental engineering, a professor in civil and structural engineering, two professors in civil engineering, a professor in economics, a representative from the Hong Kong Institution of Engineers, a representative from the Hong Kong Institute of Planners, and a representative from the Chartered Institute of Transport and Logistics in Hong Kong. See the press release of the HKSAR Government, 22 August 2005, <<http://www.info.gov.hk/gia/general/200508/22/08220181.htm>>.

The civic engagement activities mentioned above are actually similar to those carried out in the Kai Tak Planning Review.

36. During the Realisation Stage, the public were invited to evaluate the Concept Plan and Master Plan against the sustainability principles and indicators formulated by the HEC, and the consensus built will form the foundation for the government's preparation of the draft Outline Zoning Plan and the draft Recommended Outline Development Plan.¹⁵⁶ The Realisation Stage was launched in October 2006, and the public consultation of this stage which involved exhibitions, community workshops and town-hall meetings ended in December 2006.

iii. Review of the Town Planning Ordinance

37. The revised Town Planning Ordinance in July 2004 further facilitated public participation in the urban planning process. Under the new Ordinance, the representations on a draft plan are also subject to public inspection. The representations are available for inspection by the general public, and the general public can make comments on the representation in the first three weeks of the public inspection period of the representations.

38. A hearing on the representations and other comments will be held by the TPB, and persons who have submitted representations or comments can attend the hearings. They can also voice their opinions for the consideration of the TPB. The TPB will then decide whether to propose amendments to the plans. Should the TPB decide to make amendments, the proposed amendments after the first hearing will be published for public consultation. Again, any persons, excluding those who originally submitted the representations or comments, can make further representations regarding the proposed amendments during the first three weeks of the public inspection.

39. Should there be further representations, the TPB will hold a further hearing to consider these representations, and the persons who originally submitted representations or comments and those who submitted further comments may attend the hearing. The TPB will then decide whether to make amendments to the draft plan. Should there be no further representation or opposition to the further representation, the TPB will hold a meeting to consider the further representation, if any, and amend

¹⁵⁶ *Public Engagement Kit, Harbour-front Enhancement Review - Wan Chai, Causeway Bay and Adjoining Areas* (Hong Kong: Sub-committee on Wan Chai Development Phase II Review, Harbour-front Enhancement Committee, The Government of the HKSAR, May 2005).

the draft plan in line with the proposed amendments. The persons who have submitted the relevant representations, comments and further representations, however, are not invited to the meeting.

40. The Ordinance also allows members of the general public to amend an approved plan by the TPB. The amendments made will be considered by the Board within a three month period. The applicant can attend the meeting and is able to make comments. The Board initiates the plan-making process for public consultation for a period of three weeks, and if the amendments are accepted, they are put in a draft plan. The draft plan is then made available for public exhibition under the provisions of the Town Planning Ordinance.

41. The second measure to facilitate public participation in the planning process initiated by the TPB was the opening up of its meetings to the public in June 2005. However, this is a limited measure, as the TPB provides a long list of meetings which are not open to the public, including meetings to consider representations, comments and further representations made in the plan-making process, applications for amendments to plans, planning permission, amendments to planning permission or a review of the board's decision on amendments to planning permission, and other issues that do not concern public interest.¹⁵⁷ The public are only allowed to observe the meeting through the television monitors in a public viewing room.¹⁵⁸ While enhancing transparency and improving public access to information and submission of representations, the amendment has also allowed more interaction between the stakeholders and members of the Board.

II. Case Study—Kai Tak Planning Review

A. Origin of the policy problem

42. Planning of the Kai Tak Airport site began as early as September 1991, when the Executive Council passed the Metroplan Selected Strategy. In June 1992, the PlanD started to conduct a South East Kowloon Development Statement Study, followed by the Feasibility Study for Southeast Kowloon Development conducted by

¹⁵⁷ “Rules for Observation of Open Meetings of the TPB and its Committee,” <http://www.info.gov.hk/TPB/pdf/open%20meeting/rules_open%20meeting_e.pdf>.

¹⁵⁸ Fact Sheet on the “Observation of Meetings of the TPB and its Committees,” <http://www.pland.gov.hk/tech_doc/tp_bill/pamphlet2004/d_e.pdf>.

the Territorial Development Department.¹⁵⁹ The primary objective was the re-development of a huge area in the urban core of Hong Kong after the Kai Tak Airport was closed. Given the size and centrality of the Kai Tak site, this planning exercise has provided a unique opportunity for Hong Kong people to reflect upon the city's planning concerns, such as the development of a huge harbour-front area, the prioritisation of such space for residential, sports and tourist purposes, and the preservation of a treasured historical site. It also sparked off policy debates along many fronts, such as sports policy and promotion of tourism (through the building of cruise terminals).

43. The scale of the reclamation involved in the development of the old Kai Tak Airport and other features in the original plan (e.g. the number of roads to be built), previously known as the Southeast Kowloon Development Plan, stimulated strong opposition from the public. The original plan was returned by the chief executive to the TPB for reconsideration in September 1999. The Territorial Development Department launched a new Comprehensive Feasibility Study for the Revised Scheme of South East Kowloon Development in November 1999, followed by a public consultation on the Preliminary Layout Plan based on the Feasibility Study in May 2000. A set of revised draft OZPs, which took account of the Outline Master Development Plan from the Feasibility Study, was amended by the TPB on 29 June 2001 and was approved by the chief executive on 25 June 2002 and later gazetted on 5 July 2002.

44. The area of reclamation was reduced from 299 hectares in the original set of OZPs in September 1998 to 133 hectares in the revised set of OZPs passed in July 2002. During this phase of civic engagement, many other issues concerning the plan, such as the need to take into account the issue of economic development and the preservation of local heritage and the connectivity between the future Kai Tak development and existing local communities, had been further articulated by CSOs and discussed in the community.

45. Nonetheless, the ruling by the CFA in early 2004 compelled the government to revamp its planning of the entire harbour-front area, including Southeast Kowloon. A new planning process—the Kai Tak Planning Review—which also features a new public engagement process, was introduced in September 2004 and completed by late 2006.

¹⁵⁹ "Planning History of Kai Tak,"

<http://www.pland.gov.hk/p_study/prog_s/sek_09/website_chib5_eng/english/index_e.html>.

B. Civic engagement mechanisms—Harbour-front Enhancement Committee

46. Both conventional and new mechanisms for civic engagement have been proposed for the development of Kai Tak. Before the revised OZPs were completed in 2002, the conventional mode of public consultation had already been attempted. If not for the 2004 CFA ruling, the OZPs might have been implemented because they had already incorporated the different inputs obtained through the various conventional mechanisms of public consultation. In addition to the traditional venues of public consultation, the 2 new mechanisms for civic engagement in the development of Southeast Kowloon since 2004 are the HEC and the three stages of consultation which are conducted under a partnership between the HEC, the PlanD and other related government agencies. A private consultant has been commissioned to carry out the three stages of civic engagement.

47. The terms of reference of the HEC are:

- a “Provide feedback to and monitor for the reviews on the remaining proposed reclamation within the harbour, namely the Wan Chai North and Southeast Kowloon reclamation proposals;
- b Advise on the planning, design and development issues including land use, transport and infrastructure, landscaping and other matters relating to the existing and new harbour-fronts;
- c Advise on means to enlist greater public involvement in the planning and design of the harbour-front areas; and
- d Explore a sustainable framework to manage the harbour-front areas, including private-sector partnership.”¹⁶⁰

48. The HEC is chaired by a senior engineering professor and Pro-Vice-Chancellor from the University of Hong Kong recommended by the CSOs, and its membership covers the stakeholders representing a wide range of interests. Unlike other government advisory bodies, the HEC provides for corporate representation of the key stakeholders. Corporate membership is given to the following professional associations and stakeholder groups:

- Business Environment Council
- Chartered Institute of Logistics and Transport in Hong Kong

¹⁶⁰ <<http://www.info.gov.hk/gia/general/200404/28/0428174.htm>>.

- Citizen Envisioning @ Harbour
- Conservancy Association
- Friends of the Earth
- Hong Kong Institute of Architects
- Hong Kong Institute of Landscape Architects
- Hong Kong Institute of Planners
- Hong Kong Institute of Surveyors
- Hong Kong Institution of Engineers
- Hong Kong Tourism Board
- Real Estate Developers Association of Hong Kong
- Society for Protection of the Harbour Limited

Official members in the HEC include:

- permanent secretary for Housing, Planning and Lands (Planning and Lands)
- deputy secretary for the Environment, Transport and Works
- director of Planning
- director of Civil Engineering and Development
- deputy commissioner for Transport/Planning and Technical Services
- assistant director of Home Affairs
- secretary of the committee: principal assistant secretary (Planning and Lands).

49. The remaining 10 unofficial members include citizens from a variety of backgrounds, such as a property consultant, an executive from the Hong Kong General Chamber of Commerce who is an expert on environmental and planning issues and a veteran CSO leader, 2 geography professors (one of whom is the chairman of the Advisory Committee on the Environment) and district board members from the districts adjacent to the harbour (Eastern, Central and Western, Kowloon City, Sham Shui Po, Yau Tsim Mong).

50. The Committee has also established three Sub-committees dealing respectively with three particular areas of concern: (a) the Southeast Kowloon Development Review, (b) the Wan Chai Development Phase II Review, and (c) the Harbour Plan Review, which is also responsible for preparing the vision and mission statements as well as the planning principles for the planning of the harbour-front areas.

51. Unlike other advisory bodies, which are consulted by the government, the HEC aims to engage the public and the formation of the Committee itself suggests the inadequacy of the previous channels for participation. As in the Wan Chai Development Phase II Review, a bottom-up approach in civic engagement has been adopted in the Kai Tak Planning Review conducted by the PlanD in cooperation with the Sub-committee on Southeast Kowloon Development Review of the HEC since 2004. The consultation is conducted in three stages: the first stage engages the public “in determining vision and key issues”; the second stage engages the public on the Outline Concept Plans, and the third stage focuses on the development of a “Preliminary Outline Development Plan.”

C. Civic engagement processes

52. The first stage of the Kai Tak consultation, launched in late 2004, consisted of three public forums and a community workshop. The public forum attracted some 500 participants, and over 240 submissions. Further, a large scale forum involving the general public, commentators and collaborators in the Stage 1 Public Participation, as well as representatives from different statutory and advisory boards, local community groups and interested groups was organised in the form of a Kai Tak Forum convened by the HEC, in order to seek further inputs from the community in the preparation of the Outline Concept Plans. A Collaborators’ Meeting was subsequently convened, including representatives from the associations involved in town planning and the district councils, to discuss the approach in the preparation of the Outline Concept Plans and the technical issues as suggested in Stage 1 of the consultation.

53. Under Stage 2 of the consultation, held between November 2005 and January 2006, a public forum, three district forums, and three topical forums on a specific planning project were organised. The HEC convened a second Kai Tak Forum and organised a site visit in March 2006 in order to initiate ideas for the preparation of the Preliminary Outline Development Plan. The forum was attended by some 200 people, including individuals, representatives of local and community organisations, district councillors, stakeholder groups, and professional bodies.¹⁶¹

54. During the Stage 3 consultation, held between June and August 2006, a draft Preliminary Outline Development Plan was formulated for further consultation. The

¹⁶¹

<http://www.pland.gov.hk/p_study/prog_s/sek_09/website_chib5_eng/english/SecondForum_Final_ENG.pdf>.

plan is divided into 6 thematic areas—a business area, a sports hub, a metro park, a waterfront residential area, a tourism hub with a cruise terminal and heliport at the tip of the former Kai Tak runway, and a mixed use area at the south apron. A public forum, three district forums, and 4 roving exhibitions were held. Discussions between officials and the district councils were also organised. The general public and the district councils have not only called for better connectivity between Kai Tak and its neighbouring areas, but also continued to raise concerns over the Kai Tak Approach Channel (i.e. the nullah); the government said it would consider the requests from the district councils.

55. In addition to the site visit, meetings and forums organised by the HEC, about 15 forums and workshops attended by some 1,400 people, and 60 briefings were held, and around 657 written submissions were received under the Kai Tak Planning Review. A Finalised Preliminary Outline Development Plan was made public on 17 October 2006, and a draft Outline Zoning Plan largely based on the Preliminary Outline Development Plan was gazetted on 24 November 2006. The final Outline Development Plan will reflect the opinions collected from the consultation for the OZP, which is currently ongoing. Throughout the different stages, the HEC has also played a critical role in monitoring and reviewing the consultant's conduct of civic engagement.

D. Civic engagement results

56. The three stages of consultation in the Kai Tak Planning Review have consolidated the different planning scenarios. Since the first stage allows for envisioning, many different views were articulated before they were fully examined by the consultant and synthesised into three different outline concept plans in the second stage. As a result of the extensive exchanges between different stakeholders during the various engagement activities, several broad planning themes have emerged, including the provision of more public spaces and the inclusion of several key facilities. For instance, the sports hub, the cruise terminal, and the preservation of the runway have continued to be incorporated into the plan for the Stage 3 consultation and they are all kept in the OZP. Other suggestions such as the provision of a runway for amateur aviators no longer received strong support from the other stakeholders after almost 2 years of consultation and were hence dropped. After each stage of consultation, the consultant compiled a detailed report on the comments, feedback and submissions collected in the engagement activities, and these reports are accessible on the Internet.

57. Based on the “no reclamation” principle and the three stages of civic engagement, the latest draft OZP on Kai Tak was gazetted on 24 November 2006. This OZP aims to develop Kai Tak as the “Heritage, Green, Sports and Tourism Hub of Hong Kong.”¹⁶² It has incorporated 6 sub-districts — Kai Tak City Centre, Sports Hub, Metro Park, Runway Precinct, Tourism and Leisure Hub and South Apron Corner — as suggested in the Finalised Preliminary Outline Development Plan drafted after the three stages of the Kai Tak Planning Review. The OZP has also taken into account the opinions received in the three stages of the Review regarding the preservation of Kai Tak’s heritage and its green open spaces spreading throughout the urban areas and along the waterfront. It has also incorporated a stadium, a cruise terminal with 2 berths, and a metropolitan park. However, the inclusion of a 200-metre high-rise hotel, tourist and commercial development and the location of a heliport at the tip of the former runway in the OZP, which only appeared in the Preliminary Outline Development Plan, were unexpected.

58. Nonetheless, while other key concerns such as the connectivity with the neighbouring old districts were addressed in the finalised Preliminary Outline Development Plan, the issue is not fully resolved in the OZP. Owing to the high cost and other concerns raised by the government, the bridge link championed by the Kwun Tong District Council and the monorail linking Kai Tak and neighbouring areas of Kowloon City and Wong Tai Sin once included in the finalised Preliminary Outline Development Plan are only considered as items for “possible reservation” in the gazetted OZP. Nonetheless, the whole exercise has produced a plan which no longer seems to arouse widespread opposition or major controversy.

E. Discussions

59. The three stages of the consultation for the Kai Tak Planning Review suggest that the new form of civic engagement launched since 2004 constitutes an innovative exercise welcomed by most stakeholders. Most government officials and CSOs interviewed believe that many valuable lessons could be learned. The discussion below will examine the HEC, the TPB, the district councils, and the engagement activities conducted under the Kai Tak Planning Review.

¹⁶² <<http://www.info.gov.hk/gia/general/200611/24/P200611240127.htm>>.

i. Institutional arrangement for engagement

60. The CSOs and the government view the effectiveness of the conventional mode of public participation in planning very differently. While CSOs are highly critical of the ineffectiveness of the conventional mode of public consultation, senior government officials interviewed still consider them important and useful. Some CSO stakeholders interviewed believed that the Kai Tak experience shows that a more extensive civic engagement exercise had contributed to a smoother plan making process. But it is unclear whether the government is committed to the new mode of civic engagement as exemplified by the Kai Tak experience in future planning projects.

Membership and representation

61. Most non-governmental stakeholders consider the government's partnership with the HEC and the engagement activities they coordinated in the Kai Tak case have laid the foundation for a more *bottom-up approach* in urban planning in Hong Kong. Most importantly, aside from appointing a chairman with a non-official background and who was recommended by CSOs, the HEC provides for corporate representation from the community. For instance, in addition to representatives from the Tourism Board and 6 government bureaux and departments, there are seats for 6 professional bodies, 2 business groups and 4 CSOs in the HEC. This new mode of representation is seldom found in other advisory bodies, but it is welcomed by the CSOs and other stakeholders because it enhances the independence of their members and reduces the possibility of governmental domination of membership appointment. Further, the inclusion of almost all the key professional institutions related to planning allows for a system of checks and balance among these different sectoral interests. Nonetheless, some officials interviewed did not share the above assessment because they thought certain CSOs kept on repeating the same issues in the HEC (partly because different representatives from the CSOs attended different meetings) which rendered the deliberation not only very time consuming but also ineffective.

62. Further, most non-governmental interviewees lamented the absence of more grassroots and civil society representation in the TPB because the government tends to appoint mainly academic, business and professional members (although a small number of district councillors have been appointed recently). The government's domination of membership appointment, they believed, has inhibited the TPB from becoming a more effective mechanism for civic engagement. However, some officials

and professionals interviewed argued that only the civil service and the government can ensure the impartiality of the management and secretariat service to be provided to the TPB. In any case, both governmental and non-governmental interviewees believed that any reform of the TPB should ensure that the body would not be subject to manipulation by outside forces, be they business or political interests.

63. Despite the importance granted to the consultation with the district councils by the government, many interviewees agreed that the Councils are not yet fully equipped to play a more useful role in civic engagement over planning issues. For instance, since not all the councillors possess the professional knowledge necessary to provide useful input in urban planning, the government should consider providing them with more training and technical support. Some even recommended the government second planners to the district councils to provide professional support over local planning issues. Others also suggested the Councillors undertake more extensive community-level engagement on their own on important planning issues so that they could then better tap the latest community mood and give more timely and useful feedback to the government.

64. In addition, some officials interviewed pointed out that different views and priorities about planning would inevitably emerge in civil society from time to time. Hence it would be rather difficult to fully incorporate the views of CSOs, especially when their membership and their views often change over time. In particular, these officials were very concerned about the representativeness of newly emerging CSOs or non-governmental actors as they maintained that it is hard to ascertain whether CSO actors represented a vocal minority, the majority view or the public interest. Nonetheless, with the increasing activism among CSOs in Hong Kong in the past few years, the government has to adapt to such circumstances.

Functions, powers, resources and institutional support

65. Resources dedicated to civic engagement in the Kai Tak case are substantial. The three stages of consultation involve many public forums, consultations, exhibitions and other activities. CSO stakeholders interviewed maintain that such resources are important for the community to participate in the planning process as few community bodies would have access to such a large amount of resources. Whether the same amount of resources should be made available for other planning exercises, however, merits further exploration. Some stakeholders did realise that while Kai Tak—by virtue of its scale and significance—may compel a more thorough

civic engagement process, other projects do not necessarily have to follow exactly the same model as the demands on both time and resources would be excessive. Nonetheless, it should be pointed out that if the government and other stakeholders do not invest the time and resources for a thorough and effective civic engagement exercise, the outcome and consequences of poor planning may also be economically and politically costly for the entire community.

66. The resources for civic engagement are still controlled and provided by the government. The newly created advisory mechanisms found it a challenge to gain access to such resources. The experience of the HEC is somewhat mixed. For instance, the Sub-committee on Wan Chai Development Phase II Review of the HEC can steer and provide input to the consultancy studies undertaken by the government, and a task group under the Sub-committee on Harbour Plan Review of the HEC can shape a design brief for the enhancement of the Central harbour-front area. The deployment of resources and the conduct of the consultancy studies in the Kai Tak case nonetheless are still controlled by the government. More effective civic engagement is possible only if the key stakeholders, not just resourceful players like the government and property developers, can have more access to information and resources to undertake impartial research on planning issues.

67. There were also tensions between government and non-governmental stakeholders regarding the financial and administrative support for the HEC. Although the government promised HK\$5 million for the HEC, the pledge was not kept as CSO interviewees said the government did not fully respond to their call for resources to, say, conduct studies. The support rendered by the secretariat was also considered disappointing. For instance, CSO members believed the government should be more forthcoming in helping with the organisation of briefing sessions to engage the public. In short, non-governmental interviewees suggested that officials were more willing to attend to the concerns raised by the CSO members during the earlier phase of its operation (roughly before 2006), but that since then their attitude has changed.

Agenda setting power and decision-making rules

68. In the conventional mode of public consultation, the government plays a dominant role in setting the agenda and conducting the consultation. Through its appointment of members, its chairmanship of the TPB (and its 2 committees) and its provision of secretariat support, the Board is widely considered to be very much under the steering of the government. However, the Kai Tak Planning Review allows for the

community to get involved even in the envisioning stage of planning, hence the agenda for discussion was much more open than in the conventional form of consultation. After drawing upon the views of both the public and the professionals, the multiple-stage approach then proceeds on the basis of the input from civic engagement activities to set out the concept plan and later the more specific development plan.

69. The HEC, however, has experienced considerable difficulties in shaping the agenda in its interactions with the government. Some CSO interviewees mentioned that while the ambit of the HEC had covered many issues concerning the enhancement of the harbour-front areas, the government was only keen on its own agenda, namely the review of the Central and Wan Chai and Kai Tak cases. The officials they had encountered were far less responsive to other harbour related issues, such as the temporary use of harbour-front areas and the management of billboards along the harbour.

ii. Actors

70. Almost all interviewees agreed that the community in Hong Kong has been transformed in the last few years with the rise of civic awareness and much stronger concern over planning and preservation of Hong Kong's heritage, environment and urban design. Together with the changing social and economic landscape, the context for planning in Hong Kong has indeed undergone a profound transformation which renders the conventional mode of public consultation inadequate.

Conceptions of civic engagement

71. Competing conceptions of civic engagement can be found among the governmental and non-governmental actors interviewed. Some officials interviewed claimed that the conventional mode of public consultation in planning (i.e. those practices adopted before the Kai Tak Planning Review; please refer to section 21) already constitute meaningful civic engagement. On the contrary, non-governmental stakeholders interviewed see civic engagement as a much more open-ended interactive process whereby the public and civil society can have a role in shaping the initial agenda of the government. They were not interested in merely a menu of choices for different planning scenarios offered by the government after planning studies have already been done; rather, they wanted to ensure that the community at large could have a say in the earliest phase of planning, e.g. over whether to have

further urban development or not. Hence the conventional mode of public consultation and the TPB mechanism do not constitute genuine civic engagement and are hence unsatisfactory.

72. Moreover, some CSO interviewees maintained that the public engagement activities in Hong Kong were not conducted in a way that was in-depth enough to forge a strong consensus. For instance, even in the case of Kai Tak, they believed that the officials involved did not feel comfortable with the engagement activities as a result of the long history of bureaucratic domination over policy making and their “professional arrogance”. Officials were often reluctant to release information to the public, which of course did not facilitate an informed discussion in the community. Non-governmental stakeholders believed that the government should not only release sufficient information to the public, thus enabling CSOs (especially the professional bodies) to develop alternative plans, but also present the information in such a way that the general public can fully comprehend the implications of the planning proposals. New technologies, such as 3-D imaging, should also be more fully utilised as a means to facilitate public engagement.

73. One of the key reasons accounting for such divergence over the conception of civic engagement is that some senior officials interviewed felt that they were the guardians of the public interest. They also had to balance the need for community participation and other policy goals that they considered to be equally important, such as economic prosperity, as well as the need for efficiency and cost-effectiveness. They often saw the CSO and other professional or business sectors as simply advocating their own sectoral or business interests. Further, these officials maintained that the government, not the non-governmental stakeholders, would have to be responsible for the policy they made and be accountable to the community. In other words, they have to produce what they consider as the best possible plan as efficiently as possible in accordance with their professional assessment of what is in the best public interest and long-term interests of Hong Kong amid competing demands in the community.

74. Further, in the eyes of some officials, since some non-governmental stakeholders focused only on certain aspects of an issue (such as environment), they could not fully balance the pros and cons of planning projects. After all, the government could not (and should not) satisfy each and every demand voiced in the engagement process. This more elitist view of civic engagement was also shared by some of the business and professional sectors interviewed. Some interviewees from professional sectors also pointed out the gap between expert input and local or

community input. While community input should be taken into account, there is the danger of local resistance to proper planning at the territory-wide level as local interests do not necessarily coincide with broader societal interests.

Interests and incentives

75. In the Kai Tak case, HKSAR officials had strong incentives to organise more extensive civic engagement because of the CFA ruling in January 2004, the low popularity of the government at that time, and the unexpected and strong opposition to the previous OZPs. If a more extensive engagement process was not undertaken, political groups and the Legislative Council could criticise the government for not allowing adequate public participation. Hence the new mechanism of the HEC was established in May 2004 to cope with such a contingency. However, whether the HEC will be abolished after the conclusion of the Wan Chai Development Phase II Review and the Kai Tak Planning Review has become a key concern for CSOs interviewed. Some CSO interviewees remained sceptical of the government's commitment to the kind of civic engagement as extensive as that of the Kai Tak Planning Review.

76. Further, professionals such as architects, planners and engineers have strong interest in planning not just because they have their professional standards and concerns, but also because they may want to get the contracts for particular projects. Hence they are both interested parties and a part of civil society (through their professional associations and activities) that has a stake in the process. These actors have played active roles in debating the planning of Kai Tak since the 1990s.

77. Both existing and newly organised CSOs have emerged as active players trying to shape planning in the past few years. Even political parties have developed a strong interest in planning issues, including the development of Southeast Kowloon. In Kai Tak and other harbour-front cases, CSOs themselves have been keen to conduct their own civic engagement activities, such as public hearings, surveys and other research activities in order to put pressure on the government. Indeed, if the government does not carry out more civic engagement activities, it appears civil society will do so. The likelihood of civil society carrying out civic engagement activities will probably increase in the future because issues such as harbour enhancement, urban renewal and the preservation of Hong Kong's unique heritage and urban forms have gained increasing community attention. Nonetheless, if the government does not take the input from such engagement seriously, CSOs and the public may easily develop apathy toward such exercises.

iii. Engagement process

Chairmanship and leadership

78. The choice of chairmanship of the HEC and its subcommittees are critical factors facilitating civic engagement because they have to be able to work effectively with the government, CSOs and other stakeholders. For instance, the chair of the HEC has been instrumental in its early success in getting the cooperation and support of the government and in contributing to the successful launching of the planning review for Kai Tak (and Wan Chai). The dedication of the chairmen of the Sub-committees is also important because they were deeply involved in advising on and organising many of the engagement activities.

Building of trust and commitment

79. The three stages of consultation for Kai Tak are considered by both governmental and non-governmental actors to be a useful process from which many lessons could be drawn. A wide array of actors participated in the deliberation and hence shaped the planning through interactions with other stakeholders, which further contributed to the building of more trust and understanding between them and the government. Instead of dominating the agenda as in the other advisory bodies, the government has allowed the HEC to conduct some of the civic engagement activities, and this helped to build up some level of trust among the participants and enhance its legitimacy and even the ownership of the outcome of the engagement process by the non-governmental stakeholders.

80. The government's commitment to a more open mode of civic engagement and willingness to listen to different voices from the community are critical in the Kai Tak Planning Review. The public can participate in the envisioning stage of planning. Even though the earlier, revised OZPs had already been prepared, the government did *not* take a firm position when the first stage of consultation for Kai Tak was launched in 2004. Instead, the government promised to listen to the input from the community carefully, although it still favours certain items such as the stadium and the cruise terminal.

81. Some CSO stakeholders interviewed, however, found the government's attitude toward the HEC was more utilitarian and they did not believe a strong level of

trust had developed between them and the government. Based on their experience in the HEC, non-governmental stakeholders found that they often needed to do a great deal of advocacy as officials did not follow through on their promises or requests. A change in the attitude of the government after 2006 was also detected because they did not feel that senior officials were as committed to civic engagement as they had been.

82. In fact, some business and professional interviewees did not feel the government had shown a real commitment to listening to different community views. Rather, the government was seen as an interested party, rather than a referee mediating societal interests, with a strong preference for maximising revenue from property development and pursuing its pet projects such as the stadium or the cruise terminal. Therefore, the government should consider making its own interests and concerns more explicit in the process of civic engagement, for example over the acquisition of revenue and land for development, and officials should explain that its priorities are well-grounded in the public interest and convince the community of this. Otherwise, the public and the CSOs will have less trust for the government during the engagement process.

Transparency and feedback

83. Unlike any other consultative and advisory mechanisms in Hong Kong, the HEC has attained a high degree of transparency which allows for much wider public monitoring of its work and progress. The meetings of the HEC are open to the public. All the minutes of the meetings and related documents from the HEC can be accessed on the Internet and different activities have also been organised to engage the public. The HEC and its Sub-committee on Southeast Kowloon each held 13 meetings between May 2004 and November 2006. Officials could also utilise these opportunities to explain their views and offer immediate feedback to the CSO participants.

84. The entire Kai Tak Planning Review was managed by a consulting firm rather than by the government itself and the consultant actively collected a variety of inputs before proposing the different planning scenarios. The submissions or opinions collected were made available for community consideration in public participation reports prepared by the consultant after each stage of civic engagement. What is also important is that, unlike the conventional mode of public consultation, the engagement activities organised were much more accessible to the general public, and

included the use of charrettes, district forums, site visits, videos and physical models. In order to achieve effective civic engagement, it is apparent that essential elements of a more participatory form of planning, such as greater transparency of the engagement process and feedback from the government and consultants involved, are critical.

iv. Engagement results

85. The Kai Tak Planning Review has facilitated the government, other key stakeholders and the community at large to reach more common ground through an extensive as well as inclusive mode of civil engagement. The OZP that emerged from the process is considered by many stakeholders as far better than the previous plans. Nor has it evoked widespread opposition from the community as the key stakeholders have already participated in and contributed to such a thorough deliberation. The Review, despite the substantial amount of time and effort required, has helped the government to produce an OZP in line with its schedule. The OZP has continued to incorporate some of the government's key projects such as the stadium, the cruise terminal and commercial development and accommodated the demands from a variety of other stakeholders. More importantly, the engagement process has engendered a new pattern of interactions between the government and CSOs, other key stakeholders and the community. If the government can continue with more innovative engagement mechanisms like those in the Kai Tak Planning Review and a partnership with advisory mechanisms such as the HEC in the future, a higher degree of community and stakeholder satisfaction with the planning process and its policy output may be more likely.

86. Nonetheless, some business and professional stakeholders interviewed still maintained that the planning process in general has become too politicised as different political actors manoeuvre to maximise their own political gains rather than contribute to a better plan. Hence the current consultation over Kai Tak has produced a plan that is neither coherent nor desirable because too many disparate requests of different stakeholders have been incorporated. Instead, they favoured more input from professional sectors such as the architects and planners. This reveals the reluctance of certain business and professional sectors to acknowledge the input of civic engagement, and their lack of confidence in the government's ability to produce a sound plan. In other words, the government has faced criticism not only from advocates demanding more civic engagement with the community and stakeholders, but also from business and professional sectors concerned about populist influence in planning.

III. Conclusion

87. The Kai Tak case suggests that in terms of planning design, the community expected a great deal more than the usual residential or commercial development through reclamation. But more importantly, it shows that the Hong Kong people are no longer satisfied with the conventional mode of public consultation in policy-making. The Kai Tak experience has revealed that with more inclusive and interactive civic engagement processes, the policy output can gain much more support and legitimacy among the key stakeholders and the community, and the energy of civil society actors can be channelled through such processes. Several important lessons can be drawn from the Kai Tak case. The following sections will focus on the engagement activities of the Kai Tak Planning Review, the HEC, and other advisory and statutory bodies.

A. The Kai Tak Planning Review

88. The Kai Tak Planning Review launched in 2004-06 is unprecedented in attempting both inclusive representation and extensive engagement of CSOs and the public. The permanent secretary for Housing, Planning and Lands (Planning and Lands) even claimed, “It is the first time a planning project has begun with a blank paper, the first time officials have planned with the public.”¹⁶³ The commitment of both governmental and non-governmental stakeholders and the high levels of resources and time devoted to this exercise are indeed important factors contributing to the relatively smooth completion of the Review.

89. Most of the interviewees considered the exercise a relatively successful experience because the government, the different stakeholders and the public have been able to work out the planning issues together on a rather open platform. The new processes of civic engagement have engendered more communication and interactions among the different stakeholders. This has helped to “educate” the different parties as they have direct exchange with one another through the various forums or meetings. This has proved to be a valuable learning experience for many parties concerned and contributed to the forging of common ground and the fostering of new norms and practices in civic engagement.

¹⁶³ “Land grab may be needed off old airport runway; Three-pronged outline suggests third berth for cruise liners,” *South China Morning Post*, 10 November 2005, News, p. 3.

90. The HEC is also conscious of the need to evaluate the very process of public engagement that it has championed, a spirit worthy of further application in other policy areas. In its November 2006 assessment of the public engagement process, the HEC's Secretariat suggests the following key recommendations: (a) emphasising the value of public engagement in developing the harbour; (b) streamlining the three-stage programme into a two-stage programme; (c) better time management; (d) the phasing of engagement activities of different reviews/studies to avoid "consultation fatigue"; (e) the use of different formats (e.g. consultation sessions and site visits) to enhance the attraction of the engagement activities; and (f) the use of different aids to facilitate understanding of the development proposals and to achieve better communication.¹⁶⁴ Since these recommendations are valuable lessons distilled from the Kai Tai Planning Review, they should be taken forward to future civic engagement exercises in planning.

91. In addition, the government has to provide as much impartial information and balanced explanation over the issues involved to the community as early as possible if it genuinely wishes to obtain useful community input in policy-making. The time required for future consultation can nonetheless be shortened if the government can allocate more resources to hire more consultants and offer more useful and balanced information from the very start, although the amount of time and attention demanded of the officials involved still remains a key constraint.

92. Last but not least, the government and the professional sectors such as architects and planners could help set up a fund to offer independent and professional advice so that the CSOs and the public could tap their support in understanding complex planning issues. Alternative plans could also be formulated with the support of such funding and the information provided by the government in order to advise the public on possible planning alternatives.

B. The Harbour-front Enhancement Committee

93. First, the institutional arrangement for conducting civic engagement is still an unresolved issue. Competing views on the operation of HEC, for instance, can be found among the different actors interviewed in this study. Some considered it to be an ineffective mechanism because it is just another talking shop. More emphasis on the prioritisation of issues to be examined, time management and consensus building,

¹⁶⁴ For the discussion paper regarding the evaluation of public engagement processes of the HEC, please refer to <http://www.harbourfront.org.hk/eng/content_page/doc/agenda061108/agenda2.pdf>.

they argued, would be needed in order to enhance its effectiveness. Others, especially those from CSOs, believed the HEC is an excellent platform for different sectors to articulate their concerns and provide useful input for the government to address during the planning process. This mechanism has also helped to enhance transparency and public participation. Some HEC members also advocated the allocation of more resources and the establishment of an independent secretariat serving the HEC.¹⁶⁵

94. The establishment of the HEC is a major, bold step in civic engagement because the representatives of the various professional bodies and CSOs are nominated by themselves, rather than by the government. Most non-governmental stakeholders interviewed believed that this is a much more preferable practice than the current mode of government-dominated appointments of individuals into advisory bodies. But other interviewees, including most notably those from the government, believed that this might not be desirable because the insistence of a small number of representatives nominated by their own organisations on their own positions could render the deliberation unproductive.

95. Further, both governmental and non-governmental interviewees raised the concern that the meetings of the HEC are too time consuming and ineffective because some items at the meetings were repeatedly debated as different representatives of some organisations showed up in different meetings. Hence it would be advisable if participants in advisory bodies such as the HEC could keep up with the flow of discussion and understandings reached in previous meetings in order to enhance the efficiency and effectiveness of the meetings. Participants representing their agencies that attend the meetings have to ensure that they communicate and coordinate among themselves before the meeting.

96. In addition, while the incorporation of participants from very different backgrounds into the HEC aptly shows that it is a very inclusive body, such an arrangement has *not* necessarily built up or enhanced the level of trust among the participants because of their divergent views and interests.

¹⁶⁵ An HEC Retreat was held on 27 August 2005 for the discussion of the public engagement experience and other matters concerning the operations of the Committee. For the discussion papers and minutes of the Committee concerning the Retreat, please refer to <http://www.harbourfront.org.hk/eng/content_page/doc/agenda050922/agenda4.pdf>; and <http://www.harbourfront.org.hk/eng/content_page/doc/minutes08.pdf>.

C. Other Advisory and Statutory Bodies

97. The relationship between the new civic engagement mechanisms and other existing advisory and statutory bodies needs to be ironed out. For instance, the relationship between the HEC, as an advisory body on the harbour, and the TPB, as the most important statutory body on planning, needs to be further articulated. Ideally, advisory and statutory bodies such as the TPB should have already covered the concerns of the HEC. There seems to be some overlapping in the scope and concerns of these bodies. For instance, how will the deliberation of an advisory mechanism like the HEC and the engagement activities that they helped to conduct be coordinated with that of the other existing advisory and statutory bodies related to planning?

98. There is no consensus, at least among the policy actors interviewed in this study, about how to enhance the TPB as a mechanism for participation and planning. In fact, as a statutory body, the TPB is not mainly designed as a mechanism to engage the community per se. For instance, there are conflicting views on whether the TPB should have an independent chair (as the current chair is a permanent secretary), an independent secretariat (as the current secretariat is staffed by the PlanD) and a different mode of operation and different rules for membership appointment. There is indeed considerable concern among most of the non-governmental interviewees that the TPB can be easily dominated by the government, given its control over membership appointment and the part-time status and enormous workload of the members. By contrast, various officials were concerned with the maintenance of independence of the Board through the chairmanship of the TPB by a permanent secretary and the effective steering of and the provision of professional support to the Board. Hence how to enhance the TPB as a statutory body in view of the growing demands for civic engagement under the current circumstances should be further explored.

99. Planning issues are likely to stimulate great public controversy because they concern the practical interests of many policy actors and the balance of public and sectoral interests. As revealed in the controversies over planning and urban renewal cases since 1997, the conventional mode of public consultation and the existing advisory and statutory bodies are no longer capable of reflecting the emerging aspirations and demands of the Hong Kong community over planning related issues. Hence effective civic engagement exercises can supplement such mechanisms and assist the government in understanding the changing public aspirations and demands.

100. The Kai Tak experience is an unprecedented, innovative attempt at civic engagement in Hong Kong's planning history. In view of the rapidly changing economic and political contexts, it is imperative for the government to adopt civic engagement as a means to incorporate the latest community aspirations and demands into planning. In an executive-dominated political system, one of the most important factors shaping governance is the commitment and attitude of the government. It must be noted that the government enjoys enormous power in the current political system and controls many different kinds of information and resources. If the government wants to channel the aspirations and energy of an increasingly vibrant civil society in Hong Kong into the policy process through civic engagement, there is a strong need for the government to show its continuing commitment toward genuine civic engagement in the near future.

101. In sum, the enhancement of civic engagement in planning may contribute significantly to the improvement of governance and hence the popularity of the HKSAR government in the future. But such a prospect can only be realised if both governmental and civil society actors are willing to embrace such forms of civic engagement and work closely together for the collective interest of the community.

Chapter 7

Welfare Policy: The Case of the Commission on Poverty

I. Overview of Policy Issues in Social Welfare

A. Policy issues and institutions

1. The current social welfare policy is largely the product of social policy development in the early 1970s, which was regarded as the “big bang” phase of social policy.¹⁶⁶ There was expansion in state financing and/or provision in the areas of health care, housing, education and social welfare. In social welfare, public assistance schemes were set up which provided benefits in cash to the poor, the elderly and the disabled. The government also became the major financier of voluntary agencies, which now provide 90% of the social services.

2. Official discourses have always stressed the principles of self-reliance, individual responsibility, and familialism. The social security system was designed to provide a minimum safety net to society. Up to the early 1980s, the social welfare system was able to cope with societal demand, mainly under a condition of full employment, continuous economic growth and real wage increases. Studies have shown that the 1960s to 1970s were a period of rising income and falling inequality.¹⁶⁷ It was the subjective experience of a generation of Hong Kong people that almost everyone could improve their livelihood with hard work and individual effort.

3. In the mid-1980s, rising labour cost coupled with China’s open door policy prompted industrialists to relocate their production sites to mainland China. Hong Kong underwent a process of deindustrialisation. Alongside the rise of the service industry was the loss of low-skilled jobs and a widening wage gap. At the same time, socioeconomic development brought about the problems of an aging population and the rise in female-headed households. All these gave rise to structural poverty. After 1997, the Asian financial crisis led to economic recession and further deterioration of

¹⁶⁶ Tang Kwong-Leung, *Colonial State and Social Policy: Social Welfare Development in Hong Kong, 1842-1997* (Maryland: University Press of America, Inc., 1998).

¹⁶⁷ See, for example, L.C. Chau, “Economic Growth and Income Distribution in Hong Kong,” in *Twenty-Five Years of Social and Economic Development in Hong Kong*, eds. B.K.P. Leung and T.Y.C. Wong, Centre of Asian Studies Occasional Papers and Monographs No.111 (Hong Kong: Hong Kong University Press, 1994).

the situation of poverty. The unemployment rate rose to a record high of 7.9% in 2003. From 1997 to 2002, the percentage of employed persons with a monthly income below HK\$4,000 increased from 6.9% to 11% (Census and Statistics Department 1997, 2002).

4. Economic restructuring and socioeconomic change have thus brought about structural poverty. It imposes a tremendous burden on the social welfare system and generates strong societal demand on the government to tackle the structural cause of poverty, the handling of which is beyond the capacity of the existing social welfare system.

B. Development of civic engagement

5. In social welfare, the government has a long history of engaging civil society organisations. As mentioned, since the late 1960s, the government has funded non-governmental organisations (NGOs) to deliver social service. At present, 90% of the social service is offered by 346 NGOs that receive 70% of their funding from the government. The social service sector also has a long history of participating in social welfare policy making. The Hong Kong Council of Social Service (HKCSS), representing most of the government-funded social service NGOs in Hong Kong, have been closely involved in the making of all the five-year plans in social welfare policy from the early 1970s to the early 1990s.

6. Under the Social Welfare Department are numerous advisory and statutory committees (21 in total)¹⁶⁸, in which both official and unofficial members are represented. For instance, the Social Welfare Advisory Committee (SWAC), a major advisory body on social welfare policy, is comprised of members of NGOs, the business sector, academics, etc. While some of these committees have unofficial members formally representing an organisation,¹⁶⁹ for the majority of them unofficial members participate in the committees on an individual basis.

7. The social service sector has complained that since the early 1990s, the government has suspended the five-year planning exercise and that the old partnership with the sector in long-term policy making was no longer practiced. At the same time,

¹⁶⁸ For details, see <http://www.swd.gov.hk/en/index/site_aboutus/page_205/index.html>.

¹⁶⁹ Examples are the Committee on Child Abuse, Working Group on Combating Violence, and Working Group on Elder Abuse.

new advisory committees such as the Elderly Commission have been set up to tackle newly emerging problems.

II. Case Study—The Commission on Poverty

A. Origin of the policy problem

8. Since the 1990s, more and more members of the civil society have voiced their concern regarding the worsening situation of poverty in Hong Kong. Academics have studied the plight of low income households and have suggested the need for objective standards for measuring poverty.¹⁷⁰ These studies have pointed out the massive number of poor people in Hong Kong, including a substantial portion of working poor.

9. The Asian financial crisis led to economic recession and further deterioration of the situation of poverty. In response to these problems, the general official standpoint remained that the existing social welfare and social security system already provided an adequate safety net. The existing poverty problem was the result of the economic cycle and would be resolved once the economy picked up again. Thus measures that were taken were largely interim aiming at “alleviating” the impact that the economic downturn had on people. Officials also regarded the existing institutional arrangements for alleviating poverty as adequate .

10. Various civil society organisations intensely lobbied the government to come up with policy measures to eradicate poverty. In 1997, the Hong Kong Social Security Society conducted a study on the poverty situation in Hong Kong, and pointed out that the poor population had skyrocketed. The HKCSS presented research papers and proposals to the government. Oxfam commissioned studies urging the government to establish a minimum wage and maximum working hours. In 2000, Livelihood Agenda 21, an umbrella organisation presenting 23 social welfare and religious organisations, was established. It urged the government to establish an “Eradication of Poverty” Committee. It also called for an official policy for the eradication of poverty, the

¹⁷⁰ For instance, see Lui Tai-Lok and Wong Hung, *Disempowerment and Empowerment: An Exploratory Study on Low-income Households in Hong Kong* (Hong Kong: Oxfam, 1995); Stuart MacPherson and Lo Oi-Yu, *A measure of poverty* (Hong Kong: The City University of Hong Kong, 1997).

setting of a poverty line, giving high priority to the creation of jobs, a full-employment policy and new social-security benefits for vulnerable groups. In August 2003, representatives of 12 organisations under the HKCSS met with former Chief Executive Tung Chee-hwa. Chong Chan-yau from the Hong Kong Oxfam again urged the government to establish a committee to eradicate poverty. Such societal actions were supported by politicians. In November 2001, LegCo's Panel on Welfare Services passed a motion unanimously urging the government to establish an inter-departmental committee to combat poverty.

11. In January 2005, Tung Chee-hwa announced in his policy address that the government would set up the Commission on Poverty consisting of government officials, academics, experts, members of the business sector and the civil society. Thus the Commission on Poverty was set up as a result of intense lobbying from the civil society. The lobbying did not take place through conventional or institutionalised channels, such as SWAC or the old corporatist relationship between the government and HKCSS. Rather, there is evidence to suggest that civil society organisations were unable to persuade administrative officials to accept their proposals, and so have turned to the use of collective action to lobby the chief executive.

B. Civic engagement mechanisms

12. The Commission on Poverty (CoP) is a non-statutory body. Its terms of reference are:

- to study and identify the needs of the poor;
- to make policy recommendations to prevent and alleviate poverty, and promote self-reliance; and
- to encourage community engagement; delineate responsibility between the government, social welfare sector and community organisations; foster public-private partnerships and mobilise social capital in alleviating poverty.

It emphasises that it will focus on inter-departmental and inter-disciplinary issues and aims to enhance policy coordination and integration.

13. The CoP is chaired by the financial secretary. Other official members include the head of the Central Policy Unit and four principal officials responsible for health and welfare, home affairs, employment and education. There are 18 unofficial

members consisting of legislators, business people, community leaders, representatives from NGOs and academics.

14. The CoP consists of two task forces and two ad hoc groups. The two task forces are the Task Force on Children and Youth and the Task Force on the district-based Approach. The two ad hoc groups are the Ad Hoc Group on Social Entrepreneurial Training and the Ad Hoc Group on the Elderly Poverty.

15. The secretariat of the CoP is housed under the financial secretary's Office. The secretariat consists of one secretary, one assistant secretary and one senior administrative officer. Aside from providing administrative support to the CoP, the secretariat is also the major institution for coordinating among bureaux and departments. The staff cost of the secretariat amounted to HK\$6.1 million in the 2005-06 financial year.¹⁷¹

16. The financial secretary announced in May 2005 that the net proceeds from Personalised Vehicle Registration Marks (PVRM) would be dedicated to the work on poverty prevention and alleviation.¹⁷² The CoP thus has under their discretion about \$30 million a year for funding programmes of their design.

C. Civic engagement processes

17. To date, the CoP has conducted 13 meetings, and their individual task forces and ad hoc groups have also held numerous meetings. Officials from the secretariat have also met with official and unofficial members individually. Some unofficial members have held informal meetings among themselves. It has put online all its minutes, non-classified documents, and documents tabled by unofficial members. On interacting with the public, the CoP has made many visits to selected districts and social services agencies. It has also held forums, sharing sessions, seminars, conferences, and meetings with representatives of social services agencies.¹⁷³

¹⁷¹ Government Secretariat, Offices of the Chief Secretary for Administration and the Financial Secretary (EC(2005-06)2), 18 May 2005.

¹⁷² Information Services Department, *Press Release*, 29 May 2005.

¹⁷³ The information regarding public engagement was supplied by the Secretariat of the CoP.

D. Civic engagement results¹⁷⁴

18. The CoP has embarked on the study of several topical issues, namely the concept and measurement of poverty, a district-based approach to alleviate poverty, promoting self-reliance, reducing the risk of intergenerational poverty, and the elderly in poverty.

19. On the concept and measurement of poverty, a set of indicators (24 in total) have been developed to reflect the poverty situation of four key social groups, namely children/youth, working people, the elderly and the community.

20. On the district-based approach, three districts have been chosen for developing the approach: Kwun Tong, Sham Shui Po, and Tin Shui Wai. The CoP has designated the Home Affairs Bureau and Home Affairs Department to be responsible for managing the resources to be deployed to districts according to their needs. The Home Affairs Department has established the Enhancing Self-Reliance Through District Partnership Programme to reinforce its work in preventing and alleviating poverty through a district-based approach.

21. On promoting self-reliance, emphasis has been placed on strengthening employment assistance, increasing work incentives and developing social enterprise. A scheme has been established to offer transport subsidies to those living in remote areas. Measures have been suggested to encourage the development of social enterprise as a way to increase employment opportunities at the community level.

22. On tackling intergenerational poverty, it is recognised that poverty can be induced by the socially/economically challenged background of a person's parents. The problem requires compensatory intervention to lessen the impact of deprivation on the development of a child/youth. The Children's Development Fund has been proposed as a possible measure to reduce intergenerational poverty.

23. On tackling poverty among the elderly, the CoP has proposed to support strengthening the effort to reach out and identify "hidden" and singleton elders, as well as encouraging social inclusion and participation of the elderly in the society. It

¹⁷⁴ While the interviews for this study were conducted between August 2006 to January 2007, we are including the most updated information on the civic engagement result based on the final report of the CoP. See *Report of the Commission on Poverty* (2007) for details. We are satisfied that the updated information does not contravene our interpretation of the findings of the interviews that were done at an earlier stage.

has also proposed to give specific attention to the medical, housing, and financial needs of elders.

E. Discussions

24. Fifteen interviews were conducted from August 2006 to January 2007. Among the interviewees, six are government officials and nine are civil society actors. All except one of the civil society actors are members of the CoP; the remaining one was an elected district councillor who has been active in politics at the district level for many years. Among the government officials interviewed, either their bureaux and offices are represented in the CoP or they are officials from the Secretariat of the CoP. Four of them have attended the meetings of the CoP in their official capacity while the other two have been overseeing programmes funded by the CoP.

i. Institutional arrangement for engagement

Membership and representation

25. Most interviewees rated the CoP's representativeness highly in comparison with other government advisory committees that they had personal experience with. They regarded the membership composition of the CoP as diverse, including a broad spectrum of the civil society from academics, labour unions, and political parties to NGOs and the business sector. In this sense, they felt that the CoP had provided an inclusive platform for tackling the problem of poverty. Two interviewees felt that the commission was deficient in its representativeness as it had not included people who were actually living in poverty. They did not think that members of social service NGOs could represent the interests of the poor and deemed it important that poor people had a direct voice in the commission.

26. A couple of interviewees regarded the membership composition as the product of the highly politicised background leading to the formation of the CoP, and that given such background one should expect it to be a platform for political compromise rather than practical discussion. Another interviewee felt that the large size and diversity of the commission was not conducive to in-depth discussions. Indeed, quite a few interviewees echoed the view that diversity did not give the CoP a particular advantage in collective decisions, including agenda setting, deliberation, and the integration of ideas, as common knowledge (or common language) was often lacking among members and in-depth discussions were difficult.

Functions, powers, resources and institutional support

27. The CoP is chaired by the financial secretary and attached to his office. The secretariat of the CoP is staffed by one secretary (at the level of D4), one assistant secretary (at the level of D2), one senior administrative officer and several supporting staff. These posts are specially created for the work of the CoP. Such an arrangement incorporating a secretariat with full time staff that is specifically dedicated to the work of one commission is actually not that common for government advisory bodies. In sum, the CoP is chaired by a very senior official and is well-supported in terms of staff strength.

28. A couple of interviewees felt that such institutional arrangement reflected the high priority that the government had given to anti-poverty policy. However, some felt that it had not helped make the CoP an effective body. These members perceived that the crucial factors for an effective advisory body were good leadership and a strong motivation on the part of the government to seek real policy change, but that such factors were lacking in the CoP. Quite a number of interviewees expressed disappointment toward the commission's inability to discuss the structural cause of poverty and measures that would involve shaking up the institutional structures and values of the government.

Agenda setting power and decision-making rules

29. The interviewees were divided on the degree to which unofficial members were able to set the agenda for discussion and shape the decisions of the CoP. Most unofficial members agreed that they were given definite opportunities to voice out issues of concern. The staff of the secretariat talked to unofficial members individually right after the commission had been formed so as to solicit their views. Several unofficial members had tabled written opinions to the meetings on behalf of their organisations.¹⁷⁵ Topical issues such as poverty indicators, intergenerational poverty, a district-based approach, and poverty among the elderly, and suggested measures such as the Children Development Fund were all traceable to the opinions and demands made by the civil society. The idea of social enterprise was developed by the CoP in the process of searching for new measures to tackle poverty. In short, to

¹⁷⁵ This includes written submissions from the Hong Kong Council of Social Service, Hong Kong Association for Democracy and People's Livelihood, and the Democratic Alliance for the Betterment and Progress of Hong Kong. See the minutes of CoP meeting on February 18, 2005, <<http://www.cop.gov.hk/eng/meeting1.htm>>.

the extent that the CoP is not attached to a particular policy bureau and that the government does not have a prior policy portfolio on the issue of anti-poverty measures, officials of the secretariat are relatively open-minded in considering measures to tackle poverty.

30. Among the eight unofficial members interviewed, about three of them were quite happy with the agenda setting process, claiming they were able to make substantive input. The other five, however, expressed various degrees of dissatisfaction. They were of the view that even though the government has not pre-set the agenda items, they have definitely barred a lot of the items from being discussed. For instance, some members have requested that the issue of the minimum wage be discussed in the general meeting, but the chairman has not supported the request on the grounds that the issue was being dealt with by other committees.

31. A lot of in-depth discussions have taken place in informal meetings and interactions among members and between members and the secretariat instead of being part of the commission's general meeting. This is understandable as the commission has only held meetings infrequently (once every two months on average). As will be shown later, such informal interactions were crucial to the agenda setting process. While these various small group and informal interactions have facilitated in-depth discussion, it also means that members differ widely in their opportunities to participate in the discussion of any one single issue and hence to influence its outcome. A lot of these informal groups and meetings were organised around the members' own networks, which tended to exclude individuals who were not part of them. Since members only serve on the commission on a part-time basis and most of them are extremely busy with their other public service and private business, the secretariat will inevitably play a dominant role in working out the details of any proposals.

ii. Actors

Conceptions of civic engagement

32. All the government officials and civil society actors we interviewed had experience as members of advisory committees, which they saw as the major institutional mechanism for civic engagement in Hong Kong. They all agreed that for most of the advisory committees, the government controlled the agenda most of the time and chose what would be discussed. The government officials tended to see this

as legitimate as advisory bodies were forums for the government to listen to views on the policies they were making, and that ultimately it was the government who was responsible for setting policy priorities and making decisions. The majority of civil society actors felt that the government's dominance testified to the executive-led nature of the government if not the fact that advisory bodies are no more than window dressing devices. One interviewee agreed with the government officials' viewpoint that it is proper for the government to set the agenda and it was not up to civil society to propose a policy.

33. At the same time, many government officials and civil society actors expressed dissatisfaction with the status quo to various extents. Government officials and civil society actors, however, had rather different grievances. Government officials tended to feel that Hong Kong society had become too politicised and polarised for meaningful civic engagement, and that most civil society actors were not trustworthy partners in public policy making. Civil society actors, on the other hand, felt that the government had never trusted civil society, was unwilling to share power, and had not been able to cope with the changing needs of society. As one civil society actor commented:

The government only knows consultation rather than engagement....most officials are not perceptive of the current social dynamics...The society has gotten more diversified now....The government has to bring the stakeholders to come together, and have them discuss matters face to face.

The government has become very hesitant to do anything, because there are so many different opinions on an issue, and they feel that whatever decisions or middle grounds they take will please nobody.

There should be a tripartite system to make the players come and sit together.

34. Among those who were dissatisfied with the status quo, both government officials and civil society actors saw the other as untrustworthy partners. Government officials felt that civil society actors were reluctant to assume responsibility for decisions, in that they would go out and criticise the government on certain decisions they had participated in making, or at least they would not openly support the government when the decisions they had participated in making were criticised by the public. Civil society actors regarded the government as often insincere if not

manipulative in their consultation. They felt that the government tended to discredit their representativeness (of any organisation or sector) and thus delegitimise their attempt to change the policy of the government.

35. There were government officials who admitted that the current system needed to be improved. One government official, for instance, regarded that a lot of administrative officers were “intellectually arrogant” and “disconnected from the lives of ordinary people”, thus lacking the sincerity to listen to different voices. At the same time, there were also civil society actors who felt that they could make a difference within the system. One member, for instance, regarded himself as playing a mediator role in the sense that he tried to effect changes within the broad parameters of the government rather than going beyond them. Another member also described how he was able to effect change in advisory committees through submitting his own written reports and proposals instead of merely adopting the government’s documents and agenda items. For these civil society actors, changes can be effected within the system through their expertise (their professional knowledge of a subject), their knowledge of the standard operating procedures of the government, their pragmatism and their moderate attitude. These people variously play the “policy broker” role (in mediating and bridging the gap between the demand of government officials and civil society) or “policy entrepreneurs” (in seizing opportunities to push for change), and have been able to win the trust and respect of officials even although they do not see eye to eye with the government all the time. At the same time, they are walking a tight rope and can be seen by other civil society actors as being too pro-establishment. Still another member, drawing upon his own experience as a radical social activist, shared with us his tactics of mobilising community activism from outside the committee to pressurise officials from the inside. He also expressed the view that the capacity of civil society actors and their organisations to come up with alternative data and proposals was crucial in producing a “counter-discourse” to the government’s viewpoint.

36. A few interviewees expressed satisfaction with the present system of civic engagement. Among them were two government officials. One felt that the present system of consultation had provided adequate channels for the government collect the views of the public. Both of them felt that the dissatisfaction expressed by the public over certain policy outcomes was normal for any free society with a mature civil society. The other accepted the watchdog role of civil society which would forever put their members in tension with the government: “There is a problem if civil society actually supports the government”. One civil society actor who had been appointed to many advisory bodies felt that the present system was able to facilitate consensus

building, and felt that those who criticised the government for not listening to public opinion were merely unhappy that “their” opinion was not adopted. His personal experience was rather that he was able to influence government policy and that government had adopted his opinion in his capacity as an unofficial member of advisory bodies.

37. In sum, most of our interviewees were dissatisfied with the current state of civic engagement. The interviews show that there is a great divide between the government and civil society actors in terms of their expectations of each other’s role. Such divide has been the source of mutual distrust and frustration. Those that are satisfied with the status quo either have a pragmatic attitude or are pro-establishment figures that are trusted by the government.

iii. Engagement process

Consensus building

38. The members of the CoP can be roughly divided into several categories: government officials, business people (some of whom are also political party members and legislators), academics, pro-grassroots activists from NGOs, political parties, and labour unions. These four categories of people represent a wide spectrum of opinion from the most pro-establishment on the one end to the most critical of the status quo on the other end. We detect that there are fundamental differences in the way these different categories of members perceive the problems of poverty. The pro-grassroots activists feel that tackling the problem of poverty requires more fundamental changes in the present policies, while government officials and business people tend to presume that the CoP should only pursue measures that do not involve shaking up the present system.

39. With such difference in presupposition, it is not surprising that the pro-grassroots activists have expressed the most dissatisfaction with the consensus building process. They were the ones who complained that their opinions were not taken seriously by the government, and that important issues did not get the chance to be adequately discussed. When asked why they did not try to unite to demand that certain issues be discussed or measures be considered, one of their common responses was that since they were only a minority in the committee in terms of number they were not powerful enough to make the government give in to their demands. A few of

them also mentioned that the pro-grassroots activists themselves were not united and this had prevented them from advancing a united agenda.

40. While the CoP has quite a diverse membership, it has not made use of the diverse backgrounds of its members as leverage to directly engage the broader society in their discussions. The public engagement exercises conducted by the CoP (see para. 17) were either consultative in nature (in which members and officials listened to the views of people) or were confined to invited participants. One member opined that public hearings should have been held for citizens to directly participate in discussions. Another member also felt that the CoP met many intermediaries (such as members of District Councils, government advisory committees, and NGOs) rather than the poor people themselves. While the CoP had listened to and sometimes adopted the opinion of the people they talked to, there was nothing close to a large-scale public engagement exercise that would allow for deliberation and consensus building.

41. Members seemed able to attain consensus over the broad topical issues to be discussed. The setting of poverty indicators provides an example of successful consensus building. For many years, the government and civil society have been polarised on poverty measurement as the latter has strongly pushed for an official poverty line whereas the former has strongly resisted the idea. Apparently, once the CoP was set up both parties felt that the issue of poverty measurement was unavoidable. After much discussion and research, the CoP was able to agree on the use of a series of indicators (instead of one poverty line) for measuring poverty. In this sense, the government and civil society have successfully settled the difference through seeking a common ground. Once the idea was adopted there were no major controversies regarding the technical details of the indicators. The major controversy was rather in what ways the indicators should be used as a tool for policy intervention.

42. Some measures appeared to have been implemented without being thoroughly discussed in the general meeting and have been the cause of dissatisfaction. For instance, according to some members' accounts, the provision of a transport subsidy to residents living in remote areas had been mentioned in meetings but was not formally endorsed before it was first announced in the financial secretary's budget speech. When this proposed measure was taken back to the CoP for discussion, most members actually supported the idea. However, later on objections were raised by civil servants from policy bureaux regarding its technical feasibility. In a most recent general meeting, the chairman indicated that the government wanted to restrict the

transport subsidy to the unemployed and exclude people on low incomes. This aroused opposition from a lot of members who accused the government of backtracking on its earlier promises. On implementing the district-based approach, members have expressed different views as to whether the money should be distributed directly to district level agencies or to the district level through a policy bureau. It appears that such different views had not been thoroughly discussed before the final decision was made to let the Home Affairs Bureau manage the resources.

Policy coordination and integration

43. Since the CoP and its secretariat are attached to the financial secretary's Office rather than a policy bureau, it has been able to ensure that the CoP would not be overly influenced by the policy portfolios of one bureau. Quite a few members appreciated the great efforts made by officials of the secretariat in coordinating different policy bureaux and facilitating dialogues among members.

44. At the same time, since no policy bureau had a sense of ownership of the policy portfolio, they tended to passively take up decisions that were made in the CoP. Policy bureaux seemed to have little input to the formulation of the topic issues. One official observed that policy secretaries (or their delegates) would be reluctant to criticise suggestions that did not fall into their domain. Quite a few unofficial members expressed disappointment with the official members, describing them as passive and defensive, and as such failing to make good use of the forum to actively contribute to policy coordination.

45. Indeed, despite the great effort of the secretariat, policy coordination and integration remained problematic. One official complained that there was no discussion of how the suggested measures of the CoP might synchronise with the policy priorities of individual policy bureaux. Another pointed out that the feasibility of some suggested measures was not discussed with the relevant bureau and department before it was adopted.

Transparency and accountability

46. The CoP has been quite transparent in that all the minutes of its meetings and other major information (such as poverty indicators) are available online for the public's perusal. Press releases were made after each CoP meeting as well as the meetings of its task forces and ad hoc groups.

47. Some interviewees pointed out that there was little mechanism to hold policy bureaux accountable for funding that was appropriated to them for the implementation of poverty alleviation programmes.

iv. Engagement results

48. Again, views were divided among the unofficial members we have interviewed. Some of them had a sense of ownership over at least some decisions that have been made, and felt that they had made substantive input in the process and that the CoP had provided a useful forum for tackling the problem of poverty.

49. The pro-grassroots activists, however, have expressed disappointment with the engagement result. Their dissatisfaction is two-fold: firstly, when the CoP was first formed, they had high expectations that it would provide a forum for discussing fundamental issues and substantial policy change. However, they found that the government confined the discussion to piecemeal reform measures and refused to allow the CoP to discuss fundamental issues. For instance, the problem of elderly poverty cannot be separated from the problem of the social security system (retirement pension system); the problem of the working poor is closely tied to a minimum wage policy. Despite their requests, the chairman had not supported or facilitated the formal discussion of the social security system and the minimum wage policy to be discussed. Secondly, the government was unwilling to greatly alter the existing standard operating procedures of the bureaucracy to facilitate the operation of a new policy. As a whole, they regarded the government as “lacking in sincerity” in tackling poverty.

50. The public’s perception of and dissatisfaction with the CoP seems to echo many of the complaints of the pro-grassroots members. A survey of the relevant news reports, political commentaries and speeches of LegCo members reflects similar dissatisfaction with the lack of substantive policy recommendations and actions that are able to tackle the root cause of the problem of poverty. Many members of the public share their opinion that the CoP is just another toothless advisory body and a tool for political appeasement. In short, the CoP is perceived as failing to respond to the seriousness of the problem of poverty and the public demand for effective action.

III. Conclusion

51. The CoP was formed under a highly politically charged situation, specifically a situation of economic recession, high unemployment, and an escalating problem of poverty, that led to strong social mobilisation and public demand for new policy thinking and a new solution. The commission formed as a result has a highly diverse and inclusive membership composition, chaired by a high level political official and having institutional support from a dedicated secretariat that is not attached to a particular policy bureau. These arrangements conveyed the message to the public that the government was giving a high priority to the policy issue and thus elevated the expectations of the civil society. In the end, civil society activists as well as the general public were largely disappointed with the performance of the commission.

52. It can be shown in this case that whether a highly diverse and inclusive membership can provide a forum for consensus building hinges largely on the attitude of the government. In a way, such a membership composition ensures that no one single sector or point of view dominates the commission. This can either be an arrangement that facilitates genuine dialogue across sectors or one that ensures oppositional viewpoints are contained as minority voices. Unfortunately, judging from the reaction of the pro-grassroots members and the general public, genuine dialogue has not been fostered and social activists are left feeling frustrated and marginalised.

53. Even though the government has appointed people from diverse sectors, it is obvious that the government (acting through the leadership of the chairman and the administration of the secretariat) is not a neutral umpire. Indeed, the government does have its inherent ideological standpoint regarding the issue of poverty. We clearly detect these standpoints in our interviews with officials: that the fundamental political economic framework of our system should not be changed, and under this framework the ultimate solution to poverty lies in economic recovery and the promotion of self-reliance. This standpoint is close to that of the business sector but is fundamentally at odds with the pro-grassroots activists. For the latter, poverty is the direct result of the economic structure and the social security system and unless such structural problems are addressed, the root cause of poverty will not be solved.

54. One academic who is also an ExCo member earlier commented that it would be beneficial to our social development “if through this new forum provided by CoP, Hong Kong can generate a consensus on the general definition of poverty as well as a new welfare discourse that transcends laissez faire capitalism and welfarism and are

acceptable to stakeholders from all sides”.¹⁷⁶ In order to generate such a new welfare discourse, the agenda of the CoP must be open enough for the fundamental issue to be discussed, i.e. what type of welfare system does Hong Kong want and how do we ensure a balance between social and economic development. The discussion should also not be confined to the commission’s meetings, but allow unofficial members to exercise their leverage to engage various social sectors in the discussion. Such a discussion will inevitably touch upon highly political issues such as labour protection and the social security system. From the very beginning, the government has chosen to exclude these topics and confine the discussion to measures that can alleviate poverty within the existing political economic framework. Without the intent to open the areas of fundamental disagreement up to discussion, there is no basis for genuine consensus building, and the disappointment of pro-grassroots members can only be an inevitable result.

55. At a more operational level, the CoP is handicapped by its large membership, making it difficult for in-depth discussions to be carried out among all the members. As most of the members cannot devote too much time to the work of the commission, the more concrete research and policy formulation works are inevitably done by the staff of the secretariat. Its non-statutory nature and its lack of programme budget mean that it is not in a position to actually effect fundamental change in the anti-poverty policy of the government. The institutional arrangement of the secretariat has not been conducive to inter-bureau coordination or inter-policy integration.

56. Despite these shortcomings, it seems that a secretariat that is detached from a policy bureau (and is thus without a prior policy portfolio on the subject) and that has open-minded officials serves to open up the policy issue to new angles as well as new space for negotiation at least for issues at a more technical level.

57. In order to enhance the commission’s capacity to facilitate inter-bureau coordination and inter-policy integration, such commissions should in the future be chaired by the chief secretary for administration (with the secretariat housed under his office). As the chief secretary for administration is directly responsible for overseeing most of the policy bureaux that are relevant to the CoP, he may be in a more direct position to facilitate coordination.

¹⁷⁶ Comments made by Anthony B.L. Cheung, *Mingpao* 2 February 2005, p. A30.

Chapter 8

Overseas Experiences

1. In previous chapters, we have examined the strengths and weaknesses of a few new modes of civic engagement mechanisms in four areas of policy making in Hong Kong. Before we take stock of these case studies and propose recommendations for improving civic engagement in Hong Kong, it will be beneficial to learn, once again, from overseas experiences. In Chapter 2, we have shown that throughout the world in the last two decades, there has been a growing trend of emphasising civic engagement in policy-making. In this chapter, we shall take a closer look at some concrete examples from which we can draw some inspiration for our recommendations.

2. The first section describes the attempts of the governments and the voluntary/community sectors of the United Kingdom and Canada to enhance their relationship by concluding written agreements. These agreements institutionalised their partnership by reasserting their respective commitments as well as laying down a cooperative framework to govern future engagement processes. These cases illustrate that the maturity of civil society, mutual trust among civil society organisations, and the presence of policy entrepreneurs are decisive factors in the strengthening of the role of civil society organisations in public policy-making. The second section presents a case study on the CityPlan and Community Visions programmes of the City of Vancouver, which were implemented since the early 1990s, first at the city level and subsequently at the community level. The Vancouver case provides substantial information on what procedural arrangements and methods a proactive, inclusive, and extensive engagement mechanism should have. Despite the fact that these cases still leave much room for improvement, their experience merits serious consideration.

I. Formalised Partnership with the Voluntary/Community Sector: The Cases of the United Kingdom and Canada

A. Policy issues

3. The relationship between the government and the non-profit sector was strained in both the United Kingdom (UK) and Canada in the 1980s and early 1990s

due to the introduction of new funding policies and a new system for contracting social services. In addition, the voluntary sector of both countries had grown substantially during that same period and wanted greater say in formulation of relevant policies. Simultaneously, ideological developments in the political arena created an opportunity for change in the government/voluntary sector relationship. In the mid-1990s, the Labour Party in the UK began to embrace the so-called “Third Way”, attaching greater importance to the role of the voluntary and community sector. In Canada the debate on social capital and voluntary associations initiated by Robert Putnam in the United States in 1995 and the precedent in the UK appear to have exerted certain amount of influence when the Canadians considered these issues.¹⁷⁷ In sum, both the UK and Canadian governments recognised the need for a more cooperative relationship with the strong and vibrant voluntary sector, which they hoped would increase their ability to serve their country and the people better.

B. Engagement process and policy outcome

i. United Kingdom

4. In the UK, the National Council of Voluntary Organisations (NCVO) has been an active player in bringing about collaboration between intermediary and individual non-profit or voluntary organisations. In 1995, the NCVO obtained foundation support to establish the Commission on the Future of the Voluntary Sector, whose mission was to conduct a sector review. The Commission, headed by Nicholas Deakin, concluded their work with a report calling for a formal agreement, or what the report called a “concordat,” between the government and the voluntary sector. During the review period, Deakin met with Alun Michael, a core member of the Labour Party.¹⁷⁸ While the Commission’s final recommendation was rejected by the incumbent Conservative government, several voluntary sector leaders established an informal group as a follow-up to the Deakin report.

5. After the May 1997 election, the Labour Party published a report on the voluntary sector entitled *Building the Future Together*. This called for an agreement between the voluntary sector and the government in terms very similar to those used in the Deakin report. The “Third Way” objectives and directions of the new Labour Party explicitly acknowledged the third sector. Alun Michael, one of those who

¹⁷⁷ Mark Lyons, “Improving Government–Community Sector Relations,” p. 16.

¹⁷⁸ Jerry Kendall, “The Mainstreaming of the Third Sector into Public Policy in England in the late 1990s: Whys and Wherefores,” *Policy and Politics* 28(4) (October 2000): 554.

drafted the report, was later appointed head of the Voluntary Services Unit in the Home Office, the unit that initially handled government relations with the umbrella bodies that spoke for collections of voluntary organisations and provided government funding and support for the sector. In October 1997, the voluntary sector leaders and government representatives began to hold a series of discussion. In November of the following year, after wider consultation and further meetings, the two sides concluded a *Compact on Relations between Government and the Voluntary and Community Sector in England* (the *Compact*). This agreement set out in writing expectations about the relationship between the government and the voluntary and community sector (VCS). The *Compact* has enjoyed high credibility because it was composed in partnership following extensive consultation between government departments and the VCS. The process by which the initial compact was created spread across the nation and Compacts were agreed in Scotland, Northern Ireland and Wales. Other government departments and agencies as well as local authorities have been encouraged to develop separate compacts with the VCS to reflect their own activities and responsibilities.¹⁷⁹

6. The *Compact* sets out key principles, the undertakings of each sector, and a general framework for enhancing the relationship between the government and the voluntary sector. Regarding the development and delivery of public policy and services, both the government and the VCS acknowledge that each plays “distinct but complementary roles.” They are committed to working together to develop the application of the compact by preparing codes of good practices in the areas of funding and procurement, consultation and policy appraisal, volunteering, and so forth.

7. Building on the *Compact*, the government and the VCS published *Consultation and Policy Appraisal: A Code of Good Practice* in 2000. The *Code* is a tool for ensuring effective consultation and better policy outcomes. The government is committed to establishing best practice in effective consultation and policy appraisal, while the VCS is committed to pursuing recognised good practice in how it represents the sector following government consultations. The *Code* also provides detailed guidelines on the consultation process, including preparation of consultation documents, accessibility of consultation material, identification of consultees, duration of consultation, confidentiality of consultation material and comments, and so forth.

¹⁷⁹ <<http://www.thecompact.org.uk/>>.

ii. Canada

8. A unified and vibrant voluntary sector played a crucial role in concluding an agreement with the Canadian government regarding its interface with the voluntary sector. In 1995, 12 umbrella organisations that cover most of the voluntary sector came together as the Voluntary Sector Roundtable so that they might strengthen the effectiveness of the sector by speaking with one voice. In 1999, the Roundtable presented a research report entitled *Building on Strength: Improving Governance and Accountability in Canada's Voluntary Sector* that contained recommendations to strengthen the sector's ability to function effectively with the government. During the same period of time, the Canadian government also realised that a more cooperative relationship with the voluntary sector would help boost the latter's contribution to the nation. To reach an accord on how to work effectively together, the two sides formed the Joint Accord Table, composed in equal numbers of members from the government's Reference Group of Ministers on the Voluntary Sector and the Voluntary Sector Steering Group. Broad consultations took place across the country in preparation for the draft accord, and after it was prepared, local organisations hosted consultations to discuss its contents in more than 20 communities across Canada. About 2000 organisations were involved. In 2001, the Government of Canada and the voluntary sector jointly issued *An Accord between the Government of Canada and the Voluntary Sector*.¹⁸⁰ The agreement seeks to formalise the relationship between the two in order to promote greater mutual understanding and provide a framework within which the relationship can develop and evolve. Because the *Accord* is not a legal document, its strength derives mainly from the sincerity and joint effort that produced it.

9. The *Accord* is based on six values determined to be most relevant in Canada to the relationship between the two sectors: democracy, active citizenship, equality, diversity, inclusion, and social justice. It also rests on the following guiding principles: independence, interdependence, dialogue, cooperation, collaboration, and accounting to Canadians for activities. In addition, the *Accord* lists certain specific commitments. Both sides agreed to develop an implementation plan that addressed, among other things:

- appropriate organisational structures in both sectors to effect the provisions of the *Accord*;

¹⁸⁰ <http://www.vsi-isbc.ca/eng/relationship/accord_milestones.cfm>.

- a progress report on implementation of the *Accord*;
- codes or standards of good practice to help guide interactions between government departments and voluntary sector organisations; and
- a regular meeting between government ministers and sector representatives.¹⁸¹

10. The *Code of Good Practice on Policy Dialogue* was developed in accordance with the *Accord*. It is intended to encourage good practices at the various stages of public policy process throughout the Government of Canada and the voluntary sector at both the national and local levels. The *Code* asserts that the voluntary sector can play an important role in the public policy process, helping with issue identification, agenda-setting, policy design, implementation, monitoring, and impact assessment. The *Code* lists what constitutes good practice on the part of both the voluntary sector and the government. To ensure that policy dialogue is successful, the Government of Canada and the voluntary sector once again made a list of shared and specific commitments.

C. Lessons

11. In both the United Kingdom and Canada, government and the voluntary sector have formalised their partnership and established codes of good practice. There were several similarities in their development process as well as factors contributing to their success. Mark Lyons calls attention to several lessons in these two experiences.

12. In the non-profit sector, the emergence of a “peak” or overarching body that can represent the interests of organisations working across a large number of fields appeared to be a precondition. Despite the fact that neither the NCVO nor the Voluntary Sector Roundtable could represent the full range of the third sector, there was a conscious attempt to form a body that spoke for many different parts of the sector. Constructing such an umbrella organisation, however, was definitely not an easy task due to the diverse nature of voluntary/community groups and their activities.

13. Since conclusion of the *Compact*, voluntary sector/government activities in the UK have made great achievements in the extent and quality of policy changes as compared with Canada. This advance has been attributed to the willingness—brought

¹⁸¹ Voluntary Sector Task Force, *An Accord between the Government of Canada and the Voluntary Sector*, December 2001, 7–10

about by careful preparation—of voluntary organisations in England and Wales to allow the NCVOs to speak for them. The same degree of change does not appear to be happening in Canada because the voluntary sector has not achieved the same degree of unity but is instead represented by a series of loose coalitions: the Roundtable, then by the Voluntary Sector Steering Group, and now Voluntary Sector Forum.

14. In attempting to encourage interaction between government and the voluntary sector, another decisive factor is whether the voluntary/community sector can win respect. In the UK and Canada cases, key elements conducive to the emergence of a vibrant, more unified voluntary/community sector included:

- sector research that helped illustrate its size and contribution to the society (such as GDP output, working population) and the extent of volunteering and giving;
- serious public reviews conducted by the NCVO and the Voluntary Sector Roundtable about relations of the voluntary sector to government;
- a clear recognition on the part of third sector organisations that they needed to improve their own internal governance and accountability and to build their core capacity; and
- the financial backing of large charitable trusts or foundations that facilitated the development of the VCS.

15. Within these two governments, a substantial number of senior players were sympathetic to the third sector. In the UK case, these included not only Prime Minister Tony Blair but senior ministers such as John Prescott, the chancellor of the exchequer and Patricia Hewitt, the minister for trade and industry. They appeared genuinely committed to finding the “Third Way” and to seeing a revived and refashioned social economy. Canada was certainly influenced by the US debate on social capital and voluntary associations in 1995 and the relevant developments in the UK. The UK and Canadian governments recognised that the capacity and well-being of the voluntary and community sector were beneficial to the well-being of the wider society and that this, in turn, placed a responsibility on the government to accord respect to and assist the voluntary sector.¹⁸² The sincerity and commitment of the

¹⁸² Mark Lyons, 15–17.

government helped initiate the changes, institutionalise the new cooperative framework, and implement successive reform measures in the relationship.

16. The role of policy entrepreneurs in mainstreaming the VCS in public policy-making also merits special attention. Deakin is widely known for his suggestion of a concordat between the state and the third sector, and, in fact, Alun Michael was “catalytic” in the formulation of the collaborative policy between the third sector and the new Labour administration.¹⁸³

II. Community Visioning: The Case of Vancouver’s CityPlan and Community Visions

A. Policy issues and outcome

17. Vancouver is the biggest city in the province of British Columbia and a metropolis in the western coast of Canada. In 2001, the population of the city reached 545,671 people. The city has won many prizes for its city planning and in 2005 was said to be the most liveable city across the world.¹⁸⁴ Back in the late 1980s, however, the lack of a clear planning strategy was becoming problematic. Foremost among the reasons was population growth, which had increased 13.9 percent in the period from 1981 to 1991 and a further 8.9 percent in the following five years.¹⁸⁵ Moreover, there was an increasing number of elderly people. A number of housing studies suggested that the city needed to increase its housing supply significantly in order to meet the needs of the burgeoning and increasingly racially diverse population. In 1971, 74 percent of the city’s population spoke English as their first language, but in 1996 as many as 47 percent spoke a language other than English as their mother tongue.¹⁸⁶ In addition, a report on atmospheric change entitled *Clouds of Change* confirmed the threat of air pollution and atmospheric change to public health, which made the environment another planning priority. These developments provided the momentum for a citywide planning initiative.¹⁸⁷

¹⁸³ Jerry Kendall, 553–554.

¹⁸⁴ Tourism Vancouver, “Vancouver named ‘Most Liveable City’ by Business Intelligence Firm,” <http://www.tourismvancouver.com/media/news_releases_2005.php>.

¹⁸⁵ Statistics Canada, Census Data, <<http://vancouver.ca/commsvcs/cityplans/populationhousing/insightsintopopulationhousing.htm>>.

¹⁸⁶ Joyce Lee Uyesugi and Robert Shipley, “Visioning Diversity: Planning Vancouver’s Multicultural Communities,” *International Planning Studies* 10(3–4) (2005): 306.

¹⁸⁷ John Punter, *The Vancouver Achievement: Urban Planning and Design* (Vancouver-Toronto: UBC Press, 2003), 151–153.

18. The City Council tried to ensure that Vancouver would be a liveable, sustainable city by involving citizens in their planning process, subsequently named CityPlan. From 1992 to 1995, more than 20,000 citizens of Vancouver participated in developing a shared vision for the future of the city. In June 1995, the City Council adopted CityPlan, which provided a framework for development and housing programmes and set priorities and actions for the city for the next 30 years. Because the CityPlan directions did not include detailed maps and programmes, the Community Visions programme was launched in 1997 to work with local communities to put CityPlan's citywide policies to test on the neighbourhood level. To date, eight community visions have been formulated and approved by the City Council, and one community is still undergoing the local planning process. It is not just the professionals who greatly admire the urban design of Vancouver, but also the entire community received the exercise positively. This has helped generate public endorsement of many of the planning principles that will guide the future development of the city.

B. Engagement mechanism and process¹⁸⁸

19. When Vancouver's City Council decided in 1992 to respond to the need for an overall vision of the city as well as a solution to population pressure, both Mayor Gordon Campbell and the City Council held that an extensive public participation exercise should be organised so that citizens might offer ideas about the planning of the city.¹⁸⁹ To this end, the Planning Department devised a mechanism so that citizens could talk face to face in order to understand issues and to find solutions in a non-confrontational manner. The City Council also laid down specific methods of consultation that included reaching out to as many people as possible and asking citizens to recognise the inevitable conflicts and trade-offs entailed in planning and to make what would necessarily be hard choices.

20. The three-year process of developing CityPlan was in fact a vision-building exercise across the whole Vancouver community. Every single household was informed about the CityPlan process, and abundant information was provided through a variety of channels. Ordinary citizens were invited to express their views, and their input was considered seriously, consolidated, and incorporated into the final plan. The main features of the CityPlan process were as follows:

¹⁸⁸ Ibid, 149–185; and “CityPlan, Directions for Vancouver,” (Vancouver: Planning Department, 16 May 1995), <<http://www.city.vancouver.bc.ca/ctyclerk/cclerk/950530/rr1.htm>>.

¹⁸⁹ Mayor Campbell reassured the planners that they would be allowed to formulate an alternative plan if the consultation outcomes were unworkable. See Punter, 155.

- **Generating Ideas (Step 1):** The public was presented with background information in seven languages on the proposed CityPlan process, its context, and the key issues and choices for citizens. An additional “tool kit” of 48 relevant leaflets was prepared for easy reference. About 3,000 individuals formed some 250 citizens’ circles in order to conduct a series of “theme days” to distil common ideas and objectives. Planners had acted as facilitators at these discussions. An additional special programme was organised to solicit the views of young people and minorities. At the end of consultation, about 500 submissions were received.
- **Reviewing Ideas (Step 2):** The ideas generated from the citizens’ submissions were presented on exhibit panels at a three-day “ideas fair.” The exhibits, which were accompanied by a series of guest talks, panel presentations, and discussions, were viewed by some 10,000 people. About 2,000 of these visitors evaluated the ideas by filling a “check book” that had been provided to identify areas of agreement and contention.
- **Making Choices (Step 3):** Two rounds of public survey were conducted to determine the public’s preferences. Key ideas and choices from Steps 1 and 2 were assembled under 12 themes, and submitted to a list of 6,000 people who had voluntarily signed up with CityPlan as “interested people.” They were invited to answer a questionnaire in which they would choose their preferred direction for each policy area. The planners then summed up the different inputs from the survey response into four alternative futures for the city. Questionnaires were then mailed to all households, businesses and property owners, inviting them to indicate their preferred option. A random mailing survey was conducted to ensure the validity of the previous survey. The survey results were consistent and indicated that 80 percent of the respondents supported the option called a “City of Neighbourhoods,” that is, a plan that would establish a shopping and community centre in each neighbourhood, and provide more housing choices, more jobs close to home, and more accessible services that would meet a variety of changing community needs.
- **Finalising the Vision (Step 4):** Government officials took citizen preferences seriously. They further revised the final draft version by incorporating some sensible proposals and responded to the concerns expressed at the

submissions on the draft CityPlan.¹⁹⁰ CityPlan was adopted by the City Council in June 1995.

21. In July 1996, the City Council approved the terms of reference for the second phase of CityPlan for the public consultation regarding the implementation of the full range of planning directions at the neighbourhood level. It sets out the ground rules, the form and essence of “the product” (i.e. the Vision), the engagement process and the role of actors for the visioning exercise. The Community Visions Programme was launched in 1997, and its engagement mechanism and process has been similar to that in the CityPlan process. The programme was revised twice, in 1999 and 2002 respectively, and was modified into a 15-month, 4-step process. The process was as follows:

- Getting in Touch (Step1): Extensive outreach publicising the Community Vision process, issuing the first newsletter, organising meetings of community groups, holding a Community Vision Fair, and so forth.
- Creating Ideas (Step 2): Community needs, ideas, issues, and opportunities were identified on all the CityPlan topics by means of community workshops, displays, meetings, open houses at City Hall, and so forth.
- Choosing Directions (Step 3): Draft Visions were assembled from Step 2 results; a Community Vision Survey invited response from all households, businesses, and property owners; their responses were analysed and summed up.
- Finalising the Vision (Step 4): A draft Community Vision was prepared for the Council’s approval (see Annex E).¹⁹¹

22. Key actors are identified and their major roles in the visioning process are described in the Community Vision Programme Terms of Reference. They include:

- The community—including residents, property owners, workers, business

¹⁹⁰ <<http://www.city.vancouver.bc.ca/ctyclerk/cclerk/950530/rr1.htm>>.

¹⁹¹ Ann McAfee, “Ideas into Action: Planning & Building Sustainable Cities—City of Vancouver” (Power Presentation material), <http://www.lga.sa.gov.au/webdata/resources/files/Part_1_-_Dr_Ann_McAfee_-_Ideas_into_Action_-_Planning___Building_Sustainable_Cities.pdf>.

owners, and community organisations within the community—generates the ideas, issues, and solutions that create the Vision options and directions. They also select preferred Vision directions.

- CityPlan staff organise and facilitate the community process, undertake outreach and communications, help explore Vision possibilities, and document and illustrate materials generated by the process. They provide relevant information and advise on the relationship between Vision options and directions and CityPlan. CityPlan staff are not entitled to invent or delete Vision options and directions, or to select or advocate particular Vision options or directions.
- The Community Liaison Group (that is, a group of ordinary citizens who participate on a voluntary basis) acts as a watchdog of the whole process. It also provides a core group of participants and contacts.
- The City Perspectives Panel is a small group of respected and knowledgeable individuals appointed by the City Council. Their mandate is to comment on how far each proposed Vision option achieves CityPlan directions and what the consequences of each option will be. Their review is a part of the Community Vision process and is incorporated into the community's consideration of Vision options and directions.¹⁹²

23. There were some negative comments on the effectiveness of the CityPlan visioning exercise. Michael and Julie Seelig queried the credibility of the engagement results by pinpointing the following pitfalls of citizen participation:

- despite the fact that more than 20,000 people were reported to have been involved in the programme, many people participated in more than one activity, and were, therefore, counted more than once;
- most Canadians could not afford the extensive time required for “visioning” the future of their city and were unable to turn out frequently; and
- the open-ended process resulted in a “wish list” with no analysis of costs, benefits, or tradeoffs, which made it difficult for citizens to consider the

¹⁹² “CityPlan Community Visions: Terms of Reference,”
<<http://www.city.vancouver.bc.ca/commssvcs/planning/cityplan/termsre.htm>>.

cross-impacts of their choices.¹⁹³

An advocate of a ward system to enhance local democracy, Ned Jacobs argued that the CityPlan Community Visions Programme was a top-down, proactive approach that recognised residents' associations as a "special-interest" group only. He also commented that the survey results had been manipulated by combining certain questions and re-grouping the replies, favouring results that would be more acceptable to planners and developers.¹⁹⁴

24. Joyce Lee Uyesugi et al, however, praised Vancouver's "visioning" exercise from the perspective of multicultural planning. Having reviewed the relevant planning documents at the municipal and neighbourhood level critically, they held semi-structured interviews with key informants. They concluded that the Community Visions Programme facilitated democracy by allowing people to have a say in the future of their communities. Moreover, they felt it was particularly effective in engaging ethnic minorities. Community Visions Programme participants they interviewed commented that the visioning process was well-conducted. There appeared to be more general satisfaction with the inclusive visioning process than with the end results of the Community Visions Programme. In sum, they commended the visioning exercise in the following ways:

- the city's planning authority took "minorities seriously" and Vancouver's Community Visioning process "exhibited deliberate efforts to reach out" to typically underrepresented groups such as ethno-cultural communities and young people. The engagement process required citizens working with city staff to develop neighbourhood plans;
- the multicultural outreach strategy, which included personal contact, extensive translations, and workshops offered in languages other than English, garnered favourable responses among the entire population in the four study communities;
- multicultural outreach workers of visible minority background, who were able to translate materials and approach ethno-cultural groups through direct

¹⁹³ Michael and Julie Seelig, "CityPlan: Participation or Abdication?" *Plan Canada* 37(3) (May 1997): 18–22. Their criticism that only 2000 to 3000 participants completed the survey is irrelevant as the sample size of the survey was sufficiently large.

¹⁹⁴ Ned Jacobs, "The Sparrow Principle: A New Approach for Achieving Local Democracy in Vancouver," <<http://newcity.ca/Pages/sparrow.html>>.

and personal contact, were hired. This appears to be a step forward from the old practice dependant on self-translation where materials were not fully translated. Such a move signified a commitment to recognising the reality of ethno-cultural diversity and the multiplicity of public interest; and

- a comparison of the attendance at multicultural workshops and return rates of non-English Choices Surveys showed that multicultural outreach efforts received increasingly greater response as the Programme progressed.¹⁹⁵

25. Mohammad A Qadeer also asserted that Vancouver has pioneered in facilitating the participation of ethnic communities in the making of official plans. Vancouver's CityPlan process has set up various channels for ethnic communities to identify and articulate their needs and goals. Separate information lines were set up in four non-official languages to disseminate information and receive comments.¹⁹⁶

C. Lessons

26. Community visioning is a core element of Vancouver's approach to urban planning. Through a high degree of public participation, CityPlan and the ensuing Community Visions are capable of fostering joint ownership by the majority of stakeholders and the general public. Several key lessons arising from this case can be summarised as follows:

- "visioning" is a promising approach to public participation that has gained popularity among practising planners in North America in the past 15 years;¹⁹⁷
- the planning and provision of community infrastructure is a process that requires adequate time and investment to ensure open and wide consultation and community ownership of outcomes;
- the engagement process needs to take place at a number of levels and on a scale that reconciles local government interests with the concerns of local residents at the neighbourhood level;

¹⁹⁵ Joyce Lee Uyesugi and Robert Shipley, "Visioning Diversity: Planning Vancouver's Multicultural Communities," *International Planning Studies* 10(3-4) (August-November 2005): 305-322.

¹⁹⁶ Mohammad A Qadeer, "Pluralistic Planning for Multicultural Cities," *Journal of the American Planning Association* 63(4) (Autumn 1997): 485.

¹⁹⁷ Joyce Lee Uyesugi and Robert Shipley, 306.

- providing time, opportunity, and resources to enable sufficient input from local residents is essential;¹⁹⁸ and
- timely implementation of the community visions in the form of tangible outcomes in the communities is the strongest determinant of whether the visioning exercise has succeeded.

¹⁹⁸ Sharyn Casey, *Establishing Standards for Social Infrastructure* (Australia: The University of Queensland, 2005), 14.

Chapter 9

Overall Summary and Discussion

1. In the last four chapters we have examined a number of civic engagement cases in four policy areas. The case studies not only contain detailed analyses of the cases, but also provide rich material for comparison and further discussion. In this chapter we shall try to derive from the cases some general lessons, particularly those about the conditions that promote or hinder successful engagement. In the final chapter we will propose ways to enhance civic engagement in Hong Kong.

2. It may be helpful to our comparison and discussion to recapitulate the essentials of each case study and its strengths and weaknesses. It is important to note that there are two dimensions of engagement in the cases, one concerns the internal engagement of an advisory committee (which we will call *committee engagement*), and the other concerns the external engagement, the process of reaching out to the public that is conducted or assisted by the advisory committee (which we will call *public engagement*). We will evaluate each dimension.

3. We shall use several criteria. Regarding committee engagement, the main criteria of success concern whether a committee has been able to develop a shared understanding of its tasks and mutual trust among members, and whether the committee members have a sense of ownership of the delivered results and endorse them. Regarding public engagement, the chief criteria concern the extent to which the process has involved the public in deliberation, and whether the process has successfully narrowed divergent demands into a final set of proposals that has received general public support. Ultimately, the final test of success of civic engagement—committee or public—lies in public endorsement of or acquiescence to its policy products.

I. Major Findings of Civic Engagement Cases

4. The following tables describe the essentials of each civic engagement case and our evaluation of its results.

Table 1: Committee on Performing Arts, Home Affairs Bureau

Committee on Performing Arts (CPA)	<ul style="list-style-type: none"> ▪ Established in 2004, attached to the Home Affairs Bureau (HAB).
Chairperson and membership	<ul style="list-style-type: none"> ▪ Chaired by an unofficial member. Members include artists, district councillors, independent persons with diverse professional background who have an interest in arts and culture.
Tasks	<ul style="list-style-type: none"> ▪ To advise the government on strategies and plans for the development of performing arts facilities and services.
Focus of our study	<ul style="list-style-type: none"> ▪ Reform of venue management
Results	<ul style="list-style-type: none"> ▪ Published a <i>Recommendation Report (I)</i> in 2006, which proposes, among other things, a Venue Partnership Scheme in which venue operators (the Leisure and Cultural Services Department [LCSD]) and arts groups would work together in establishing the artistic character of individual venues.
Committee engagement	<p><u>Evaluation: Successful</u></p> <ul style="list-style-type: none"> ▪ It started with a relatively clear common understanding of the scope and direction of the work of the committee. ▪ It was able to foster considerable cooperation and trust among committee members, the staff of the secretariat, and officials in the HAB and LCSD. ▪ Different players were largely positive about the recommendations.
Public engagement	<p><u>Evaluation: Successful</u></p> <ul style="list-style-type: none"> ▪ The CPA took a proactive approach in reaching out to the arts groups through a series of formal and informal consultation meetings. ▪ Arts groups' concerns were given due consideration in the preparation of the recommendations. The views of the smaller arts groups in particular led to significant revisions of the recommendations. ▪ The arts groups and stakeholders in the sector were in general appreciative of the CPA's engagement efforts. ▪ There was criticism about the lack of clear feedback to the views expressed in the consultation meetings and about the narrow scope of the review.

Overall public responses	<ul style="list-style-type: none"> ▪ Legislative Council (LegCo) members were in general positive about the work of the CPA, although some raised doubts about how they were implemented. ▪ The CPA attracted little media coverage.
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Table 2: Advisory Group on Waste Management Facilities, Environmental Protection Department

Advisory Group on Waste Management Facilities (Advisory Group)	<ul style="list-style-type: none"> ▪ Established in 2002, attached to the Environmental Protection Department (EPD).
Chairperson and membership	<ul style="list-style-type: none"> ▪ Chaired by the permanent secretary for the Environment, Transport and Works. Members of the Advisory Group and five sub-groups come from green groups, academia, business community, and the general community. Sub-group chairpersons select their sub-group members.
Tasks	<ul style="list-style-type: none"> ▪ To advise the government on the establishment of assessment criteria in the provision of waste management facilities and the selection of waste management technologies and sites.
Focus of our study	<ul style="list-style-type: none"> ▪ Solid waste management issues
Results	<ul style="list-style-type: none"> ▪ Based on the proposals of the Advisory Group, the EPD published a document, <i>A Policy Framework for the Management of Municipal Solid Waste 2005–2014</i>, in 2005.
Committee engagement	<p><u>Evaluation: Successful</u></p> <ul style="list-style-type: none"> ▪ There was a shared understanding of the tasks of the Advisory Group and considerable trust between members and government officials. ▪ Through in-depth discussions, members arrived at a set of proposals, including the acceptance of incineration as a safe alternative to landfill. ▪ Members found the engagement experience a good learning opportunity and a rewarding experience.
Public engagement	<ul style="list-style-type: none"> ▪ The Advisory Group did not conduct any formal public engagement. The EPD will conduct public engagement exercises regarding the selection of incineration sites.

Overall public responses	<ul style="list-style-type: none"> ▪ The EPD's recommendation to use incineration received conditional support from green groups, experts, and district councillors rather than the strong opposition that was expected. ▪ Interviewees expressed the opinion that LegCo members became less resistant to incineration as a result of the work of Advisory Group (and the Council for Sustainable Development [CSD]).
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Table 3: Support Group on Solid Waste Management, the Council for Sustainable Development

Support Group on Solid Waste Management (Support Group)	<ul style="list-style-type: none"> ▪ Set up to assist the work of the CSD in 2004. CSD was established in 2003 and is served by the Sustainable Development Unit under the chief secretary's Office. ▪ Under the full council of the CSD, there is a Strategy Sub-committee and three support groups, the Support Group being one.
Chairperson and membership	<ul style="list-style-type: none"> ▪ The Support Group is chaired by an unofficial member. Members come from green groups, academia, and various professions. Two officials participate in the Support Group as facilitators. ▪ The CSD is chaired by the chief secretary for administration. Members come from academia, business, social service, the LegCo, and various bureaux.
Tasks	<ul style="list-style-type: none"> ▪ To identify key issues concerning solid waste management, design and implement of an engagement process for public discussion, and make proposals to the CSD. ▪ To advise the government on the preparation of a sustainable development strategy, facilitate community participation in sustainable development, and promote public awareness of the issue.
Focus of our study	<ul style="list-style-type: none"> ▪ Solid waste management issues
Results	<ul style="list-style-type: none"> ▪ In 2005, the CSD published the report <i>Making Choices for Our Future: Report on the Engagement Process for a First Sustainable Development Strategy</i>. Six principles concerning solid waste management as well as the government's responses are included in the report.

Committee engagement	<p><u>Evaluation of Support Group: Successful</u></p> <ul style="list-style-type: none"> ▪ Members shared a clear understanding of the group's tasks, worked well with officials present in the group, and participated actively in the public engagement process and presentation of their proposals to the Council. <p><u>Evaluation of CSD by Support Group's members: Mixed success</u></p> <ul style="list-style-type: none"> ▪ The CSD succeeded in raising community awareness, and it also allowed the Strategy Sub-committee and the three support groups to steer the work, including the public engagement exercise. ▪ The CSD was criticised for not persistently pursuing its tasks and for not urging the government to do more. ▪ The CSD lacks green group representation at the full council level.
Public engagement	<p><u>Evaluation: Successful</u></p> <ul style="list-style-type: none"> ▪ The five-stage public engagement method is new and carefully designed. It employed various means, such as summits, forums, workshops, and information leaflets to engage a great variety of stakeholders. The whole process was assisted by three civil society organisations as partners. ▪ Both official and unofficial members of the CSD and Support Group were positive about the engagement process and results. The government found the process very helpful to their policy formulation.
Overall public responses	<ul style="list-style-type: none"> ▪ The CSD's public engagement exercise has earned praise from LegCo members, the press, and NGOs activists. The exercise has significantly shaped government's policies. There is no strong public opposition to the overall strategies proposed by the government on solid waste management, including the use of incineration.

Table 4: The Harbour-front Enhancement Committee

The Harbour-front Enhancement Committee (HEC)	<ul style="list-style-type: none"> ▪ Established in 2004, attached to the Housing, Planning and Lands Bureau.
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Chairperson and membership	<ul style="list-style-type: none"> ▪ Chaired by an unofficial member. There are three types of members: representatives nominated by various professional associations and advocacy groups, appointed unofficial members from a variety of backgrounds, and official members from various bureaux and departments.
Tasks	<ul style="list-style-type: none"> ▪ To advise the government on planning, land use, design, and development issues relating to existing and new harbour-fronts, particularly as these appear in the Wan Chai North and South East Kowloon reviews; to advise on matters concerning public engagement.
Focus of our study	<ul style="list-style-type: none"> ▪ Kai Tak Planning Review (2004–2006), conducted by the Planning Department (PlanD) in partnership with the HEC, which aims to formulate a new development plan for Kai Tak “with no reclamation” as the starting point and to facilitate public participation in the process.
Results	<ul style="list-style-type: none"> ▪ In 2006, the PlanD gazetted the Outline Zoning Plan on Kai Tak. This aims to develop Kai Tak as the “Heritage, Green, Sports and Tourism Hub of Hong Kong.” The plan has incorporated the recommendations made in the Kai Tak Review.
Committee engagement	<p><u>Evaluation: Mixed success</u></p> <ul style="list-style-type: none"> ▪ With more than a third of its members nominated by professional bodies and advocacy groups, the HEC has been able to channel voices from civil society to the government. ▪ The government and unofficial members did not share views on several important matters, including the desirability of membership by group representation, the ambit of the HEC (beyond the two reviews), and the role of the secretariat. ▪ Strong trust was lacking among members. ▪ Some members, including government officials and unofficial members, found meeting discussions time-consuming and ineffective. ▪ The government seemed to doubt the desirability or effectiveness of the HEC, while some unofficial members hoped to continue to improve and expand its work.

Public engagement	<p><u>Evaluation: Successful</u></p> <ul style="list-style-type: none"> ▪ The Kai Tak Planning Review was unprecedented in attempting both inclusive representation and extensive engagement of the public. ▪ Most interviewees considered the exercise successful because the government, different stakeholders, and the public worked out planning issues openly without a predetermined agenda. ▪ Both government and non-governmental stakeholders devoted much time and resources to the exercise. ▪ The three-stage consultations channelled a great variety of views and interests into a final set of proposals that seems to have been acceptable to the stakeholders.
Overall public responses	<ul style="list-style-type: none"> ▪ The Outline Zoning Plan on Kai Tak has not, on the whole, provoked as much controversy in the community as before. The engagement process has engendered a new pattern of policy consultation and interaction between the government, civil society groups, and the community.

Table 5: Commission on Poverty

Commission on Poverty (CoP)	<ul style="list-style-type: none"> ▪ Established in 2005.
Chairperson and membership	<ul style="list-style-type: none"> ▪ Chaired by the financial secretary. Members include secretaries from various bureaux, legislators, academics, business people, and representatives from social service and labour groups. The CoP is served by a secretariat housed under the financial secretary's Office.
Tasks	<ul style="list-style-type: none"> ▪ To study and identify the needs of the poor, make policy recommendations to alleviate poverty and promote self-reliance in Hong Kong, and encourage community engagement and cross-sector cooperation.
Focus of our study	<ul style="list-style-type: none"> ▪ Poverty issues
Results	<ul style="list-style-type: none"> ▪ The CoP has developed a set of poverty indicators (without drawing a poverty line as such), identified four districts for special attention and aid, and set up a fund to promote social enterprises. Other measures relating to the working poor and

	child poverty are still being discussed.
Committee engagement	<p><u>Evaluation: Low success</u></p> <ul style="list-style-type: none"> ▪ A dedicated, proactive secretariat and several working groups eager to tackle poverty issues supported the CoP, but these efforts did not yield significant results mainly because members of the CoP had fundamental ideological disagreements. ▪ The conflicting views related to the seriousness of the problem of poverty, its root causes, and the kind of policies and resources needed to fight against it. Discussions not only failed to resolve these conflicts but deepened distrust and frustration. ▪ Many pro-grassroots members felt that there was no genuine dialogue in the CoP because the government chose to exclude basic issues and confine discussion to piecemeal solutions. Pro-grassroots members themselves were not united on all issues. ▪ Quite a few unofficial members expressed disappointment with the official members, describing them as passive and defensive, and as such failing to make good use of the forum to actively contribute to policy coordination.
Public engagement	<ul style="list-style-type: none"> ▪ Many visits were made to selected districts, forums, and social services agencies. While the CoP had listened to and sometimes adopted the opinion of the people they talked to, there was nothing close to a large-scale public engagement exercise that would allow for public deliberation and consensus building.
Overall public responses	<ul style="list-style-type: none"> ▪ Certain sectors of the public regarded the CoP as unresponsive to the seriousness of the poverty problem and the need for effective action.

II. Overall Observations and Reflections

A. General lessons from civic engagement cases

5. Of the many lessons that can be drawn from the above cases of civic engagement we shall start with two most important ones that concern public engagement and committee engagement.

6. **Lesson 1: In public engagement, genuine government commitment to an open-ended process is essential to its success. Such exercises, if well planned and executed, can do much to build public consensus and help government develop policies that can win support from stakeholders and the public.**

7. Of the five cases listed above, two conducted extensive public engagement exercises, and both are judged as successful by the stakeholders involved. The two cases are the Council for Sustainable Development (with the assistance of the Support Group on Solid Waste Management) and the Kai Tak Planning Review conducted by the Planning Department with the partnership of the Harbour-front Enhancement Committee. Their success is attributable to several common factors.

- First and foremost the government made known to the stakeholders its genuine commitment to an open-ended public engagement process, with no hidden agenda or preconceived policy positions. As the permanent secretary for Housing, Planning and Lands said, “[The Kai Tak Planning Review] is the first time a planning project has begun with a blank paper, the first time officials have planned with the public.”¹⁹⁹
- This commitment was made credible by a second factor, an inclusive, transparent process led by civil society actors and officials who cooperated closely.
- The third factor is that unlike the conventional mode of consultation, the two exercises engaged in learning and deliberation. They involved many participants, and went through different stages that served different purposes, from the general to the specific, from problems to solutions. Different methods such as summits, forums, workshops, information leaflets were employed to stimulate learning and deliberation.

8. These public engagement exercises were expensive and time-consuming, but given their fruits they were surely worth the cost. These exercises have effectively

¹⁹⁹ See *South China Morning Post*, 10 November 2005, p. A3.

channeled a wide array of public opinion and concern into the policy development process and helped integrate these concerns into policy proposals that the public found more or less acceptable. Through the exercises, the government gained support and legitimacy in its policy-making, and civil society actors interviewed found their participation rewarding and worthwhile.

9. It is worth noting that although the two advisory bodies involved—the CSD and HEC—are not exemplars in their own engagement within the committee (they enjoyed mixed success in committee engagement), the public engagement exercises they conducted were not tainted by their own internal problems. This perhaps shows that a well-planned, transparent public engagement has its own dynamic and can enjoy relative independence from institutional forces around it.

10. **Lesson 2: Successful committee engagement depends to a significant extent on whether official and unofficial members of a committee can develop a shared understanding of the issues to be addressed or the goals to pursue. The government's attitude is crucial to the development of shared understandings.**

11. There are two cases in which committee engagement was successful: the Advisory Group on Waste Management Facilities (Advisory Group) attached to the Environmental Protection Department (EPD), and the Committee on Performing Arts (CPA) attached to the Home Affairs Bureau (HAB). Each committee had a well-defined aim that was shared by the members in general. For the Advisory Group, the assessment of solid waste management technologies was a relatively specific, well-defined problem. The EPD officials genuinely wanted the input of green groups and experts to assess the available technologies and gave them a free hand. For their part, the unofficial members knew exactly what they were expected to do and went along with the defined terms of reference.

12. Similarly, the CPA had a well-defined task to develop strategies for the development of performing arts facilities and services. Furthermore, the CPA was blessed with a mandate—a set of policy principles developed by its predecessor, the Culture and Heritage Commission (CHC). Many of the CPA's members agreed that developing strategies according to the CHC guidelines was the most practical way to move forward. On the basis of this shared understanding, different parties in the committee worked together quite smoothly in committee and public engagement. Of course, its public engagement activities also significantly shaped the thinking of CPA members throughout the process.

13. Unlike the Advisory Group and CPA, the Commission on Poverty (CoP) failed to build a shared understanding on fundamental issues. Disagreements centred on the seriousness of the problem of poverty and the measures needed to tackle it effectively. The government did not come to the committee engagement with a “blank paper,” as it did in the case of the Kai Tak Planning Review. Instead, it carried an implicit but strong pro-status-quo ideological standpoint that would permit only small, piecemeal changes within the present economic and social policy framework. This put it seriously at odds with the views of pro-grassroots members that poverty is a long-term structural problem, the solution of which requires fundamental changes in social and economic policy.

14. This conflict actually reflects a more fundamental, long-standing ideological dispute in the community at large. But the government had no intention of using the CoP to harmonise these fundamental disagreements in either the committee or the community. Nor did the CoP make any attempt to conduct large-scale, structured discussions with people living in poverty. The establishment of such a high-powered advisory committee had raised expectations among its pro-grassroots members and the public, but government’s reluctance to address the fundamental issues inevitably led to their disappointment.

15. If any general lesson can be learned from this case, it is that the government’s sincerity and open-mindedness are critical factors for the success of civic engagement. The government should conduct engagement with a persistent commitment to open-ended, genuine discussions. Otherwise, civic engagement leads only to frustration and cynicism on the part of the participants.

16. The HEC and the CSD are cases of mixed success in committee engagement. According to our interviewees, recently the cooperation between the government and the two committees seems to have declined somewhat as the government interest and commitment have begun to weaken. We have not observed any fundamental ideological clash between the government and the committees or within the committees themselves. But the wide ambit of the two committees’ terms of reference has given rise to different expectations about the direction of work and the issues to tackle in future. On the whole, unofficial members from civil society have wanted the committees to do more, but official members’ responses are more cautious and reserved.

B. Civic engagement experiences in perspective

17. In addition to the two major lessons derived from our case studies, a few general issues merit a more focused discussion here. They have to do with the “hardware” (institutions) and “software” (people) of civic engagement. In the following discussion, we shall state the issues commonly raised in the interviews, report the different views gathered, and provide our own reflections and suggestions. Following our analytical framework, the issues are grouped under three headings: institutional arrangement for engagement, actors, and engagement process.

i. Institutional arrangement for engagement

Membership and diversity: Who to invite?

18. One of the most important considerations in conducting civic engagement is the membership of the advisory committee. Choosing who to invite requires shrewd political judgment. All the committees studied comprise participants with diverse backgrounds.²⁰⁰ Many civil society actors interviewed welcomed such a diversity, for it helped to build a platform for tackling policy problems that are often multifaceted and thus require input from a wide range of stakeholders.

19. Government officials, however, were generally more ambivalent about diversity. While recognising that diversity can enhance a committee’s legitimacy, they were more concerned about the effects of diversity on the dynamics of discussion and interaction among committee members. They pointed to problems that they perceived to be linked to diversity: the lack of a common language and common knowledge to address the issues, difficulty in bridging differences in perspective and interests, and endless arguments and disagreements. Furthermore, some officials thought diversity meant that government might have to appoint individuals sharply critical of the government. If such people were invited, government officials might be less forthcoming and frank in discussions.

20. We need to separate two issues here. One is related to diversity in member backgrounds; the other is whether members will be willing to find common ground and bridge differences. These are two distinct issues, which require different responses.

²⁰⁰ These include academics, leaders of civil society groups, professionals or practitioners in the relevant policy field, businessmen, legislative councillors, and district council members.

21. On the issue of diverse backgrounds, there seems no feasible alternative to bringing together people from a variety of backgrounds. The public will judge a highly imbalanced committee as improper. A committee that fails to include certain core stakeholders would be seriously challenged. Worse still, a committee composed of friends of the government defeats the very purpose of civic engagement. The problems arising from background diversity are not insurmountable. In our study, we found several factors that helped address the difficulties, such as the presence of a proactive, well-respected chairperson and policy entrepreneurs. We will discuss these factors later.

22. Furthermore, the principle of diversity of background does not mean that the government has to appoint the most radical or least compromising individuals to an advisory committee. The spirit of committee engagement is deliberative and consensual, not one of confrontation or endless argumentation. Successful engagement requires participants to have certain characteristics: open-mindedness, civility, willingness to listen and take seriously other people's views, willingness to find common ground and bridge differences, and so forth. The skills and mentality that work in adversarial politics may not work equally well in deliberative committee engagement.²⁰¹ The same can be said of bureaucratic skills and mentality.

23. The more effective way to accommodate radical views or adversarial personalities is by public engagement, which is precisely established to facilitate exchanges of a wide range of viewpoints. Different views will compete in open discussion, and the dynamics of the process will help sort out the views that have more adherents from those that have fewer. A case in point is that of the group of amateur aviators who requested a runway for their use in the Kai Tak redevelopment area. After two years of active participation in many public forums and workshops, they finally dropped their request, for they realised that it was receiving no strong support from the other stakeholders.

24. There should be a division of labour between committee engagement and public engagement. The task of public engagement is to involve as many people as possible and to facilitate exchanges and discussions of views. The task of committee engagement is to collate a wide range of viewpoints, deliberate on them, and develop

²⁰¹ This is not to say that social activists of a more adversarial kind cannot put aside their adversarial attitude and adopt a more conciliatory mindset in committee deliberation. In our interviews, at least one such individual was identified and regarded by government officials as a person whom they are happy to work with.

proposals that appear most reasonable and workable, all things considered. So an advisory committee on a major public policy issue should recruit members who are from diverse backgrounds but have attitudes and mindsets appropriate for committee deliberation. Any viewpoints or concerns not included in the committee membership can be addressed through public engagement.

Membership and nomination: Should civic society organisations nominate their representatives to be members of an advisory committee?

25. Another issue raised by some interviewees concerns how advisory committee members are nominated. The HEC has adopted the method of group representation, allowing more than a third of its seats to be filled by selected professional or civil society organisations. This arrangement confers a higher degree of independence on unofficial members than the conventional appointment method does, and because of this has been praised by some civil society actors. They have suggested that other important advisory bodies should adopt this method. However, some government officials interviewed were not as enthusiastic. They worried that civil society organisations (CSOs) might nominate individuals too insistent on their organisation's position and hence not easy to work with. In addition, they felt, if organisations are allowed to have alternate representatives attend different meetings, this may disrupt the continuity of discussion. Some officials also felt that some CSOs may work for the business sector and have covert business interests.

26. Practical problems aside, we believe that certain more fundamental issues must be addressed before any conclusive judgment can be made about the overall desirability of group representation. If CSOs want to claim a more prominent (institutional) role in civic engagement, their accountability and transparency need to be considerably strengthened. Although CSOs in Hong Kong, as elsewhere, are becoming more vocal and influential, they typically lack any transparency and accountability comparable to their influence in society. Many CSOs do not release important information about their organisation, including financial statements, major sources of income, salaries of top management, and employment size. There is also no easy access to information about their board of directors. This situation is partly attributable to the absence of a coherent set of non-profit laws in Hong Kong that specifies the rights and duties (especially disclosure duties) of voluntary organisations. Civil society has yet to develop a system of public accountability mechanisms for CSOs to follow.

The status of the secretariat: Should it be independent of the government?

27. The lack of independence of an advisory committee's secretariat was another comment several civil society actors made in our interviews. They thought that the secretariat, which is staffed by civil servants, tended not to act as a neutral party offering impartial support to all the members of an advisory committee, but rather as an arm of the government to steer the committee by manipulating agendas and the minutes of meetings. These civil society actors requested that the secretariat be formed as an independent unit outside the government bureaucracy and staffed by individuals outside the civil service.

28. Some government officials disagreed with these views. They argued that the secretariat cannot manipulate the agenda and minutes, as these things are subject to the scrutiny of the entire committee. Members who are dissatisfied with the agenda or the minutes prepared by the secretariat can always discuss their concerns in committee meetings and request changes. One official said that since civic engagement is part of the government's policy-making process, for which the government is held accountable, it is important for the government to retain the control of the operation and integrity of the whole process by means of a government-led secretariat.

29. We approach this issue from the perspective of practical effectiveness rather than control or accountability. While an independent secretariat is arguably more free from government interference, at the same time it loses easy access to government information and the support of the bureaucracy. Furthermore, a secretariat completely disconnected with the bureaucracy may not be able to serve effectively as a bridge between the government and the committee.

30. It may make more practical sense to explore less radical ways to improve the trust between the secretariat and the committee it serves. One way is to recruit civil society participants with relevant expertise and experience to join the secretariat to help develop agendas and conduct research.²⁰² Another is to set up an agenda group, which comprises the chairman and unofficial members nominated by the entire committee, to work with the secretariat to oversee the agenda-setting process.

²⁰² The CoP has adopted this method with considerable success.

The status of advisory committees: Should they be turned into decision-making bodies with statutory powers?

31. Some civil society interviewees commented that since advisory committees have no binding powers on the government, their efforts will have been in vain if the government refuses to accept their recommendations. These commentators proposed that the committees be made into statutory bodies with decision-making authority conferred by the law. Examples of this kind of body are the Town Planning Board and Housing Authority, whose membership includes officials and unofficial members from various sectors of society.

32. Such action would transform the nature of civic engagement from a process that helps the government develop better policies to a process in which selected citizens and officials together make authoritative decisions. But the latter process raises a whole range of questions about representation, legitimacy, and accountability. Why should some individuals and not others have the power to make public decisions? How can those individuals be held accountable to the public? It seems that statutory-based authorities should be the exception rather than the rule in policy-making. If more and more policy-making powers are transferred from the government to independent statutory bodies, then not only would the responsibility of the government be seriously circumscribed but the Legislative Council would also have less ability to check the work of these bodies on the behalf of society.²⁰³

33. We should explore non-statutory methods of making sure that the government takes the results of civic engagement (both committee and public engagement) seriously. One useful way is to have the government publicly respond to the recommendations of an advisory committee in writing and give detailed justification if any recommendation is not accepted (as in the case of the CSD). One major deficiency in many public consultation exercises is that the government publishes only the public opinions collected but does not publish government responses to those opinions. The government should also produce an evaluation report of each civic engagement exercise that would be submitted to the Legislative Council for discussion.

²⁰³ Some legislators are reported to have found many statutory bodies difficult to be held accountable to the legislature. See Ian Scott, "The Government and Statutory Bodies in Hong Kong: Centralisation and Autonomy," *Public Organisation Review* 6(3) (September 2006): 185–202.

ii. Actors

34. Our case studies discovered a large discrepancy between the way officials see themselves and the way they are perceived by civil society actors, and vice versa. Here it is important to note that these perceptions are not targeted at specific individuals, but are general impressions formed by their overall engagement experience.

Divergent perceptions of participants in civic engagement

35. At the risk of oversimplification, our general observation is that officials tend to see themselves as guardians of the public interest, the bulwark of administrative rationality, as well as impartial arbitrators of the conflicting interests of social groups. Civil society actors, however, tend to perceive officials in stark contrast, as bureaucrats without vision who are averse to taking risks. They are seen as removed from social reality, yet arrogant.

36. Civil society actors tend to regard themselves as guardians of society's long-term interests and especially of the interests of the underprivileged. Being champions of progressive values (such as sustainable development, social justice, and the arts), they supply indispensable knowledge in policy development. Officials, however, tend to perceive civil society actors as self-serving activists who will oppose policies for the sake of short-term gains. They are also thought to lack the prerequisite knowledge of policy issues and administrative reality and to be unwilling to bear policy responsibility in partnership with government.

37. This discrepancy in perceptions naturally leads to a problem of trust. Officials often come into engagements with considerable caution and reservation, and civil society actors come with a great deal of suspicion about the sincerity of the government and the real effectiveness of engagement. And, in fact, some government officials make no effort to hide their pragmatic attitude toward engagement. How seriously the government treats engagement depends on how officials weigh the gains and costs of each exercise.

Understanding the sources of divergence of perceptions

38. Why have the two sides arrived at such negative perceptions of each other? The interviews helped us to make some sense of the intricacies and led us to believe

that a more sympathetic understanding is possible for both sides. Government officials broadly share the views that (1) they are the guardians of the public interest, while (2) civil society actors represent and promote only their individual or group interests. Several points can be made to qualify these views.

- The interests of individuals and social groups are often legitimate interests that ought to be considered seriously in policy-making. In addition, civil society actors and officials may have rather different conceptions of the public interest, but such difference should not be interpreted as meaning that civil society actors are unable to go beyond the scramble for parochial interests.
- Civil society actors may want to take an engagement opportunity to advocate a certain agenda outside of the terms of reference of an advisory committee. This behaviour may not reflect an ill motive to politicise the process of engagement but rather an attempt to broaden the aim or scope of policy deliberation.
- Just as some civil society actors may go out of their way to promote their individual or group interests, some civil servants may put their own career or departmental/bureau interests over the overall interests of society. They may also put aside their professional judgment under strong pressure from above.

39. Civil society actors, on the other hand, complained that officials are insincere in engagement. They cited officials' unwillingness to give feedback, their reluctance to enter into frank discussion, their aversion to risk-taking, and their generally non-committal stance toward change as examples. Our interviews with officials suggest that a more sympathetic understanding of their work situation and constraints is possible.

- Civil servants work in a large bureaucracy governed by layers and layers of rules and personnel. Unless changes are ordered from the top, the bureaucratic structure seriously discourages lower-level civil servants from proposing or endorsing changes requested by the public.
- Among the rules that govern civil servants are fairness and transparency, which are in themselves important but at times can bind the hands of civil servants so tightly that they cannot act responsively or flexibly. In a

bureaucratic setting, the violation of rules is a much more serious fault than not acting quickly enough to address public demands.

- Being noncommittal toward change may be a consequence of the fact that the government has no popular mandate, and so policy-making often amounts to a slow and long process of piecemeal steering and balancing of competing interests.²⁰⁴

Two types of people who can build bridges and foster trust

40. The constraints on the work of civil servants in the present administrative and political arrangement may go some way to explain why they are perceived to be reacting slowly and avoiding frank and honest exchanges of views. This is not so much a problem of sincerity but of a situation that does not nurture civic engagement. Successful engagement under these circumstances often depends on an individual civil servant's personal conviction and commitment to the cause of engagement.

41. In fact, in the interviews we have seen examples of dedicated civil servants whose commitment to engagement has impressed both friends and critics of government. These civil servants are willing to spend long hours with civil society actors. Being forthcoming and frank in discussion, they are not afraid to take risks in proposing new initiatives to address the concerns of the public. In an administrative and political world that is not so conducive to engagement, the presence of such individuals is key. A question for further investigation is what administrative changes need to be made to pave the way for this type of civil servant to emerge and flourish in the bureaucracy. Administrative directives, incentives, and training, for example, should be provided in a systematic and robust fashion to help the civil service develop a culture of civic engagement.

42. We have found an additional type of personality whose presence may also greatly facilitate mutual understanding between the government and civil society. As noted in Chapters 4 and 7, they are the "policy brokers," who mediate and bridge the gaps between expectations on the two sides. They are also "policy entrepreneurs," able to seize opportunities to push for changes. Having ample experience in dealing

²⁰⁴ Steering and balancing are delicate matters for government officials. They tend not to make quick judgments or quick fixes, but first consider fully all the viewpoints and interests involved. They want to wait to "feel" the way public opinion is going—which often takes a long time, unless certain events swing public opinion clearly to one direction—in the hope that what the government ultimately proposes has "public support."

with both the government and civil society, these individuals have developed an appreciation of the values and constraints of both sides. They may be retired civil servants who have a genuine commitment to civil society, or former legislators who have a high standing in civil society but have close working relations with government, or civil society activists or academics who have substantial experience in advising government through participation in advisory bodies or consultancy for the government. An engagement that involves individuals of this kind has a greater chance of success.

iii. Engagement process

43. Our interviews have also made clear certain common strengths and difficulties in the engagement processes in the case studies.

Leadership and team work

44. Strong leadership and teamwork is a key to success. If the chairperson and vice-chairs of a committee, the conveners of sub-committees/working groups, the secretariat, and active members working as policy brokers or entrepreneurs can all develop a sense of joint ownership and work together as a team, they serve as a vital force driving the committee's work and building consensus. The CPA's effort seems to have demonstrated great success in this regard. The Advisory Group attached to the EPD was also praised by interviewees to the extent that they exhibited some elements of teamwork.

45. It is also worth noting that the presence of a strong team on a committee gives a clear signal to civil society actors as well as the public that the government is committed to making an engagement exercise work. This signal helps strengthen the otherwise weak incentives of civil society actors, who often have doubts about the government's sincerity and are reluctant to give time to engage.

Frequent change of personnel

46. It was frequently pointed out by our interviewees, both government officials and civil society actors, that frequent changes of government personnel threatened the success of civic engagement. The CoP's secretary left the post in the middle of the engagement process; the CPA's secretary was transferred to another post soon after the committee's report was produced, and as a result there was no continuity of

personnel in turning the proposals into actual policies and in overseeing the implementation. In yet another case, the Environment, Transport and Works Bureau merged with the EPD during the engagement process of the Advisory Group, thereby disrupting their work.

47. Frequent changes in policy personnel, especially officials at the Administrative Officer grade, is a long-standing problem in Hong Kong's policy-making. This problem affects civic engagement even more seriously because personal relations and trust, which take a long time to build, count much in engagement.

Policy coordination and implementation

48. Policy-making will not be effective if the body that proposes and the body that implements a policy do not collaborate closely in an engagement process. The most critical issue is whether the implementing unit has a substantive role to play in the engagement and policy-development process.

49. This seems to have been a problem in at least three policy cases. In the CoP, the different policy bureaux involved seemed to have had little input into the formulation of policies and therefore tended to take up decisions made by the commission in a very passive manner. In the CPA, even though the department had provided substantial input throughout the engagement process, one interviewee worried that important problems might still arise when the department finally executed the proposed policies. In the CSD, there was also a problem of linkage with the EPD, which participated as a stakeholder but was not obliged to adopt suggestions from the council.

III. Conclusion—Lessons and Principles for Civic Engagement

50 It may be useful to summarise the above discussion as the following lessons and principles for civic engagement.

A. General lessons

- a The more successful cases of civic engagement, whether committee engagement or public engagement, have produced policy recommendations, most of which the government has adopted and many stakeholders have

endorsed.

- b Government sincerity and open-mindedness are critical factors for the success of civic engagement. The government should conduct engagement at an early stage of policy development and maintain a persistent commitment to open-ended, genuine discussions with the engaged. Otherwise, civic engagement leads only to frustration and cynicism on the part of the participants.
- c A well-planned multi-staged public engagement that incorporates a strong element of learning and deliberation can do much to build public consensus and help the government develop policies that can win support from stakeholders and the public. Advisory committees should carry out public engagement exercises whenever possible. Internal committee engagement alone is insufficient for complex policy issues.
- d Successful committee engagement depends to a significant extent on whether official and unofficial members of a committee can develop a shared understanding of the issues and goals. The government's attitude is crucial to the development of shared understandings.

B. Institutional arrangements

- e An advisory committee on a major public policy issue should be composed of individuals from diverse backgrounds. Members should have attitudes and mindsets conducive to committee deliberation, such as open-mindedness, civility, and willingness to find common ground and bridge differences. Any deficiency in inclusion of viewpoints and concerns in the committee can be addressed through public engagement.
- f The trust between the government-controlled secretariat and the committee it serves can be improved by recruiting civil society participants to join the secretariat, or by setting up an agenda group within the committee to work with the secretariat.
- g Government responsiveness to advisory committees can be improved by a mandatory requirement that the government publishes response statements to committee recommendations as well as an evaluation report of each

engagement exercise.

- h If civil society organisations are to play a more prominent institutional role in civic engagement, such as having group representation on advisory committees, their accountability and transparency need to be considerably strengthened. The government should enact a coherent set of non-profit laws to specify the rights and duties (especially disclosure duties) of CSOs to facilitate their mature development. Civil society also needs to develop public accountability mechanisms for CSOs.

C. Actors

- i There is a general lack of trust and appreciation between government officials and civil society actors. This problem can be considerably lessened if both sides can come to a better appreciation of the values held by actors on each side and the constraints they face.
- j The present political and bureaucratic arrangement and the administrative culture of the government do not give enough support to officials to undertake civic engagement. Administrative directives, incentives, and robust training programmes should be set up to help the civil service develop a culture of civic engagement.
- k The government should help cultivate and make better use of “policy entrepreneurs” or “brokers,” individuals who are able to mediate and bridge the gaps between the expectations of the government and those of civil society and to seize opportunities to push for policy changes.

D. Engagement process

- l In appointing the chairperson and members of an advisory committee, the government should take care to form a strong team to drive the work of the committee and develop a sense of joint ownership. The presence of such a team represents a clear commitment of the government to make the engagement exercise a success.
- m Frequent change of government personnel is a threat to the success of civic engagement. The government should avoid changing key personnel in the

course of an engagement process.

- n Effective civic engagement should be premised on effective coordination between the policy bureau and the implementing department. In cases where different bureaux are involved in an advisory committee, they should be attentively coordinated by a higher-level official.

Chapter 10

Conclusion and Recommendation

I. Conclusion

1. Hong Kong has come to a critical juncture. The traditional mode of public consultation has failed, but a new mode has yet to be established. The political and social ecology of Hong Kong has changed so drastically since 1997 that governing through an advisory system and conventional public consultation no longer satisfies public expectations. The chief executive has only a weak and limited power base from which to exercise the enormous constitutional power he possesses. New political forces that are beyond his control—the elected legislators and political parties—have strongly resisted a top-down approach in policy-making and consultation. In addition, the media and civil society have actively exposed government failures and demanded that the government become more accountable, transparent, and responsive. In face of these challenges, it is imperative that the government and the people of Hong Kong find a new way of engagement.

2. The awakening of civil society after the massive rally of 1 July 2003 makes the search even more pressing. Demands from civil society since 2003 have increased in scope, scale, and intensity. Through protests, rallies, and various other actions, civil society organisations have amassed enough societal pressure to halt the West Kowloon Cultural District development and to demand a say in public projects relating to the reclamation of Victoria Harbour and the redevelopment of Kai Tak, to cite but two examples. Not only has civil society become more vocal, but the emergence of new groups and new forms of organisation has also increased the unpredictability of societal demands and actions. The most recent case in point has been the effort of citizens to stop the demolition of the Star Ferry Pier. Clearly the traditional form of public consultation no longer fully encapsulates the views of civil society, which are dynamic and changing.²⁰⁵

3. New problems call for new solutions, and we can learn much from the global trend in public governance. The United Nations, the World Bank, the OECD, and the European Union have attached great importance to civil society organisations in their work. The governments in Canada and the United Kingdom have developed formal

²⁰⁵ See Chapter 2 for further discussions.

agreements with their civil societies for the joint promotion of social development. The two countries have also experimented with new ways to engage their citizens in policy-making. Outstanding examples are Vancouver's CityPlan and Community Visions projects, which have sought to develop a shared vision of the city's future. The projects consisted of a series of extensive engagement exercises that employed a variety of methods to help citizens to learn and deliberate about the issues of future planning. The envisioning exercises were well received across the entire Vancouver community, and they have helped to generate public endorsement of many of the planning principles that will guide the city's future development.²⁰⁶

4. We can also learn from recent engagement exercises at home. The year 2003 marked not only a watershed of civil society development in Hong Kong, but also the emergence of a new mode of advisory committee and public consultation in policy-making. That year saw the establishment of the Council for Sustainable Development, an advisory body that adopted a new method of public engagement that emphasised learning and deliberation. Following suit, a number of advisory bodies also incorporated relatively new elements into their processes of civic engagement. As the experience of these exercises may affect the future development of civic engagement, it is important to examine them to discover what we can do to improve similar practices in the future.

5. In our critical examination of several case studies, we have reached several main conclusions.

- a Regarding civic engagement at the public level, the two large-scale initiatives we studied were largely successful and the participating stakeholders found the experiences worthwhile and rewarding. The success of these initiatives was partly due to the fact that they were conducted at a very early stage of policy development when the government has not yet formulated a particular agenda.
- b The success of engagement at the advisory committee level varied. The chief factor determining success was the degree to which committee members, both official and unofficial, developed a shared understanding of the issues and goals.

²⁰⁶ See Chapters 3 and 8 for further discussions.

- c The extent of government commitment, sincerity and open-mindedness in the engagement process was critical to the success of civic engagement at either level.
- d The more successful cases of civic engagement, whether committee engagement or public engagement, have produced policy recommendations, most of which the government has adopted and many stakeholders have endorsed.

6. We have also drawn more specific lessons and principles from the case studies, which are detailed in the previous chapter. Some concern the hardware, or institutional arrangements, of engagement; some concern the software, or people's attitude and mindset. On the basis of our conclusions, we propose certain overarching recommendations to further develop the software and hardware of civic engagement. The order of the recommendations begins with those that the government can pursue on its own to those that require active cooperation with civil society.

II. Overall Recommendations

Recommendation 1:

Develop a framework for civic engagement in policy-making.

7. Government commitment and interest are critical to the success of engagement, but in fact this has varied from case to case and official to official. Our civil society interviewees have commented that since the period of engagement, government commitment to and interest in some of the advisory bodies we studied has weakened. These interviewees also worry that the government will not continue to engage in large-scale public engagement initiatives. We believe that the government must show an explicit and credible commitment by establishing and enforcing a common engagement framework across all bureaux and departments. This framework should include the following elements:

- a A civic engagement requirement. Every policy proposal put to the Executive Council must contain an assessment of the policy's engagement process and its results;

- b A civic engagement code for all policy-making bodies to follow. The code should contain performance guidelines and standard operating procedures for the engagement process.
- c An overall annual government report on civic engagement to the chief executive (CE), the Executive Council, and the Legislative Council.
- d A secretariat within the office of the CE (or the chief secretary for administration [CS]) to oversee implementation of the framework.

Recommendation 2:

Adopt measures to strengthen the government's capacity to conduct civic engagement.

8. Enforcement of the civic engagement framework and carrying out the measures to realise civic engagement require officials with appropriate attitudes and capacities, but the present bureaucratic arrangement and administrative culture do not give enough support to officials to undertake civic engagement. To build capacity, the government should adopt the following measures:

- a Civil service training in civic engagement, including the methods, techniques, and tools of citizen engagement and an examination of experiences in other countries;
- b Periodic secondment of civil servants to civil society organisations;
- c Provision of more work experience at the district level for administrative officers;
- d Substantial investment in policy research in all policy-making bodies and advisory committees.

Recommendation 3:

Adopt measures to strengthen the capacity of civil society to serve as an effective and responsible partner in civic engagement.

9. Civil society organisations also need to strengthen their capacity, accountability, and transparency if they are to play a more prominent role in policy development. The

government should create a legal and policy framework and provide resources to facilitate the growth of CSOs and enhance their understanding of the policy process in the government. To accomplish this, the government should carry out the following measures:

- a Help develop programmes to strengthen capacity in various CSO dimensions, that is, in areas such as finance, human resources, management, knowledge acquisition, and research;
- b Encourage civil society to form roundtables or umbrella bodies within sub-sectors of civil society in order to promote effective exchanges within civil society and between civil society and the government;
- c Improve the regulatory framework for civil society by enacting new non-profit or charity laws on registration, governance, fundraising, reporting, accountability, etc. and by requiring internal social auditing and accreditation mechanisms;
- d Help create community foundations to sponsor the above work;
- e Secondment of civil society actors to the secretariats of advisory committees.

Recommendation 4:

*Negotiate an agreement between the government and civil society to build an effective relationship similar to the Compact in the UK (1998) and the Accord in Canada (2001).*²⁰⁷

10. The present low level of trust between the government and civil society hinders the effectiveness of civic engagement. The above three recommendations can go a long way toward addressing this problem. When the engagement capacity of each side has been strengthened, they would be in a position to develop a more institutionalised relationship that enhances mutual trust and cooperation for the benefit of the community. We suggest that such an institutionalised relationship can take the form of an agreement signed by the government and a representative roundtable of civil society. The agreement would seek to:

²⁰⁷ See Chapter 8 for a discussion of the experiences of Canada and the UK.

- a State the values shared by the two sectors and the values unique to each sector;
- b Set out commitments of the relationship and the guiding principles for building the relationship;
- c Develop codes of good practice regarding the relationship in policy consultation and development, funding, service delivery, accountability, and so forth;
- d Create administrative infrastructure to implement the agreement, such as a permanent secretariat or unit under the office of the CE (or CS), a cross-bureau committee chaired by the CE (or CS), and a government-civil society roundtable to oversee its implementation.

11. The above recommendations on civic engagement would, we believe, set Hong Kong on the road to better policy-making and governance.

Appendices

Appendix 1: Interview Questions

A. Questions for Civil Society Actors

1. Have you or your group been involved in policy-making in the area through advocacy or government-initiated engagement processes? Please give examples.
2. Please describe the policy problems that the engagement initiative under study is meant to address.
3. What kind of engagement approach has the government adopted in this case study? If there is more than one mechanism of civic engagement, which one is the most effective?
4. How do you or your group deal with conflict and discrepancy in power among stakeholders? Is there any attempt, on the part of the government and other civil society organisations, to level the platform for equal participation?
5. How do civil society organisations compete and cooperate with each other? Is there trust among the civil society groups? Is there trust between the groups and the government? Is the existing engagement mechanism helping or undermining it?
6. How would you reform the civic engagement mechanisms in use, if necessary, to enhance public policy-making?
7. What is your comment on the contributions of civil society groups? Have their roles in public participation changed because of civic engagement?

B. Questions for Officials

1. Has your bureau/department engaged with non-governmental actors in formulating major policies? If so, how was it done? At what stage of policy-making does your bureau/department normally engage with civil society?
2. Which of the following exercises do you think is qualified to be genuine “civic engagement” in making public policies? (a) opinion polls; (b) formal consultation papers; (c) informal consultation with sector representatives; (d) institutionalized involvement of non-officials in policy-making (e.g. advisory committees); (e) open participation through community workshops, public forums, dialogues etc.
3. What are the main problems and controversies in the case study?
4. In the case study, how did the government engage stakeholders? Why was that particular mode of civic engagement chosen?
5. Please give your assessment of the interests, agenda, rationale, power, and values of each group of stakeholders involved in the case of civic engagement.
6. Is there mutual trust among stakeholders? What does the government do to balance the different power and interests among groups?
7. In the light of your experience, what changes in the method of engagement would you propose to enhance, if necessary, governance in your policy area?

Appendix 2: Number and Classification of Interviews**Overall Statistics**

Number of interviews with government officials:	28
Number of interviews with non-officials:	42
Total number of interviews:	70
Number of official interviewees:	18
Number of non-official interviewees:	40
Total number of interviewees:	58

Statistics by case studies*Arts and culture*

Number of interviews with government officials:	8
Number of interviews with non-officials:	9
Total number of interviews:	17
Number of official interviewees:	6
Number of non-official interviewees:	8
Total number of interviewees:	14

The environment

Number of interviews with government officials:	6
Number of interviews with non-officials:	7
Total number of interviews:	13
Number of official interviewees:	5
Number of non-official interviewees:	7
Total number of interviewees:	12

Planning

Number of interviews with government officials:	6
Number of interviews with non-officials:	17
Total number of interviews:	23
Number of official interviewees:	4
Number of non-official interviewees:	16
Total number of interviewees:	20

Welfare

Number of interviews with government officials:	8
Number of interviews with non-officials:	9
Total number of interviews:	17
Number of official interviewees:	6
Number of non-official interviewees:	9
Total number of interviewees:	15

Appendix 3: Chronologies of Case Studies

Chronology on the Management of Performing Arts Venue

Mar 1993	The Recreation and Culture Branch of the colonial government started the consultation on the Arts Policy Review Report. The report proposed the establishment of an Arts Council.
1995	To facilitate community involvement in arts and culture, the Arts Development Council (ADC), a statutory body replacing the Council for the Performing Arts, was established.
Aug 1996	The Working Group on the Five-year Plan of the Urban Council's Culture Service Committee launched a consultation on a five-year plan for arts and culture policy. The working group called for a participatory culture, to give all members of the public a fair chance to appreciate and participate in the arts and to serve the needs of the art community and the public at large. It also proposed the construction of four new venues for art performances. ²⁰⁸
Mar 1998	The Planning Department (PlanD) of the HKSAR government commissioned a consultants' study on cultural facilities entitled "Cultural Facilities: A Study on Their Requirements and the Formulation of New Planning Standards and Guidelines." It called for the privatisation of performance venues. ²⁰⁹
Apr 1998	The Home Affairs Bureau (HAB) took over management of culture events from the Broadcasting, Culture and Sports Bureau.
Nov 1998	Both the Urban Council and the Regional Council established sub-committees in response to the consultants' report to PlanD on cultural facilities. The sub-committees held a joint meeting to discuss the report. They questioned PlanD's overriding of municipal councils with regard to the development of performing venues. ²¹⁰
Mar 1999	As part of preparing for the dissolution of the municipal councils, the HAB commissioned the "Consultants' Report on Culture, the Arts, Recreation and Sports Services." It called for a Leisure and Cultural Services Department to take charge of recreation, cultural and sports facilities. It also called for establishment of a Culture and Heritage

²⁰⁸ *South China Morning Post*, 16 August 1996, p. 1.

²⁰⁹ *Ta Kung Pao*, 12 November 1998, p. B4.

²¹⁰ *Ibid.*

	Commission to oversee the development of arts and culture policies.
Jan 2000	The municipal councils ceased operations and management of performance venues were transferred to the newly established Leisure and Cultural Services Department (LCSD) under the HAB
Apr 2000	Following the recommendations of the “Consultants’ Report on Culture, the Arts, Recreation and Sports Services,” the Culture and Heritage Commission (CHC) was established
Mar 2001	The CHC produced its first consultation report. It urged a more participatory or “community-driven” approach to the development of cultural policy. Three consultative forums were held, the target audiences being arts groups, the culture and education sector, and legislators and district council members. Twenty media meetings were held. Opinions from a “few hundred” were also heard. ²¹¹ Twelve closed-door meetings, two study tours, and two retreats for members of the commission were held by the commission for discussion of the Report. ²¹²
Nov – Dec 2001	The HAB and LCSD commissioned a study on the “Provision of Regional/District Cultural and Performance Facilities in Hong Kong.”
Aug 2002	The chairman (Darwin Chan Tat-man) and nine other members of the ADC suggested scrapping the cultural division of the LCSD and merging the ADC and the CHC into a new Arts and Cultural Bureau. ²¹³
Nov 2002	The CHC produced a second report. It called for establishment of civil-based committees to manage libraries and museums respectively, elimination of the ADC, and establishment of a Cultural Foundation. It recommended that the LCSD exercise venue management only. The consultation document also proposed that certain arts groups could take up their residency in one particular venue through partnership with the LCSD.
	The ADC hosted three consultative forums on the proposals made in the CHC’s second consultation report. ²¹⁴

²¹¹ *Hong Kong Economic Journal*, 19 September 2001, p.7.

²¹² *South China Morning Post*, 20 March 2001, p. 4.

²¹³ *Hong Kong Economic Journal*, 22 August 2002, p. 7.

²¹⁴ *Sing Pao*, 8 November 2002, p. A12.

Nov 2002	The LCSD and the HAB recommended “corporatisation” of performance venues, based on the “Provision of Regional/District Cultural and Performance Facilities in Hong Kong”. ²¹⁵
Mar 2003	Terms end for members of the CHC.
Apr 2003	The CHC Recommendation Report was submitted to the chief executive. Recommendations included dissolution of the ADC and management of arts and culture to be transferred to the new Cultural Foundation. ²¹⁶
Dec 2003	The ADC submitted its recommendations on the consultation document of the CHC, which was based on ten consultation seminars and consultation with ten performance groups. ²¹⁷
Feb - Mar 2004	The government responded to the CHC’s recommendation report and indicated that it accepted 90 percent of the recommendations. ²¹⁸
Nov 2004	Instead of a Culture and Arts Foundation with decision-making power, the Committee on Performing Arts (CPA) was established, Chan Tat-man was appointed as chairman of the CPA.
Nov 2004 - Nov 2005	Nearly 40 formal and informal meetings were held in the CPA (including the committee and sub-committee meetings, retreats, meetings with arts groups, and meetings with senior staff of the LCSD). ²¹⁹
Nov 2005- Jan 2006	The CPA presented its first consultation report. It called for establishment of a partnership between the venues of the LCSD and performing arts groups that would make the three major arts performance venues (the Hong Kong Cultural Centre, the City Hall, and the Kwai Ching Theatre) the venues for the Venue Partnership Scheme. ²²⁰
June 2006	The CPA published a recommendation report. Its main recommendations on the management of venues included increased support for small performance groups by the LCSD, establishment of a new grant scheme by the ADC, establishment of a partnership between certain art venues and certain performing groups in order to establish an individual character for each artistic venue. ²²¹

²¹⁵ *Ta Kung Pao*, 9 November 2002, p. B8.

²¹⁶ *Wen Wei Po*, 27 April 2003, p. A20.

²¹⁷ *Ta Kung Pao*, 15 December 2003, p. D3.

²¹⁸ <<http://www.info.gov.hk/gia/general/brandhk/0227238.htm>>.

²¹⁹ *Consultation Paper on the Committee on Performing Arts*, November 2005, p. 2.

²²⁰ *Ibid*, p.44.

²²¹ <http://www.hab.gov.hk/en/related_departments_organizations/asb45_Report_news.htm>.

Chronology of the Advisory Group on Waste Management Facilities, Environmental Protection Department

Feb 1999	The Environmental Protection Department (EPD) commenced a 15-month consultancy study on waste recovery and recycling facilities. ²²²
Mar 2001	Officials from the EPD met with various stakeholders to discuss the initial options on waste management facilities. ²²³
Mar 2002	Lily Yam, Secretary for Environment and Food, said that the Environment and Food Bureau would ask the waste management industry to submit Expressions of Interest for integrated waste treatment facilities. An advisory group composed mainly of non-officials would be established to assist the government in assessing these submissions. Consultation would also be conducted on the technologies to be adopted in Hong Kong. ²²⁴
Apr 2002	<p>The invitation for Expressions of Interest attracted 59 proposals from local and international companies. Among the proposed technologies were mechanical waste separation, composting, incineration, waste-fuel conversion, and combined treatment technologies.²²⁵</p> <p>The Advisory Group on Waste Management Facilities (Advisory Group) was established under the EPD. It has set up five sub-groups to assess the submissions against their performance in the areas of environmental impact, economic viability, technological feasibility, social impact, and consumer preference. The Advisory Group and its sub-groups included representation from green groups, academics, businesses, and the general community.²²⁶</p>
Mar 2003	Donald Tong Chi-keung, Deputy Secretary for the Environment, Transport and Works, said that the Advisory Group would give advice on the proposals and a public debate would follow. ²²⁷
Jan 2004	In <i>Environment Hong Kong 2004 Report</i> , the EPD indicated that no decision would be made on waste management strategies before conclusion of the public consultation exercise in 2004. ²²⁸

²²² *Annual Review of the Waste Reduction Framework Plan 1999*.

²²³ <<http://www.epd.gov.hk/epd/misc/ehk02/html/en/ch5/index05.html>>.

²²⁴ <<http://www.info.gov.hk/gia/general/200203/27/0327144.htm>>.

²²⁵ <<http://www.epd.gov.hk/epd/misc/ehk03/textonly/eng/waste/index.html> and <http://www.epd.gov.hk/epd/misc/ehk05/textonly/english/waste/index.html>>.

²²⁶ <<http://www.epd.gov.hk/epd/misc/ehk03/textonly/eng/waste/index.html>>.

²²⁷ *South China Morning Post*, 25 March 2003, p. 4.

²²⁸ <<http://www.epd.gov.hk/epd/misc/ehk04/textonly/english/waste/index.html>>.

Nov 2004	The shortlisted technologies for Integrated Waste Management Facilities (IWMF) were presented to participants of the two consultation sessions organised by the EPD. They reached agreement on the 129 criteria for the assessment of the technologies. The criteria were grouped under environmental factors, social and economic impacts, technology, as well as consumer and user issues. ²²⁹
	Members of the Advisory Group went to Japan and South Korea to explore the possibility of introducing to Hong Kong the waste management technologies used there. ²³⁰
Feb 2005	A government consultant suggested six technologies of waste treatment for further consideration: composting, anaerobic digestion, incineration, gasification, a combination of mechanical and biological treatments, and co-combustion. ²³¹
May 2005	Kwok Ka-keung, Permanent Secretary for the Environment, Transport and Works (Environment) as well as director of EPD, announced that the government was considering adoption of a multi-technology approach to waste management. Biodegradable waste from commercial and industrial establishments would be given biological treatment for composting. Municipal solid waste would receive mechanical-biological treatment to reduce the mass by half through the extraction of recyclables and to stabilise the biodegradable fraction of the waste. The remaining bulk would receive thermal treatment. ²³²
Aug 2005	The government announced it would consult the public over waste management. ²³³
Sept 2005	The EPD organised three engagement workshops to discuss the development of the IWMF.
Dec 2005	The EPD released <i>A Policy Framework for the Management of Municipal Solid Waste (2005–2014)</i> .

²²⁹ <<http://www.epd.gov.hk/epd/misc/ehk05/textonly/english/waste/index.html>>.

²³⁰ *Ta Kung Pao*, 2 March 2005, p. A16.

²³¹ *South China Morning Post*, 24 February 2005, p. 4.

²³² *Environment Hong Kong Report 2006*, Chapter 8, <<http://www.epd.gov.hk/epd/misc/ehk06/eng/text/e08.index.html>>..

²³³ *Wen Wei Po*, 21 August 2005, p. A20.

Chronology of the Support Group on Solid Waste Management, Council for Sustainable Development

Mar 2003	The Council for Sustainable Development (CSD) was set up. ²³⁴
Jan 2004	The Support Group on Solid Waste Management (Support Group) under the CSD was formed.
Mar 2004	The Support Group started drafting the Invitation and Response Document. ²³⁵
July 2004	The CSD released the <i>Invitation and Response Document for A First Sustainable Development Strategy in Hong Kong</i> , proposing three alternatives for the treatment of solid waste: (1) charging for the treatment of solid waste on a flat rate, (2) charging on an “ad volume” basis, and (3) continuing the present arrangement but prioritising recycling. ²³⁶
	The CSD held its first public forum in collaboration with the Hong Kong People’s Council for Sustainable Development. Participants exchanged views on the introduction of a new charging scheme for solid waste production. ²³⁷
Aug 2004	Seventy-seven participants attended a public forum on the solid waste management pilot project initiated by the CSD. ²³⁸
Oct 2004	The results from the Invitation and Response Document of the CSD were announced. Out of the 238 replies the Support Group received, 86 percent supported creation of a single authority to take care of territory-wide solid waste issues and to provide subsidies to the recycling industry, and about 70 percent said the government should encourage people to reduce waste by charging households and businesses for waste services. ²³⁹
Jan 2005	Albert Lai, convenor of the Support Group, urged the government to build more incinerators to tackle municipal solid waste. ²⁴⁰
	The Support Group endorsed the introduction of a municipal fee by 2007 to pay for the disposal of solid waste. ²⁴¹

²³⁴ <<http://www.info.gov.hk/gia/general/200302/27/0227184.htm>>.

²³⁵ <<http://www.info.gov.hk/gia/general/200406/14/0614191.htm>>.

²³⁶ <<http://www.info.gov.hk/gia/general/200407/15/0715175.htm>>.

²³⁷ <<http://www.info.gov.hk/gia/general/200407/16/0716338.htm>>.

²³⁸ <<http://www.susdev.org.hk/archive/b5/pdf/participante.pdf>>.

²³⁹ *South China Morning Post*, 5 October 2004, p. 2.

²⁴⁰ *Apple Daily*, 17 January 2005, p. A10.

²⁴¹ *South China Morning Post*, 20 January 2005, p. 3.

Mar 2005	Sarah Liao, Secretary for the Environment, Transport and Works, indicated that participants of the CSD-led consultation were inclined to consider incineration as an acceptable waste treatment option. ²⁴²
Mar 2005	Albert Lai suggested that the government to set targets on waste reduction and allow district councils to run their own waste reduction campaigns. ²⁴³
Apr 2005	The Hong Kong People's Council for Sustainable Development suggested a number of reforms for the CSD, including an independent secretariat, open meetings, and community-nominated members. ²⁴⁴
May 2005	The CSD released its recommendation report, <i>A First Sustainable Development Strategy for Hong Kong</i> . Proposals made by the Support Group, such as a waste disposal charge or the “producer responsibility” scheme, were not mentioned. ²⁴⁵
	Some CSD and Support Group members thought the objective stipulated in the report was “too vague” and that the document failed to give an honest account of their views. ²⁴⁶

²⁴² *South China Morning Post*, 2 March 2005, p. 2.

²⁴³ *Wen Wei Po*, 9 March 2005, p. A36.

²⁴⁴ *South China Morning Post*, 15 April 2005, p. 4.

²⁴⁵ <<http://www.info.gov.hk/gia/general/200505/24/05240243.htm>>.

²⁴⁶ *Ming Pao*, 25 May 2005, p. A8.

Chronology on the Southeast Kowloon Planning

Oct 1995	The Territorial Development Department (TDD) conducted a Feasibility Study for Southeast Kowloon (SEK) Development.
Sept 1998	The first set of Outline Zoning Plans (OZP)—Kai Tak (North) and Kai Tak (South)—was discussed at the Town Planning Board (TPB). A “city within a city” plan involving 579 hectares of land was proposed (including 299 hectares of land gained from reclamation).
Oct 1998	Nine professional bodies including the Hong Kong Institute of Architects, Hong Kong Institute of Surveyors, Hong Kong Institution of Engineers, Hong Kong Institute of Planners, Hong Kong Institute of Landscape Architects, the Real Estate Developers Association of Hong Kong, and Friends of the Earth objected to the plan at a special meeting of the LegCo Panel on Lands, Planning and Works.
Nov 1998	The consultation on the OZPs ended, and a total of 806 objections were received.
Jan 1999	The acting secretary for Planning, Environment and Lands, Patrick Lau, acknowledged that in view of the objections, the size of the reclamation area would be reduced.
	A motion against the government’s proposal that was tabled by Christine Loh and amended by Tsang Yok-shing was passed in LegCo. The motion requested a revision of the SEK Plan.
Feb 1999	Urban planning, local interest, and environmental organisations attended a hearing on the plan organised by the Planning Department (PlanD).
Mar 1999	Three professional bodies (Hong Kong Institution of Engineers, Hong Kong Institute of Surveyors, Hong Kong Institute of Architects) proposed the reduction of reclamation by 70 percent (from 299 to 81 hectares), and the creation of a cruise terminal during a meeting of the LegCo Panel on Planning, Lands and Works.
	A consortium of architectural, brand and image, engineering, planning, and other consultants recommended a “Hong Kong Sports City” proposal in SEK at a meeting of the LegCo Panel on Planning, Lands and Works.
April 1999	An alliance was established by district councillors and other local interest groups to advocate the preservation of local heritage and the creation of an environment-friendly community in SEK.
June 1999	The PlanD proposed the reduction of reclamation to 161 hectares.

Sept 1999	The chief executive returned the OZPs to the TPB.
May 2000	The TDD initiated consultation on a new plan after the Comprehensive Feasibility Study for the Revised Scheme of South East Kowloon Development. The reclamation area was reduced from 299 to 123 hectares.
Dec 2000	The TDD received 67 objections to its new plan.
June 2001	A consultancy report commissioned by the Home Affairs Bureau recommended construction of a sports stadium in SEK.
Aug 2001	The new set of OZPs incorporating the plan from the TDD was gazetted.
Sept 2001	Thirty-five objections to the new OZPs were received. The Real Estate Developers' Association of Hong Kong called for suspension of the consultation on SEK and urged the government to launch a design competition.
Apr 2002	The government stated that there would be no further consultation regarding SEK.
June 2002	The new set of OZPs was approved by the Chief Executive in Council.
8 July 2003	The Society for Protection of the Harbour filed a judicial review on the Wan Chai (North) reclamation. The High Court ruled that any harbour reclamation must satisfy three criteria: a compelling, overriding, and present need; no viable alternatives to reclamation; and minimal impairment to the harbour.
Sept 2003	The director of TDD announced that the SEK plan might not be compatible with the court ruling.
Nov 2003	An advocacy group—Citizen Envisioning @ Harbour—was established. It called for three-way cooperation among officials, the general public, and businesses in the planning process and for the opening of TPB meetings to the general public.
7 Jan 2004	The government's appeal of the court's 8 July ruling was defeated. The Court of Final Appeal ruled that all future reclamation projects in the Victoria Harbour would have to satisfy "overriding public interest".
Feb 2004	Citizen Envisioning @ Harbour proposed a cross-platform body in order to engage different stakeholders for the protection of the harbour.

Mar 2004	The government announced that it would establish a new mechanism—the Harbour-front Enhancement Advisory Committee—to engage different stakeholders in the planning of harbour-front areas.
May 2004	The Harbour-front Enhancement Committee (HEC) was established as an advisory body by the government.
July 2004	Designing Hong Kong Harbour District, another advocacy group, called for a dedicated secretary for Planning and a dedicated government department for the harbour.
	The PlanD “Kai Tak Planning Review” (the Review) launched a new round of public consultation on the basis of the “no reclamation” principle.
Sept 2004	The first stage of the Review began. Three public forums and a community workshop were held between September and November 2004. Aviation enthusiasts launched the “Save Kai Tak Campaign,” which called for inclusion of aviation facilities in Kai Tak.
	Designing Hong Kong Harbour District criticised the absence of justification for the proposed construction of the stadium and the cruise terminal.
Nov 2004	Citizen Envisioning @ Harbour urged the government to halt the tender procedures on the cruise terminal and to commence a “living harbour review” open to public participation.
Mar 2005	The Sub-committee on South East Kowloon Development Review of the HEC (Sub-committee) convened the first Kai Tak Forum.
June 2005	The Harbour Business Forum was established by the business sector.
	A Collaborators Meeting organised by the Sub-committee was held to discuss preparation of the outline concept plans and the technical issues involved.
	The chairperson and some members of the TPB criticised the consultation process in the Review for being “too slow”.
Nov 2005	Stage 2 of the Review was launched. Three concept plans—“City in the Park,” “Kai Tak Glamour,” and “Sports by the Harbour”—were proposed. A public forum, three district-based forums, and three topical forums were held between November 2005 and January 2006.

Feb 2006	The Harbour Business Forum organised a “Harbour Roundtable” attended by PlanD officials. It called for adoption of the Harbour Planning Principles set out by the HEC in planning Kai Tak and questioned the proposal to build a cruise terminal and a sports stadium.
Mar 2006	The Sub-committee convened the second Kai Tak Forum.
June 2006	Stage 3 of the public consultation of the Review on the draft Preliminary Outline Development Plan was launched. One public forum and three district forums were held between June and August 2006. The Harbour Business Forum criticised the draft for violating the Harbour Planning Principles.
	The Kwun Tong District Council passed a resolution, calling for direct passenger and traffic access between Kwun Tong and Kai Tak.
July 2006	The Democratic Alliance for the Betterment and Progress of Hong Kong completed an alternative plan on Kai Tak.
Aug 2006	The Kowloon City District Council called for the reclamation of the Kai Tak Nullah.
Oct 2006	The Liberal Party and the Democratic Party each produced alternative plans on Kai Tak.
	The PlanD presented the finalised Preliminary Outline Development Plan based on the opinions collected in the three stages of the Review, including opinions regarding the cruise terminal and the stadium.
Nov 2006	The new draft Kai Tak OZP was gazetted.

Chronology of the Commission on Poverty

Aug 2000	Livelihood Agenda 21, a coalition comprising 23 social welfare and religious organisations, was established. It urged the government to establish a committee to eradicate poverty and to adopt an official anti-poverty policy and a poverty line. ²⁴⁷
	Financial Secretary Donald Tsang indicated that there was no absolute poverty in Hong Kong and that the government could not “do much” to assist the disadvantaged. ²⁴⁸
Oct 2000	Chief Executive Tung Chee-hwa outlined a number of measures for the alleviation of poverty in his 2000 Policy Address, including the provision of 15,000 temporary jobs. The government was still reluctant to establish an anti-poverty commission or a poverty line. ²⁴⁹
Feb 2002	The Livelihood Alliance, comprising LegCo members, representatives of the Society for Community Organisation, Hong Kong Social Workers’ Union, and other organisations, was established. It urged the government to establish a commission for combating poverty and to formulate a poverty line. ²⁵⁰
Aug 2003	Representatives of 12 organizations under the Hong Kong Council of Social Service (HKCSS) met with the chief executive. Chong Chan-yau of Hong Kong Oxfam urged the government to establish a committee to eradicate poverty. ²⁵¹
Oct 2004	Christine Fang, Executive Director of the HKCSS, stated that the council had submitted a letter to the chief executive urging him to set up a committee to combat poverty, formulate poverty reduction strategies, coordinate related policies and programmes of different departments, and address the problem of “intergenerational” poverty. The HKCSS also proposed a community-based poverty reduction strategy and the setting up of a child development and poverty reduction fund. ²⁵²

²⁴⁷ *Sing Tao Daily*, 13 August 2000, p. A6; *South China Morning Post*, 22 October 2000, p.11.

²⁴⁸ *Ta Kung Pao*, 1 September 2000, p. A12.

²⁴⁹ <http://www.policyaddress.gov.hk/pa00/pa00_e.htm>, paras, 82–97>.

²⁵⁰ *Wen Wei Po*, 9 February 2002, p. A13.

²⁵¹ *Hong Kong Economic Times*, 8 August 2003, p. A36.

²⁵² <http://www.hkcss.org.hk/cb4/Annual_Submission/Annsub_2004_Final.doc>.

Oct 2004	LegCo members Frederick Fung, Lau Chin-shek, Lee Chuek-yan, Leung Yiu-chung, and Fernando Cheung (all members of Livelihood Alliance) demanded the government to formulate a long-term policy to combat poverty. The Liberal Party also urged the government to establish a committee and to provide subsidies to the extreme poor. ²⁵³
Nov 2004	LegCo passed a motion moved by Frederick Fung to narrow the disparity between the rich and the poor. It called for the government to set up an interdepartmental committee to aid the poor. ²⁵⁴
Jan 2005	Tung Chee-hwa announced officially that the government would establish a Commission on Poverty in his 2005 Policy Address.
Feb 2005	The Hong Kong Association for Democracy and People's Livelihood urged the government to delegate power to the 18 district councils to facilitate the alleviation of poverty at the district level. ²⁵⁵
	The Commission on Poverty (CoP) held its first meeting. The meeting agreed on two objectives: To designate different needs in different districts and to establish a benchmark to identify the target population for the provision of services. ²⁵⁶
	In their meeting with the chief executive, legislators from the Livelihood Alliance (Lau Chin-shek, Frederick Fung, Li Chuek-yan, and Fernando Cheung), proposed providing subsidies to low-income earners who were not recipients of the Comprehensive Social Security Assistance scheme to support their school fees, rent, medical, and transportation expenses. ²⁵⁷
Apr 2005	The CoP held its second meeting. It agreed that a multi-indicator approach for measuring poverty would be useful. A task force dedicated to intergenerational poverty was set up under the commission. ²⁵⁸
May 2005	The CoP met for the third time. It decided to try out new district-based measures in Tin Shui Wai, Kwun Tong, and Sham Shui Po. Three district-based working groups were formed to monitor the programmes and their results. The CoP also created the Taskforce on Children and Youth to look into intergenerational poverty. ²⁵⁹

²⁵³ *Wen Wei Po*, 30 October 2004, p. A14; *Hong Kong Commercial Daily*, 30 October 2004, p. A4.

²⁵⁴ <<http://www.legco.gov.hk/yr04-05/english/counmtg/agenda/cmtg1103.htm>>.

²⁵⁵ *Hong Kong Economic Journal*, 17 February 2005, p.7.

²⁵⁶ *Ming Pao*, 19 February 2005, p. A12.

²⁵⁷ *Wen Wei Po*, 23 February 2005, p. A13.

²⁵⁸ *Ta Kung Pao*, 12 April 2005, p. A20.

²⁵⁹ *Ming Pao*, 27 May 2005.

Sept 2005	Members of the commission were briefed on the development of social enterprises in the rehabilitation field. They were reported to have reached a degree of agreement over the benefit of developing social enterprises to help the unemployed. ²⁶⁰
Feb 2006	The Sub-committee to Study the Subject of Combating Poverty of the Legislative Council drafted a report on the working poor. It urged the government to carry out eight measures for combating poverty among the working poor. ²⁶¹
Mar 2006	In his budget speech, Financial Secretary Henry Tang recommended the provision of transport subsidies to those living in remote areas and earmarked HK\$150 million for poverty alleviation at the district level. ²⁶²
	Members of CoP discussed the proposed transport subsidy scheme for working poor living in remote areas and suggested that the government run pilot schemes in the financial year of 2006/07 and in the long run introduce a transport subsidy programme. ²⁶³
June 2006	The Home Affairs Department established the Enhancing Self-Reliance Through District Partnership programme.
	Members of CoP noted that discussions had begun on collaborative opportunities with the Elderly Commission. The CoP formed an <i>ad hoc</i> group to facilitate the liaison and to propose recommendations on elderly poverty by the end of 2006. ²⁶⁴
July 2006	Grassroots members of the CoP, including Ho Hei-wah and Frederick Fung, criticised the government for continuing to put forward proposals to which members of the commission had objected. He also stated that the commission's goal was simply "to identify and fill gaps left by government bureaux rather than having a mandate to direct bureaux to change policy". ²⁶⁵
Nov 2006	At a commission meeting, the secretariat of the CoP tabled "Promoting Child Development: Way Forward," a discussion paper proposing three alternative asset-building models to alleviate intergenerational poverty. ²⁶⁶

²⁶⁰ <<http://www.cop.gov.hk/eng/pdf/gist120905eng.pdf>>.

²⁶¹ <<http://www.legco.gov.hk/yr05-06/english/hc/papers/hc0210cb2-1002-e.pdf>> *Sing Pao*, 11 February 2006, p. A9

²⁶² <<http://www.budget.gov.hk/2006/eng/budget18.htm>, para. 64>.

²⁶³ <<http://www.cop.gov.hk/eng/pdf/gist270306eng.pdf>>.

²⁶⁴ <<http://www.cop.gov.hk/eng/pdf/gist130606eng.pdf>>.

²⁶⁵ *South China Morning Post*, 17 July 2006, p. 3.

²⁶⁶ <[http://www.cop.gov.hk/eng/pdf/CoP%20Paper%2020-2006\(e\).pdf](http://www.cop.gov.hk/eng/pdf/CoP%20Paper%2020-2006(e).pdf)>.

Appendix 4:

Extracts of International Reports on Civic Engagement

Kofi Annan, “In larger freedom: towards development, security and human rights for all” (Report of the Secretary-General), United Nations General Assembly A/59/2005 (21 March 2005).

A. General Assembly

162. It should also engage much more actively with civil society — reflecting the fact that, after a decade of rapidly increasing interaction, civil society is now involved in most United Nations activities. Indeed, the goals of the United Nations can only be achieved if civil society and Governments are fully engaged. The Panel of Eminent Persons on United Nations-Civil Society Relations, which I appointed in 2003, made many useful recommendations for improving our work with civil society, and I have commended its report (see A/58/817 and Corr.1) to the General Assembly together with my views. The General Assembly should act on these recommendations and establish mechanisms enabling it to engage fully and systematically with civil society.

(p. 41,

<<http://daccessdds.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement>>.)

The World Bank, *Engaging Civil Society (Brochure)* (2001).

Why the World Bank Engages Civil Society

The emergence and growth of civil society over the past two decades has been one of the most significant trends in international development. Civil society organizations (CSOs) have not only emerged as important actors in the global policy debate on development, but also have become important channels for delivery of social services and implementation of innovative development programs.

The World Bank first began to interact with civil society in the 1970s through dialogue with nongovernmental organizations (NGOs) on environmental concerns. Today the World Bank consults and collaborates with thousands of CSOs throughout the world, such as community-based organizations, indigenous peoples organizations, NGOs, labor unions, faith-based groups, and foundations.

World Bank experience has shown that the participation of CSOs in government development projects and programs can enhance their operational performance by contributing local knowledge, providing technical expertise, and leveraging social capital. Further, CSOs can bring innovative ideas and solutions, as well as participatory approaches, to solving local problems.

... ..

(Source:

<<http://siteresources.worldbank.org/CSO/Resources/WorkingTogetherBooklet.pdf>>.)

OECD, *Citizens as Partners: Information, Consultation and Public Participation in Policy-making* (2001).

Engaging citizens is a sound investment in public policy-making. As these (government-citizen) relationships have evolved and matured, governments have increasingly recognized their reliance upon the active contribution of citizens in making better decisions and achieving policy objectives. In this perspective, strengthening government relations with citizens may be seen as a sound investment in tapping new sources of policy-relevant ideas, information and resources for implementation. Of course, many OECD Member countries have long-standing traditions of citizen involvement – which are reflected in relatively high levels of public trust in government. Others have well-established models of consultation based on tripartite negotiations between business, labour and the government. At the same time, many society of these are looking for new ways to include a more complex and fragmented range of interests with society in policy-making.

Government-citizen relations is a core element of good governance. The context in which national governments and their citizens interact is increasingly complex. Policy decisions are made at multiple levels of government. The solutions to many problems (e.g. environmental degradation, tax evasion, crime) require co-operation and agreement across regions, countries, or at the global level. Modern information and communication technologies have reinforced these interdependencies. Faced with such complexity and a perceived loss of influence over national and local policy decisions many citizens are complaining of a “democratic deficit”. In considering these challenges, governments increasingly realise that they will not be able to conduct and effectively implement policies, as good as they may be, if their citizens do not understand and support them. Thus, governments are looking for new or improved modes and approaches to inform, consult and engage citizens in the policy-making process. Such efforts to introduce elements of participatory democracy are not intended to replace, but to complement, representative democracy.

(p. 20, < <http://www1.oecd.org/publications/e-book/4201131e.pdf> >.)

Commission of the European Communities, *European Governance: A White Paper*, Brussels, COM(2001) 428 final (25 July 2001).

Involving civil society...

Civil society plays an important role in giving voice to the concerns of citizens and delivering services that meet people's needs. Churches and religious communities have a particular contribution to make. The organisations which make up civil society mobilise people and support, for instance, those suffering from exclusion or discrimination. The Union has encouraged the development of civil society in the applicant countries, as part of their preparation for membership. Non governmental organisations play an important role at global level in development policy. They often act as an early warning system for the direction of political debate.

Trade unions and employers' organisations have a particular role and influence. The EC Treaty requires the Commission to consult management and labour in preparing proposals, in particular in the social policy field. Under certain conditions, they can reach binding agreements that are subsequently turned into Community law (within the social dialogue). The social partners should be further encouraged to use the powers given under the Treaty to conclude voluntary agreements.

(pp. 14-15, <http://ec.europa.eu/governance/white_paper/en.pdf>.)

Compact on Relations between Government and the Voluntary and Community Sector in England (1998)

Undertakings by Government

9. The undertakings by Government are set out below.

Independence

9.1 To recognise and support the independence of the sector, including its right within the law, to campaign, to comment on Government policy, and to challenge that policy, irrespective of any funding relationship that might exist, and to determine and manage its own affairs.

Funding

9.2 To take account of the recommendations of the Better Regulation Task Force report on *Access to Government Funding for the Voluntary Sector* (which referred to the need for greater proportionality, targeting, consistency and transparency in Government funding frameworks) and to pay particular regard to the concept of strategic funding, ensuring the continued capacity of voluntary and community organisations to respond to Government initiatives.

9.3 To develop in consultation with the sector a code of good practice to address principles of good funding for Government Departments. This will promote:

- (a) the allocation of resources against clear and consistent criteria, including value for money;
- (b) funding policies which take account of the objectives of voluntary and community organisations and their need to operate efficiently and effectively;
- (c) common, transparent arrangements for agreeing and evaluating objectives, performance indicators and their associated targets, facilitating prompt payment, reviewing financial support, consulting upon changes to the funding position, and informing voluntary and community organisations about future funding as early as possible, normally before the end of the current grant period; and
- (d) the value of long-term, multi-year funding, where appropriate, to assist longer term planning and stability.

9.4 To recognise the importance of infrastructure to the voluntary and community sector and volunteering and, where appropriate, to support its development at national, regional and local level.

Policy development and consultation

9.5 To appraise new policies and procedures, particularly at the developmental stage, so as to identify as far as possible implications for the sector.

9.6 Subject to considerations of urgency, sensitivity or confidentiality (for example, in the preparation of advice for Ministers) to consult the sector on issues that are likely to affect it, particularly where Government is proposing new roles and responsibilities for the sector, for example, in the delivery of statutory services. Such consultation should be timely and allow reasonable timescales for response, taking into account the need of organisations to consult their users, beneficiaries and stakeholders.

9.7 To take account positively of the specific needs, interests and contributions of those parts of the sector which represent women, minority groups and the socially excluded.

9.8 To respect the confidentiality of information provided by the sector, within the constraints of the law and the proper performance of public duties, when given access to it on that basis.

9.9 To develop jointly with the sector a code of good practice covering consultation, policy appraisal and implementation. This will draw on central guidance on impact assessment and excellence in consultation developed by the Cabinet Office.

Better Government

9.10 To promote effective working relationships, consistency of approach and good practice between Government and the sector, particularly where cross-Departmental issues are concerned.

9.11 To adhere to the principles of open government (which seeks to ensure that whenever possible decisions and findings are made public) and good regulation.

9.12 To review the operation of the Compact annually in conjunction with the sector.

9.13 To promote the adoption of the Compact by other public bodies.

Undertakings by the voluntary and community sector

10. The undertakings by the voluntary and community sector are set out below.

Funding and accountability

10.1 To maintain high standards of governance and conduct and meet reporting and accountability obligations to funders and users. Where applicable, to observe the accounting framework for charities.

10.2 To respect and be accountable to the law, and in the case of charities observe the appropriate guidance from the Charity Commission, including that on political activities and campaigning.

10.3 To develop quality standards appropriate to the organisation.

Policy development and consultation

10.4 To ensure that service users, volunteers, members and supporters are informed and consulted, where appropriate, about activities and policy positions when presenting a case to Government or responding to Government consultations, and to communicate accurately the views put to them in the course of such representations.

10.5 To respect the confidentiality of Government information, when given access to it on that basis.

Good practice

10.6 To promote effective working relationships with Government, other agencies and across the voluntary and community sector.

10.7 To involve users, wherever possible, in the development and management of activities and services.

10.8 To put in place policies for promoting best practice and equality of opportunity in activities, employment, involvement of volunteers and service provision.

10.9. To review the operation of the Compact annually in conjunction with the Government.

(Source:

<http://www.thecompact.org.uk/C2B/document_tree/ViewACategory.asp?CategoryID=49>.)

Consultation and Policy Appraisal: Compact Code of Good Practice (2000)

Key points for effective consultation and policy appraisal

- Build consultation into your regular planning cycle and consult early.
- Appraise new policies and procedures, particularly at the developmental stage, identifying as far as possible any implications for the sector at national, regional and local level.
- Give consultees enough time to respond and be clear about their purpose.
- Write documents in simple language and be clear about their purpose.
- Explain where decisions have already been made – make clear what you can change and what you can't.
- Use more than one method of consultation and learn from others in both Government and the sector.
- Be flexible and sensitive to the needs of those you wish to consult – think about how to reach all of the intended target audience, and take account positively of the specific needs, interests and contributions of those parts of the sector which represent women, minority groups and the socially excluded.
- Encourage those consulted to give honest views, for example by assuring confidentiality when it is requested.
- Publicise the consultation and encourage participation by involving membership and infrastructure organisations.
- Analyse carefully the results of the consultation and report back on the views that were received and what you have done as a result.
- Evaluate carefully after consulting, and learn lessons for next time.

Source:

<http://www.thecompact.org.uk/C2B/document_tree/ViewACategory.asp?CategoryID=43>.

An Accord between the Government of Canada and the Voluntary Sector (2001)

IV. Commitments to Action

The values and principles of the Accord are the starting point for the development of the relationship. Success in building the relationship will depend on the actions and practices of both the Government of Canada and the voluntary sector for the benefit of all Canadians. In moving into the future the following commitments will be essential.

Shared Commitments

The voluntary sector and the Government of Canada commit to:

- Act in a manner consistent with the values and principles in this Accord;
- Develop the mechanisms and processes required to put the Accord into action;
- Work together as appropriate to achieve shared goals and objectives; and
- Promote awareness and understanding of the contributions that each makes to Canadian society.

Government of Canada Commitments

The Government of Canada commits to:

- Recognize and consider the implications of its legislation, regulations, policies and programs on voluntary sector organizations including the importance of funding policies and practices for the further development of the relationship and the strengthening of the voluntary sector's capacity;
- Recognize its need to engage the voluntary sector in open, informed and sustained dialogue in order that the sector may contribute its experience, expertise, knowledge, and ideas in developing better public policies and in the design and delivery of programs; and
- Address the issue of ministerial responsibility for the continued development of the relationship with the voluntary sector.

Voluntary Sector Commitments

The voluntary sector commits to:

- Continue to identify important or emerging issues and trends in communities, and act on them or bring them to the attention of the Government of Canada;
- Serve as a means for the voices and views of all parts of the voluntary sector to be represented to and heard by the Government of Canada, ensuring that the full depth and diversity of the sector is reached and engaged; and
- Address the issue of responsibility for the continued development of the relationship with the Government of Canada. (pp. 9-10)

(Source: <http://www.vsi-isbc.ca/eng/relationship/the_accord_doc/index.cfm>.)

A Code of Good Practice on Policy Dialogue (2002)**4. Good Practices: The Code in Action**

This Code is intended to encourage good practices at the various stages of the public policy process, throughout the Government of Canada and the voluntary sector at both the national and local levels. These good practices are founded on shared principles and are aimed at effecting changes in behaviour that will result in better policy. The following list is not exhaustive nor is it ranked in order of importance. Both sectors will be expected to look for new ways to continuously enrich the dialogue and the Code will evolve to reflect these new good practices.

4.1 Good Practices for Both Sectors

The Government of Canada and the voluntary sector commit to:

- engage in an open, inclusive and ongoing dialogue through the various stages of the public policy process, including issue identification, agenda-setting, policy design, implementation, monitoring and impact assessment;
- identify and allocate resources and time to policy activities;
- ensure appropriate and significant representation from across the voluntary sector;
- develop and strengthen knowledge and policy capacity to promote more effective dialogue during the policy process and deepen understanding of their respective issues and processes;
- be aware of the policy implications of their experiences and activities, and inform one another of important conclusions; and
- ensure that assessment takes into account the differing regional impacts of policies.

4.2 Good Practices for the Government of Canada

The Government of Canada commits to:

- develop ways (e.g., a voluntary sector lens) to ensure that all departments and agencies recognize and consider the impacts and implications for the voluntary sector and voluntary sector organizations of new or modified legislation, regulations, policies and programs;

- develop ways to engage in regular dialogue to listen to concerns and issues identified by voluntary sector organizations, and to make these methods of dialogue known; more specifically, find mechanisms to encourage dialogue with the voluntary sector in all its diversity, including those at the grassroots level and those representing women, visible minorities, persons with disabilities, Aboriginal people, linguistic minorities, remote, rural and northern communities and other hard-to-reach subsectors;
- draw on the full range of methods to engage in a dialogue with the voluntary sector at the various stages of the public policy process, including methods such as written consultations, opinion surveys, focus groups, user panels, meetings and various Internetbased approaches;
- to the fullest extent possible, make appropriate statistical and analytical information – such as survey data, research studies and policy papers – readily available in accessible and useable formats to enhance the voluntary sector's capacity for analyzing and developing informed policy positions;
- respect and seek out the expertise and input of the voluntary sector and include it in the analysis and design of policy initiatives;
- make every effort to plan and co-ordinate policy dialogue with the voluntary sector on related topics, avoiding overlapping requests for participation in the same time period;
- ensure that policy initiatives capture the fullest spectrum of views and give due consideration to all input received, paying particular attention to those likely to be most affected by policy proposals;
- include opportunities for the voluntary sector to discuss the rationale for and implications of decisions, thereby building understanding and trust; and
- use appropriate means to ensure that information about the results of dialogue and consultations (e.g., final reports, approved policies) is made available to those engaged in the policy process, so they know how their input was used, including its impact on federal government proposals or decisions.

4.3 Good Practices for the Voluntary Sector

The voluntary sector and its organizations commit to:

- develop and strengthen knowledge and policy capacity in their areas of expertise;
- develop a better understanding of the Government of Canada's formal and informal policy development process;
- take specific steps to ensure that diverse groups within the sector are given an

- opportunity to consider issues and provide input;
- represent the views of their constituents and articulate their position clearly on particular issues that they consider important;
 - identify whose views are represented when intermediary bodies express opinions on behalf of parts of the sector regarding issues of major importance to its members, supporters and users;
 - where appropriate and where possible, build consensus by improving co-ordination within the sector;
 - perform an intermediary role on behalf of sector organizations by: using a range of methods to extend the dialogue's reach; canvassing an organization's members/users/volunteers before presenting views on its behalf; and including a summary of the views of the groups consulted and the methods of consultation used;
 - identify and maintain contact with policymakers and actively seek opportunities to share policy ideas with them; and
 - pursue opportunities to identify and raise emerging issues to the attention of the Government of Canada, including issues of local concern. (pp. 10-11)

(Source: <http://www.vsi-isbc.ca/eng/policy/policy_code.cfm>.)

CityPlan Community Visions – Terms of Reference

(Approved by city [Vancouver] Council in July 1996, revised in August 1999 and further revised in January 2002)

The community process of the program is divided into four stages as follows:

Step 1: Get in Touch

- Newsletter introducing the Program out to all households, businesses, owners, etc.
- Contact key people and meet all organizations in the community, including multi-cultural organizations. Introduce Program, opportunities for their involvement and benefit, collect perceptions of community issues, hopes, ideas, needs, etc.
- Recruit ordinary citizens to participate in the Community Liaison Group (CLG) on a voluntary basis and provide briefing.
- Customize outreach, communications, and events strategy in consultation with the CLG.
- Identify additional information that people want when working on Visions.

Step 2: Share Ideas

- Generate interest, ideas, and provide inspiration with a “Vision Festival” (including: exhibits, speaker, tours and activities, interactive displays, community group and student participation, community forum). Provide additional opportunities for people to add to hopes, needs, values, ideas, opportunities, etc.
- Sign people up to “interested people” mailing list.
- Work out details with CLG of workshop scheduling and outreach.
- Hold a series of topic-focused workshops, where community residents create the ideas and possibilities for the future that will be turned into Vision options and directions. Use the issues, ideas and information, from Step 1, as well as information and structure provided by CityPlan staff about the community, city and region. Produce a variety of alternatives which move in CityPlan directions. Generate maps, photos, drawings, and words to summarize discussions.
- Hold “mini” workshops for multi-cultural residents (and other hard-to-reach groups) at their usual meetings or classes.
- Fully transcribe workshop results for use in drafting Vision options and

directions; distribute to workshop attendees and CLG.

Step 3: Choosing Directions

- Develop a large format “Choices Survey” containing the Vision options and directions developed out of the workshop results from Step 2. Ensure, with review by the CLG, that the survey is complete and reflective of the workshops.
- Provide a broader city-wide and regional perspective in the Survey through City Perspectives Panel comments on the Visions options and directions in the relationship to CityPlan directions.
- Distribute the survey to all households, businesses, and owners. Conduct a random mailing of the survey to ensure validity of results.
- Undertake an outreach program to support the “Choices Survey” and encourage response, including ads, newspaper/media coverage, and travelling displays.

Step 4: Finalizing the Vision

- Review and analyse the survey responses to determine the preferences of the community for the Vision directions and options. Identify areas of uncertain or ambiguous results, or of geographically divergent opinion.
- Review and finalize the survey results with the CLG and City Perspectives Panel (a group of respected citizens appointed by the City Council).
- Draft a final Vision summary for distribution to all households, businesses, and owners. Produce the final Vision document.
- Present the final Vision to City Council for endorsement.

A steps schedule indicating the workflow and duration of different stages of work is attached for easy reference:

CITYPLAN COMMUNITY VISION PROGRAM - STEPS SCHEDULE																		
Months				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
PREPARATION																		
Staffing, data, maps, materials prep.																		
STEP 1 GETTING IN TOUCH																		

Initial newsletter; meet community groups																	
Recruit and brief CLG																	
STEP 2 CREATING IDEAS																	
Prep., hold Vision Festivals																	
Newsletter updates; outreach program																	
Prep., hold, transcribe creative workshops																	
STEP 3 CHOOSING DIRECTIONS																	
Create, distribute Choices Survey																	
Newsletter updates; outreach program																	
Org, code, enter Survey data																	
STEP 4 FINALIZING THE VISION																	
Interpret and analyze data																	
Create, distribute final Vision																	
Council endorsement of Vision																	
Note: timing of steps will be adjusted as needed to accommodate vacation periods when public participation is not feasible.																	

(Source:

<<http://www.city.vancouver.bc.ca/commsvcs/planning/cityplan/termsre.htm#TPR>>.)

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