

ANALYSIS

A case for greater accountability

A library is the cause for more woe at the Urban Council. C K Lau looks at whether reforms are needed at all levels of government if it is to face the challenges that lay ahead

Once again, the Urban Council, temporarily called the Provisional Urban Council, is in the news.

This time around, it is about whether Director of Urban Services Elaine Chung Lai-kwok failed to follow the rules before ordering a change in the design of the central library being built in Moreton Terrace, Causeway Bay.

She claimed she had informed council chairman Ronald Leung Ding-bong, but he denied ever giving his approval.

The dispute follows other scandals which have plagued the council in the past year.

Failure to anticipate noise problems in rebuilding the Hong Kong Stadium led the council to ask concert-goers to wear gloves so they would not make excessive noise when they clapped.

The suggestion was not adopted, but it has survived as a joke.

A 1989 decision by the council to hive off two performing arts groups was found to have been never implemented.

Then came the revelation that many councillors were involved in a scheme to buy shares in a bank run by Dr Leung through non-public channels, although no law was breached.

For a change, the present controversy pits Dr Leung and other

councillors against the director, who is supposed to be answerable to him and the council.

That Miss Chung could take a decision which added about \$100 million to the costs of building the library without the council's approval is amazing, to say the least.

Having had her version of the dispute denied by Dr Leung during a radio phone-in programme on Thursday, Miss Chung is set to be grilled at a special meeting of the council's Library Select Committee tomorrow.

Since Dr Leung said it would be difficult for him to work with Miss Chung and other councillors have initiated moves to impeach her, one wonders how she can stay on.

But the irony is that it is not up to the council to decide who it will get to run the Urban Services Department (USD). The decision lies with the Government.

Herein lies a deeper issue about the Urban Council and, for that matter, the Regional Council, whose jurisdiction covers the New Territories.

Constitutionally, the Urbco is a strange body. It originated as the Sanitary Board set up in the late 19th century to oversee hygiene.

For many years, it was the only body which had an elected ele-

ment. Since early this century, a small number of its members were elected from rate payers who were on the jury list, while most were appointed by the governor.

By the 1980s, the franchise was expanded to embrace all adults. In 1994, the appointed seats were abolished.

After the transfer of sovereignty, appointed seats were restored, but most members of the council remain elected.

However, even though the Urbco chairman is sometimes regarded as the "mayor" of Hong Kong, Urbco is unlike councils in most other democratic countries.

Broadly speaking, Urbco's duties cover only three areas: public health, recreation and sports, and culture and the arts.

Every three years, it negotiates with the Government for a share of the rates revenue. For the period spanning 1997 to 2000, it asked for \$23.8 billion, but the Government only gave \$18.7 billion.

What is significant is that, subject to these constraints, the council has a free hand in setting its policies and spending as it likes - a privilege enjoyed by no other elected bodies.

This means Urbco is the only body in Hong Kong where the popular will can theoretically be

translated into policies through elections. It even operates a kind of quasi-ministerial system, with councillors forming committees to oversee different areas of the USD's work.

The chairmen of the committees can be regarded as "ministers" in charge of specific duties.

Yet, there is a hitch. The USD is an arm of the Government whose staff are civil servants. The department's director is usually an administrative officer assigned by the Civil Service Bureau.

This odd arrangement has sometimes led to unusual situations where councillors are quick to declare war against the USD when the public criticise the council.

Instead of coming to the defence of the USD, the councillors claim they cannot direct the staff of the USD to do their jobs properly because they are civil servants who enjoy job security and see the departmental director rather than the councillors as their boss.

Indeed, the incident with Miss Chung shows how powerful the USD's bureaucracy can be and how it can circumvent the councillors. Skirmishes between elected politicians and civil servants occur everywhere.



Civil discord... Provisional Urban Council chairman Ronald Leung, left, and Tung Chee-hwa. Dr Leung says some decisions he would never approve. Photo: David Thorpe

But the clumsy system of government in Hong Kong gives it a farcical touch, which is sometimes accentuated by the involvement of eccentric politicians and adventurous officials.

Had the Urban Council been a fully independent institution with its own budget and staff, the line of responsibility would have been much clearer and the chances of the director clashing with the councillors much lower.

Many have suggested that Urbco, Regco and the district boards be amalgamated into perhaps five or six medium-sized councils with a clearer district identity to oversee government services.

Each council should have its own budget and staff under the control of elected councillors, so that the latter could be held fully accountable to the electorate and unable to escape responsibility.

By then, inter-council rivalry may even improve service quality to the benefit of the public.

With democratic development at the central level constrained by political reality, Chief Executive Tung Chee-hwa may want to consider reforming local government, both as a means of advancing democracy and training politicians and the electorate to prepare them for bigger changes ahead.