

**Submission from The Professional Commons to the
“Consultation Paper on the District Council Appointment System”**

I. Introduction

The Hong Kong SAR Government published the “Consultation Paper on the District Council Appointment System” in February 2012. In the report, it proposed to abolish the controversial appointments of members of the District Councils, in which the Hong Kong SAR Government (hereafter “The Government”) has re-introduced since the first elected term of the District Councils (hereafter the “DC”) commences on 1 January 2000, in the immediate next term of the DCs on 1 January 2016. The consultation paper is seeking opinions for members of the general public on the means of abolishing the appointment system in the DCs. This is a response by The Professional Commons (hereafter the “ProCommons”) on this consultation paper.

II. Flaws of the Appointment System in the District Councils

a. A Backward Move of Citizen Participation

The ProCommons emphasized that the appointments of members of the DCs by the Government is a backward move for the development of democracy and citizen participation of community affairs in Hong Kong, as appointed seats were already all abolished, and all the seats are elected since the last term of the District Boards from the British Hong Kong administration commences in on 1 January 1995.¹

b. Undemocratic Practice

We also hold the view that the existence of the appointed seats in the DC system is an undemocratic practice in itself, it strip the freedom and power for members of the general public to exercise their

¹ Apart from the 20+ ex-officio seats for Chairpersons of the Rural Committee in the “indigenous” village in the New Territories

decision-making powers on choosing who to represents them in the affairs of the community, through democratic elections.

c. Giving Political Privileges to a Few is Unfair

It is simply not justifiable in any sense for the continuation of the provision of political privileges through handing out of appointed seat in the DCs by the Government to a few individuals, while other individuals will have, and have to contest in an open election with other candidates, and to work hard in running an election campaign in order to win a seat in the DC. DC members.

The appointed and elected members of the DCs were given exactly the same power, status, resources and salary. It is simply unfair to those who have to spend resources to win their seats in the DCs to be given the same power, status, resources and salary than the members in the receiving end of appointments from the Government, who were given the seats as a “political free lunch”, and are not required for fighting for their seats in elections, and therefore, are not required to be holding accountability and/or to bear responsibilities for their constituents.

d. Manipulation of Opinions in the District Councils in Favour of the Government

It is often perceived by scholars and some members of the general public alike, that the Government attempts to manipulate the voting decisions and other decision-making in the DCs through the appointment of members in the DCs.

It is often perceived and natural to suggest that the Government would only appoint those who are in favour of its positions and platforms in the DC. Hence, the Government could manipulate the level of support to the Government through the appointments of “Government-friendly” members in the DCs, and together with other pro-Government members, it could artificially creates a majority of support for the Government in ALL the DCs.

It is a practice of the Government to “consult” the DCs on various issues of a significant public concern, such as the various consultations on the development of constitution development, as well as the highly controversial legislation for laws in relations with the Article 23 of the Basic Law. Through the artificial creation of a “Government-friendly” majority in ALL the DCs, the Government could create a situation in which it could suggest that ALL the DCs has “voted” for supporting the Government’s position on a particular issue, with the voting for support of the Government’s position for both the elected “Government-friendly” members in DCs, as well as the appointed members. .

III. Proposal from The Professional Commons

a. Abolish all appointed seats *in one go* in 2016

Hence, for the development of democracy in Hong Kong, for stripping off political privileges of the few, and to avoid the manipulation of the opinions in favour of the Government’s position in the DCs, The ProCommons is in the view that ANY seats in the DCs must be democratically elected. The Hong Kong SAR Government must abolish **ALL** the appointed seats in the DCs **in one-go and abolish such seats as soon as possible.**

We need to emphasize that the abolition of the appointed seats in the DCs is not really a progress of the development of democracy at the district administration of Hong Kong, as it is simply a restoration of the system in which the seats in the organs of district administration are democratically elected and without any Government-appointed seats, just like the District Boards from the term of 1994 onwards.

b. Ex-appointed members should be encouraged to run in elections

The ProCommons believes that, after the abolition of the appointment system in the DCs, the ex-appointed members could no longer rely on

the “political free lunch” given to them by the Government. Should the ex-appointed members wish to continue to make contributions in public services for their communities, they should stand in the DC elections in a constituency in which they would prefer to serve. This involves with the competition of seats with other potential candidates, spending resources and time for a running of an election campaign, and to be accountable to their constituents once they have got elected, just like any other individuals wanted to serve their communities by being a member of a DC.

c. Those who are not willing to run in elections can join “consultative committee” with no voting rights in DCs

There is an opinion in which appointed DC members are for collecting their expertise while these members are not willing to go to fight for their seats in an open election. Our response to such view is that as suggested earlier, we must stress that the DC members are posts of a political nature, they should ALL be directly elected in order to ensure accountability to the voters. A fully elected DC can, upon consensus, appoint experts to consultative committees to assist the DC. These consultative committees could make recommendations but bears no voting rights of any nature, or any form of decision-making powers.