The Politics of Policy-making in Hong Kong Since 1997: Participation and Policy Dynamics in Comparative Perspective

Peter T.Y. Cheung
Department of Politics and Public Administration
University of Hong Kong

I. Introduction

Hong Kong has an executive-dominated political system where the political executive and the bureaucrats play the most important role in policy-making. While the decision-making structure has changed with the introduction of political appointees as top policy makers and the weakening of the power of the senior bureaucrats in 2002, the role of the general public and civil society groups in the policy process is still relatively limited. The channels for public participation are particularly noteworthy in quasi-democratic regimes like Hong Kong because they are often used as substitutes for a democratic electoral process.

This paper aims to examine the different channels for public participation in the policy process of the Hong Kong Special Administrative Region (hereafter the HKSAR) and briefly discuss their effectiveness. The paper first introduces the changing policy process in Hong Kong. The main body of this paper is an overview of the different modes of public participation, including (a) individual actions, (b) group actions, (c) statutory and advisory bodies, (d) public consultation exercises, (e) judicial actions, and (f) various new “public engagement” process. By drawing upon examples from different types of policies, the paper will explore whether the traditional mechanisms allow for effective public participation in the
policy process in the post-1997 period. A discussion of the different channels for participation in Singapore, Taiwan and South Korea will also be attempted in order to shed light on Hong Kong’s experience.

II. Public Participation and the Changing Policy Process in Hong Kong

Public participation in the policy process has attracted a great deal of recent scholarly attention, as many democratic governments realize that they need to establish a partnership with the public and civil society groups in order to deliver effective governance.¹ Recent research in the US has noted the emergence of “new governance” framework using quasi-legislative and quasi-judicial processes, such as “deliberate democracy, e-democracy, public conservations, participatory budgeting, citizen juries, study circles, collaborative policy-making, and alternative dispute resolution”, to “permit citizens and stakeholders to actively participate in the work of government.”² On the other hand, studies have shown that citizen participation may bring about both advantages, such as the avoidance of litigation and greater legitimacy for public policy decisions, as well as disadvantages, such as the consumption of time and resources and the loss of decision-making control.³ Despite the diversity of perspectives, public participation is now widely considered to be an essential element of effective governance in developed democracies.⁴

By public or citizen participation I refer to the activities taken by citizens, whether in their individual capacity or as an organized group, to shape the government’s policy-making and
implementation processes. Following the convention in the participation literature, this conception excludes the electoral process, lawsuits and illegal protests.\(^5\) Public participation can take place in the different stages of the policy process. These include: (a) problem identification and agenda setting stage— the recognition of problems to which the government should address; (b) policy formulation (or alternative specification) stage — the mapping out of solutions to the identified problems; (c) policy adoption stage—the decision to adopt particular alternatives to address a policy problem; (d) policy implementation stage — the government (and other non-government actors) put the policy into practice, and (e) the policy evaluation stage—the government (and other non-governmental actors) assess the policy outcomes and the consequences of the policy after it is implemented.\(^6\) It is necessary to briefly examine the changing policy process in Hong Kong before we explore the different channels for public participation.

**The Executive Authorities**

Under the colonial system before 1997, the policy-making process in Hong Kong is characterized by the following elements: (a) an “executive-led” polity, in which the Governor and the elite Administration Officers grade (hereafter the AOs) dominated the decision-making process. The AOs were led by the Chief Secretary for Administration (hereafter the CS). Decision-making was complemented by the discussion of policy issues in the Executive Council (hereafter the ExCo), an “inner cabinet” composed of some of the most important
figures in business and the professional sectors and the policy secretaries. The legislature mainly served to endorse the proposals;\(^7\) (b) the adoption of the so-called “government by discussion” or “administrative absorption of policies”, which refers to the appointment of members of the public, especially the business and professional elites, into the advisory and statutory bodies created by the Government for providing policy advice;\(^8\) (c) the adherence to the principle of “positive non-interventionalism” in economic policy;\(^9\) (d) the conduct of large-scale public consultation exercises, usually through the publication of “Green Papers” (policy proposals) and “White Papers” (actual policy measures) in legitimizing the government-led policy process; and (e) the existence of a relatively weak civil society which could not readily challenge the authority of the government.\(^10\) Before any policy proposals were discussed in the ExCo, the CS and the Financial Secretary (hereafter the FS) would discuss them in their respective policy committees. Priorities in budgetary allocations were discussed in the “Star Chamber”, which was comprised of the FS, the Secretary for the Treasury and the Secretary for Civil Service.\(^11\)

The “executive-led” principle is enshrined in Hong Kong’s Basic Law which provides the executive branch with extensive powers in policy-making after the establishment of the HKSAR in 1997. The practice of “administrative absorption of policies” has also remained intact.\(^12\) The Chief Executive (hereafter the CE) has now replaced the Governor in policy-making. A major change in the policy-making process was ushered in when the former
CE, C. H. Tung, introduced the Principal Officials Accountability System (hereafter the POAS) in July 2002. The promulgation of the POAS has profoundly transformed the bureaucratic policy-making structure in Hong Kong. Under the POAS, the policy secretaries are politically appointees and hence they are not necessarily civil servants as in the colonial era. They could be recruited from different sectors of the community or from the civil service. The AOs, who remain civil servants, would no longer be promoted to the rank of policy secretaries at the apex of their career, unless they leave the civil service to become politically appointees. The highest position in the AO grade is the post of “permanent secretary” in the policy bureaus, who are responsible for linking the policy bureaus and government departments. The politically appointed policy secretaries are expected to take more initiative in identifying problems, designing policy options, and promoting the views of the Government in the legislature and the general public. The meetings of the ExCo are attended by all principal officials, along with all the non-official members.13

The second fundamental change with the introduction of POAS is that the CE will takeover the coordination of the policy secretaries from the CS, and the policy secretaries can communicate directly to the CE on policy proposals. Hence policy-making powers have become more centralized in the hands of the CE.14 Along with their direct access to the CE, it has become more apparent that the politically appointed policy secretaries can have more power in steering the policy process. Since the non-official members of ExCo complained that
The policy proposals were already made by the policy secretaries before they were discussed in the ExCo, a “Policy Committee” was established in October 2002 for considering policy proposals before their submission to the ExCo. Nonetheless, while all the policy secretaries are members of the Policy Committee, the non-official members of the ExCo are excluded from the Policy Committee.

*The Legislature*

The legislature in Hong Kong is not a powerful body in policy-making. The Legislative Council (hereafter the LegCo) has 60 members, with thirty legislators elected from geographical constituencies and the other thirty elected from functional constituencies. While the legislature has power over legislation and approval of budget, its power to initiate legislation is restricted. Bills relating to expenditure or government operation may not be initiated by the legislature. More importantly, the Basic Law has also granted the legislators from the “functional constituencies” power to check the bills, motions and amendments raised by the legislators who are directly elected from the geographical constituencies (and also formerly from the election committees). Any motions, bills, or amendments to existing bills raised by the legislators themselves have to obtain the votes from a simple majority from each of the two groups of legislators present: (a) the legislators from functional constituencies, and (b) those from geographical constituencies.¹⁵

Representation in these functional constituencies is generally biased towards the interests
of business corporations and professions. The numbers of qualified voters are small, as only 70,000 are eligible to vote in the first functional constituencies election in 1985. Although the number of voters in the functional constituencies was raised to 184,756 in the 2004 election, this number is still very small if compared with the 3.2 million registered voters for the geographical constituencies in the same year.\textsuperscript{16} Finally, since different subsidiary companies in a business conglomerate were entitled to have a vote each in the elections of the functional constituencies in which the corporate vote is adopted, it over-represents the interests of the big corporations.\textsuperscript{17}

Nonetheless, the LegCo can play a significant role in policy deliberation. Different policy proposals are debated at the questions and motion debates in the meetings. The questions raised by legislators can compel the Government to provide information and justification for their policies, which are critical for any informed policy discussion and public participation. Although the motion debates do not have legal binding effects on the policy process, they do capture the attention of the Government and the community. The areas discussed in the motion debates could result in the promulgation of policies should they have obtain strong support from the Government and the community. A prime example was the unanimous passage of a motion on the establishment of an inter-departmental committee on the alleviation of poverty by the LegCo in November 2004, which facilitated the establishment of the Commission on Poverty by the Government in March 2005.
The Government would occasionally publish a “white bill” to consult the public on the particular drafts of a piece of legislation. Usually the publication of “white bills” take place when the legislations are highly technical, and the Government may want to seek input from the professional sectors and to foster a more thorough community discussion. Since 1997, the Government conducted the consultation through a “white bill” only on three occasions— the Urban Renewal Authority Bill in 1999, the Sales Descriptions of Uncompleted Residential Properties Bill and the amendment of the Securities and Futures Ordinance in 2000.  

Despite strong demands by some legislators, the Government had refused their calls on the publication of a “white bill” on the legislation of Article 23 of the Basic Law in 2003 (which concerns national security) and the legislate on of interceptions and covert surveillance in 2006.

**Municipal and District Councils**

The district level bodies used to be the main venues for citizen participation at the local level in the colonial era. The Urban Council and Regional Councils (hereafter the “municipal councils”) “play a key role in safeguarding environmental hygiene and public health as well as providing cultural services and venues and recreational facilities and programmes”. The District Boards provided a channel for the government to be “responsive to district needs and problems and promote public participation in district affairs.” Members of the general public could directly elect members of the municipal councils and the District Boards. While the District Boards were mainly advisory in nature, the municipal councils were responsible for
the provision of municipal services, and they enjoyed both advisory and executive powers, such as supervising the government departments responsible for environmental hygiene, recreation and the arts, and they were granted a certain degree of financial autonomy. Through their close monitoring of district affairs, the members of these municipal and district bodies could maintain close contacts with the general public and hence allowed the public more access to influence the work of government at the local level.

Aside from replacing elected members in the Urban Council, the Regional Council and the District Boards with appointed members, the HKSAR Government tried to restructure these municipal and district bodies after 1997. In the consultation report on the restructuring of district organizations issued in October 1998, the Government simply suggested the strengthening of the advisory role of the District Boards while claiming that there was no need to have two layers of local councils. The Government also commissioned an ex-civil servant proposing the transfer of powers from the municipal councils to two new departments in the Government. The two municipal councils ceased operations on January 1, 2000, as well as the powers concerning environmental hygiene and food safety, and the management of arts, cultural and recreational venues and events, were taken over by the newly-established Food and Environmental Hygiene Department and the Leisure and Cultural Services Department respectively. On the same day, the district boards were renamed as “District Councils”. Further, the Government had reinstated the system of appointing members into these District Councils.
Nonetheless, as these district bodies had become weakened, they have not been effective in enhancing public participation in the new political environment after 1997. Hence the Government launched a public consultation on the strengthening of the powers and scope of the District Councils in July 2001. For instance, the Government suggested the following ideas: (a) funding and power on the ranking of priorities of small-scale district projects would be given to the District Councils, (b) the policy bureaus should consult the opinions from the District Council in district affairs, and (c) the Government would take a more “proactive approach” in the appointment of District Council members in the advisory bodies. In his campaign for the post of CE in June 2005, Donald Tsang also promised that the Government had to “engage district council on a regular basis,” as he realized that he needed to secure more district-based political support. Hence the Government has conducted another round of review of the role of District Councils in April 2006. The main proposals include, for instance, providing more financial allocations for district facilities and organization of activities, granting them the rights to operate district-based facilities, requiring heads of government departments to attend meeting of the District Councils, and hosting a District Administration Summit, which would be attended by the CE. However, since the role of the District Council is still confined to that of an advisory body, they are unlikely to regain the powers that were once enjoyed by the municipal councils before 1997.

III. Major Mechanisms for Public Participation in the Policy Process in Hong Kong
**Individual Actions**

Theoretically, citizens can participate in the different stages of the policy process, such as by contacting officials, legislators, political parties or relevant bodies, or responding to the consultation exercises of the Government. Nonetheless, the effectiveness of such individual input is highly questionable. The rooms provided for citizen participation in the policy process in Hong Kong are rather restricted. For instance, although the LegCo hosts public forums which allow individual citizens to attend and express their opinions on a certain policy proposal, the hosting of such forums was rare, the public response was low (the attendance of the forum with the largest turnout was only 159 people).26 Although members of the public are entitled to make written submissions when the panels of the LegCo are discussing a particular policy alternative in the meeting, they are unable to express their opinions in front of the panels.27 Even the Internet-based consultative forums failed to attract a lot of attention. For example, only 120 electronic messages were received during the Stage III of the Hong Kong 2030 long term planning consultation exercise.28 The channels for individual participation are predominantly passive, and citizens do not believe that they could really make a difference. Other channels for direct participation adopted in overseas countries, such as high level “consensus forum” attended by senior government officials or other forms of deliberative democracy, are absent in Hong Kong.

**Group Actions**
Unlike individuals, interests groups and civil society organizations in Hong Kong have played an increasingly important part in the policy process in Hong Kong. The access and influence of these groups vary significantly. For instance, owing to their political connections with the political elite and their expertise and resources, the business sectors may even put a policy directly onto the agenda of the Government. A prominent example was the proposal to establish a Hong Kong-Mainland free trade area. The Hong Kong General Chamber of Commerce directly lobbied C.H. Tung since late 2000, who later adopted this idea and championed the policy. The calls from the chambers of commerce to provide support for the small and medium sized enterprises since late 1997 also led Tung’s Government to offer different kinds of financial and policy support to them.

However, many interest groups and civil society organizations have to organize mass mobilization campaigns to attract the attention from both the public and the Government. The mass campaigns could be in the form of demonstrations, petitions, press conferences, opinion surveys, and signature campaigns. In particular, if they can forge an alliance between different interest groups, they may be able to enhance their influence. The Anti Soccer Gambling Alliance formed between education and religious groups and the People’s Council on West Kowloon Cultural District formed among different cultural and performance arts groups are some recent examples. Even during the policy implementation stage, the protest campaigns organized by some groups could lead to a dialogue with the Government and brought about
policy changes. For example, the protest of the Professional Teacher’s Union over the language benchmark test and the workload of teachers led to a direct dialogue with the Government and later some policy concessions. In fact, the growing prominence of such group actions suggest that the values and interests of many community and grassroots sectors cannot be effectively channelled in the traditional mechanisms for public participation, such as the statutory and advisory bodies, which are mainly dominated by the business and professional elites.

**Statutory and Advisory Bodies**

The advisory and statutory bodies provide an important channel for public participation in the policy process in Hong Kong, whether before or after 1997. Although it is a government policy to keep these bodies only if they are deemed necessary, their number has actually risen from around 360 in 1998 to a total of 509 by the end of March 2005. Acting as the “initial sounding board or think-tank of the Government,” statutory and advisory bodies provide a means for the Government to co-opt the business and professional elite and to obtain their support for government policies. Although the Government claimed that they are an “integral part of the structure of public administration” in Hong Kong, these bodies are “not responsible for determining government policies.”

Two types of statutory bodies could be found — either “advisory” or “executive”. While both of them are usually dedicated to the implementation of a particular policy, some are granted a certain degree of autonomy, and are referred to as “arms-length” organizations. Unlike the advisory bodies, the statutory bodies
enjoy “executive” functions”. One particular type of “statutory” body—non-departmental public bodies—is particularly important because it “provides specific services usually provided by a Government bureau or department or carry out specific functions usually carry out by a Government bureau or department.” The Housing Authority and the Hospital Authority are the primary examples. Another statutory body that merit attention is the Town Planning Board because of its authority to approve or reject planning applications.

Aside from the more powerful statutory bodies, there are also many advisory bodies and their membership comprises both official and non-official members, but they “do not normally work independently of the Government.” Most importantly, the Government has no obligation to follow their recommendations. Nonetheless, some non-statutory advisory bodies, like the Education Commission and the Small and Medium Sized Enterprises Committee, have made important policy recommendations vital to the development of the Government’s policy regarding education and the small and medium sized enterprises.

In addition, the Government can set up some ad hoc advisory committees to explore solutions to a particular policy. They would be disbanded after the committee has submitted its recommendations. When the Government finds it necessary to seek opinions from the professionals involved before conducting a full public consultation, they may also conduct a preliminary consultation in the regular advisory committees, or in the ad hoc advisory committees comprised of officials and non-official members of the professional sector(s)
concerned. The Advisory Committee on the Introduction of Broad-based Tax in 2001, for instance, is such an example. There are also occasions in which the Government has taken a clear position on a particular policy. In these cases, the policy would be developed by the commissions comprised of both official and non-official members established for the sole purpose of developing such a policy. For instance, C.H. Tung created the Commission on Innovation and Technology solely for developing a policy on innovation and technology for Hong Kong because the bureaucracy lacked the expertise or capacity to complete such a task.

The role of the advisory bodies as a mechanism for participation in the policy process has also been undermined after the introduction of the POAS. The merger of the policy bureaus, which formulates policies, and the departments, which execute policies, has led to the weakening of the powers of their corresponding advisory bodies. The merger of the Housing Bureau and Housing Department in July 2002, for instance, led to the transfer of the chairmanship of the Housing Authority to the Secretary for the Housing, Planning and Lands Bureau, and the merger between the Board of Education, which advises the Government on school education, with the Education Commission under the Education and Manpower Bureau in January 2003 are the prime examples of such a trend. 38

Nonetheless, in response to the call for more public consultation in the aftermath of the July 1 demonstrations in 2003, the CE again reiterated that he has “instructed all policy bureaux to actively strive to open channels of discussion on political issues, and to engage
professional and committed persons in various advisory and statutory committees and organisations.”  

Hence the strengthening and enhancement of these bodies was highlighted in the last two years and the latest review of these bodies includes the following objectives, such as “bringing in more talents from different backgrounds to enhance representativeness,” “increasing their role in reconciling different interests in our community,” and most importantly, reinforcing their role as important partners of the administration and “strengthening their participation in the decision-making process,” and further using them as “important channels for public participation in public affairs.”  

Hence a review of the statutory and advisory bodies was introduced in April 2003. In March 2004, the Government started to release the interim reports on their findings of the review of statutory and advisory bodies. By the end of January 2006, some 15 interim reports have been issued. However, none of them has made specific recommendations on how to make the advisory bodies a more prominent actor in policy-making.  

Hence while the Government has promised to improve the composition and transparency of the advisory bodies and that their members came from a wider political spectrum after Donald Tsang has replaced C. H. Tung as the CE in early 2005, it is unlikely that these bodies can really play a more significant role in the policy process.

**Public Consultation Exercises**

Public consultation exercise is another key mechanism for public participation in Hong Kong. The Government would issue consultation papers to the community for inputs in these
exercises. The publication of the consultation document is usually accompanied by a publicity campaign, public announcements in print and electronic media, phone-in programmes, publication of leaflets, as well as organization of public forums. The Government has conducted 21, 39 and 10 such public consultation exercise respectively in 2003, 2004 and 2005. The consultation papers have now replaced the “green papers” and “white papers” used before 1997 as the most widely used mechanism for public engagement. However, the Government is evidently still the dominant player in the initiation and conduct of these exercises. Among other things, it can set the agenda and policy options, control the timing of such consultation and choose to selectively review the feedback from the community.

Most importantly, not all policy proposals suggested by the Government would necessarily be accompanied by a proper consultation exercise. The Government would only conduct consultation exercise for some of the “controversial” policy proposals. The Government publishes such consultation documents under the guiding principle that such proposals need to attract popular attention, and opinions shall be sought from the general public. For instance, the Government has conducted a public consultation over the legalization of soccer betting because it wanted to use the consultation to forge a community consensus on a highly divisive social issue. However, the Government was widely criticized for not fully addressing public concerns over protection of their freedoms during the consultation of the legislation for Article 23 of the Basic Law, which ultimately led to the massive demonstration
against the legislative proposal on July 1, 2003 and the subsequent political crisis. Since the 1990s, the Government has also been conducting consultation exercises on the annual policy address of the CE and the budget. This includes the provision of relevant information in the Government’s website, and the call for opinions from the general public by letters, faxes or emails in publicity campaigns. However, whether such input can influence the Government could not be assessed because it has not provided any publicly available information on such popular feedback on the policy address and the budget.

**Judicial Actions**

Judicial actions have increasingly been adopted by the public and civil society groups as a method to influence public policy. The application of judicial review and appeal to a court ruling are the most commonly used forms adopted by these groups. The number of judicial reviews has increased significantly since 2003. For instance, the judicial review over the listing of the car parks and shopping centres under “the Link” Real Estate Investment Trust raised by a grassroots association resulted in the suspension and delay of its listing in the Hong Kong stock market in late 2004. The filing of judicial action from these groups mainly serves the purpose of embarrassing the Government and delaying the policy process. In Hong Kong, civil society groups used judicial actions on cases that should have been resolved through other channels of participation. Scholars such as Anthony Cheung have argued that this reflects the “politicalization” of the judiciary. The growing cases of judicial action may reflect the lack of
participatory channels for civil society groups, in particular those representing grassroots interests, and their lack of trust in the Government.

**The New “Public Engagement” Processes: A New Form of Public Participation?**

A number of new public engagement processes which have appeared in the last few years merit some attention. In response to demands from the public for a channel of participation for the middle class, the Government established Internet-based “Public Affairs Forum” in March 2005. The Government invited 600 participants from business, professional, academic and political backgrounds who have obtained higher education to join a confidential forum on the Internet to discuss topics raised by the Government. A preliminary assessment offered by a public policy think tank suggests that the issues discussed in the forum were mainly raised by the Government, and the respondents in the forum might not find the topics raised by the Government to be particularly interesting for discussion. More importantly, the response rate of the discussions was low. Some members of the forum also criticized that officials did not respond to the discussion, and the Government did not raise some of the key issues which concerned the middle class in the forum, such as constitutional development.

Further, in view of large scale protests, objections, and judicial actions on the Government’s proposal on reclamation since 2003, the Government has established a new forum on the development of the adjoining areas of the harbour side—the Harbourfront Enhancement Committee in May 2004 under the Housing, Planning and Lands Bureau. Its
membership comprised a wide range of stakeholders—green groups, professional bodies, district councillors, business organizations and scholars. The Committee aims to advise the Bureau on the protection the harbour through a “balanced, effective and public participation approach”. It also calls for “public engagement” exercises in the development of the plans in the harbour-side areas, notably the “Kai Tak Planning Review” and the “Harbourfront Enhancement Review—Wan Chai, Causeway Bay and Adjoining Areas”, since July 2004 and February 2005 respectively. This new form of “public engagement” involves a number of stages, in which the public would be consulted on the development of the entire planning process. This includes the drawing of an initial “outline concept plan”, through the discussions in public forums, district-based forums, charrettes (design forums), focus meetings on a particular planning item of concern, and workshops, followed by the development of the outline development plan, which would then be used as the basis for the statutory Outline Zoning Plan.

The Government has also adopted a similar approach of “public engagement” in the development of sustainable development policies. In 2003, the HKSAR Government established a “Council on Sustainable Development” under the Sustainable Development Unit under the CS’s Office, and members of the public are invited to participate in “support groups” and “study groups”. Members of the study groups can make decisions on the “pilot areas” for further studies, whereas the “support groups” are responsible for drafting the consultation
documents on the strategies of sustainable development. The consultation exercises also include four public forums, eleven regional public workshops, and a summit on the strategy of sustainable development.49

Despite the “innovations”, the Government still adheres to the previous mode of “consultation” exercises, a process often dominated by stakeholders and interest groups. For instance, some of these meetings were exclusively reserved for the participants from certain stakeholder groups. The members in the Study Groups and Support Groups in the Council of Sustainable Development are mainly representatives from groups representing a particular interest group or business interest. Nonetheless, the response to the “engagement process” on sustainable development was low, as only 1,400 attended these “engagement channels”, of which the majority were stakeholders.50 Also, the “Youth Forum” which was mobilized by the pro-government Hong Kong Federation of Youth Groups, was attended by 22,000 students.51 Hence, critics of the “engagement process” claimed that the so-called “new” process could be yet another traditional “consultation committee”.

The “public engagement” process has been conducted at the implementation level as well. The public can participate in the statutory plan-making process through the Town Planning Board. The public can view all applications of new planning applications and amendments to existing plans for two months. They can file approvals and objections (known as “representations”) of such applications in the Board. They would be given a chance to attend
the meetings, and express his/her case directly to the members of the Board. Their opinions would be considered by members of the Board, and amendments based on the representations would be considered. Should amendments on the plan be made, other individuals could make representatives on the amendments as well.  

A similar “public engagement” mode is also adopted in the process for the approval of the Environmental Impact Assessment (EIA) in major public works. The EIA process should be transparent and take into account public participation, as suggested by the Environmental Protection Department as one of the basic principles of the EIA process. It has been clearly stipulated by laws that all documents concerning with the EIA process are available for public inspection, they could also file objection to the applications in every stage in the EIA process, i.e. the initial stage of the approval of the EIA Study Briefs, the approval of the EIA Reports, and the approval of the EIA Permits. The EIA process reflects a highly transparent process and facilitates public participation in the policy implementation stage. Nonetheless, these two examples are the exceptions rather than the norm because such a level of transparency and popular access are not readily found in other policy areas.
Recent Developments

Since the resignation of the former CE, C.H. Tung, and the appointment of Donald Tsang as the new CE in March 2005, a significant change in public participation over the agenda setting stage has taken place—the extension of the scope of the Commission on Strategic Development (hereafter the CSD). As a non-statutory advisory body, the former CSD was established in 1998 for the “exploration of long-term development strategies for Hong Kong.” There were twelve non-official members, predominantly from the business elite, and the CE served as the Chairman. After publishing only one report on the long-term development needs and goals for Hong Kong in 2000, the Commission has become inactive since then. However, it was re-designated as the “most important advisory body” by the new CE in October 2005. Donald Tsang promised that once he was elected, the first phase in the initiation of major public policies would be the consultation through the CSD. The opinions expressed in the Commission would then be referred to the policy bureaus for consideration. He believes that this will ensure that the views of the public will be considered at an early stage of policy formation in order to avoid a major political backlash during policy implementation. In November 2005, the CE formally announced the expansion of the role of the CSD. An Executive Committee, and three committees — Committee on Governance and Political Development; Committee on Social Development and Quality of Life, and Committee on Economic Development and Economic Cooperation with the Mainland have
been established.\textsuperscript{59} A total of 153 members were appointed to the four committees of the Commission. Meetings of the Executive Committee of the Commission, as well as its committees, were conducted once every two months, and each meeting lasts approximately two and a half hours. However, the large number of members, the domination of pro-government, pro-Beijing figures in the Commission, coupled with the limited amount of time for discussion in the meetings, have hindered the CSD from becoming an effective policy advisory mechanism.\textsuperscript{60} Also, although the CSD has already covered a wide range of topics, including universal suffrage, population policy, high value-added logistics, and Hong Kong’s position in the Mainland and the world, whether the Commission can be turned into an effective body in policy agenda-setting remains to be seen.

\textbf{IV. Public Participation in Public Policy in Comparative Perspective}

In this section, a brief overview of the channels for public participation in public policy in Singapore, South Korea and Taiwan, will be attempted in order to provide a comparative context for understanding Hong Kong’s experience. The general pattern seems to suggest that the less democratic polities in Singapore and Hong Kong are more prone to adopt an executive-dominated policy process, which co-opts business and professional interests and uses advisory committees and government-linked grassroots bodies to enhance the legitimacy of government policies. On the contrary, newly democratizing polities like Taiwan and South
Korea seem to be more willing to explore innovative ways of engaging the public, such as through deliberate democracy and more transparent government practices.

**Singapore**

Similar to Hong Kong, public involvement in policy-making in Singapore is considered by scholars to have followed an “executive-led” model. In Singapore, policies are most likely to be initiated by the Government, the ministries, and a small group of elite civil servants—the “Administrative Service” that acts as the “policy makers as well as policy implementers.” Most consultations would be conducted only as a means to “legitimize their policies”. Consultations are usually conducted through the “advisory committees” under the ministries of the Government, which are dominated by business and professionals, or through the statutory boards in Singapore. They are responsible for discharging executive functions for the Government with a high level of autonomy and they are often led by a “standing committee”. However, the compositions of the “standing committees” in the statutory boards are dominated by officials. Hence, some scholars suggested that policy consultation in Singapore was still “confined to the fine-tuning and incremental modifications on details rather than on broad principles.” Nonetheless, Members of Parliament (hereafter the MPs) serve as a significant communication channel between the Government and the grassroots, e.g. through
the “Meet-the-MP” session and “walkabouts” which allow the general to voice their grievances or concerns directly to the MPs.\textsuperscript{67}

The Singaporean government was increasingly aware of the need for public participation in public policy-making, partly due to the rise of the middle class. In response to disappointing election results in 1984, the People’s Action Party (hereafter the PAP) government launched the Feedback Unit in 1985. The Unit has become the major venue for allowing a channel for participation by the Singaporean government, through letters, emails, hosting of “dialogue sessions” to gather opinions on a policy proposal, or informal “tea sessions” with representatives of a particular sector.\textsuperscript{68} The Unit is also responsible for providing consultation papers on behalf of government agencies in electronic format, setting up electronic discussion forums, and conducting opinion polls since 2000.\textsuperscript{69} There are also eight “feedback groups” in the Unit, which are chaired by businessman, professionals and scholars, and they help provide advice to the Government on issues under their purview. Scholars have suggested that the impact of the Feedback Unit’s effectiveness in influencing public policy is unclear. The dialogues conducted through the “Feedback Unit” are primarily for policy deliberation. Since the attendees of the dialogue sessions were selected by invitation only, its ability to gather genuine opinion from the general public is questionable.\textsuperscript{70} In other words, the Unit may only serve to provide the “educated vocal minority some sense of participation and consultation.”\textsuperscript{71} Even the Government agreed that the Unit has its limitations because its operation does not
imply that every Singaporean would be consulted on all policies or that every proposal would be accepted by the Government, and indeed those who tried to seek policy changes should be ready to meet the challenges from the Government.  

There are only a few civil society groups which could influence government policies. They have been involved in less controversial areas, such as conservation of the environment and women’s rights. However, the Government expects the civil society groups to “stay publicly silent on an issue” after the Government has consulted them. Further, the Singaporean Government eventually has managed to merge some of these civil society groups with corresponding government organizations in the same sector.

As Singapore is a city-state, public participation in policy-making at the local level merits special attention. The PAP has successfully managed to co-opt the grassroots sector through the statutory board of the People’s Association, which funds and sponsors many community projects. Public consultations are also conducted through the co-optation of local community leaders from “para-political” organizations closely affiliated with the Government and the PAP. Scholars agreed that while these organizations serve as a feedback channel to voice the needs of the people at the local level, they may also be used by the Government to “consolidate political primacy within the grassroots of Singapore society.”

A major attempt to manage public participation at the grassroots level is the creation of
the five Community Development Councils (hereafter the CDCs) in 1997. Led by unelected mayors (who are selected amongst the PAP-affiliated MPs of the area) and getting direct grants from the Government, the CDCs have taken over the provision of social welfare, health care, and some other services targeted at the grassroots level on behalf of the central government. The establishment of the CDCs was seen by scholars as efforts in preventing the grassroots from “becoming more politically oppositional,” and “enabling the rest of civic society through funding and coordination”. Its unelected nature and the explicit comments by government officials on the exclusion of the Opposition from the CDCs suggest genuine public participation is not facilitated by the CDCs. It was also argued that should the CDCs continue to cooperate with civic organizations in welfare and community development, it could monitor or even “control the development of a civil society through a massive grassroots network.”

Another effort to foster public participation was conducted under the “Singapore 21” vision in 1999, which called upon citizens to “become participants, not mere observers” in shaping Singapore’s future. As the civil society groups were not allowed to initiate public discussions on the public participation of public policy for this consultation exercise, critics then suggested that the government’s effort is “at best partial and at worst pseudo, but never full participation”.

Similar to Hong Kong, a new form of public participation is emerging in the area of urban planning. During the formulation of the Master Plan of urban renewal in 2001, the Singaporean
Government started to consult the public through the holding of focus groups, public forums, consultation on a draft concept plan and public dialogue between ministers and the public. The consultation process was referred to by scholars as “government-aided participation”. In this mode of participation, the planning authorities would not dominate the planning process. Rather, it is guided by the focus groups, which are often represented by professionals in urban planning. Scholars observed that they were able to provide expert advice, and their opinions have been well received by the Government. This new consultation model may indicate the Singaporean government’s new effort in enhancing participation in the policy process.

Taiwan

Taiwan has become a developing democracy since the early 1990s after decades of strong opposition to the authoritarian rule of the Nationalist (or KMT) regime. Electoral politics has dominated the political process on the island. It is apparent that at both the central and local levels, many different kinds of public participation processes such as public hearings, opinion polls, and consultation exercises, have been adopted to engage the public. Nonetheless, there are certain difficulties in surveying public participation in Taiwan’s policy process because the political dynamics is still evolving and there are not that many systematic studies available.

Before the process of democratization began, the provision of policy advice and input at the agenda setting stage in Taiwan came from a number of permanent advisory bodies within the ministries, which also offered a platform for co-opting professional and scholars and for
endorsing proposals from the Government. These bodies seem to have continued their operations even after Taiwan has embarked upon democratization. The conduct of policy research and the collection of public opinions through opinion polls are undertaken through the Research, Development and Evaluation Commission of the Executive Yuan, which is the “think tank” of the executive branch.

Civil society groups seem to have played a more important role in Taiwan’s policy process in the past decade as well. Scholars have argued that since the Democratic Progressive Party has achieved political prominence in Taiwan in the mid 1990s, many activists who have participated in social movements during the era of authoritarian KMT rule have been invited to serve in the senior positions of the policy councils of the Executive Yuan and appointed as “ministers without portfolio” in the Cabinet of the government. In a number of cases, citizen participants were able to influence policy-making from the inside, through their participation in ad hoc advisory committees. A prominent example of participation of civil society groups concerns the government agency of the “Council of Labor Affairs,” as the participation of labour groups was able to facilitate the adoption of some new labour policies. A cross-platform participation in public policy has also emerged between Taiwan’s labour groups and an umbrella group of health care NGOs to advocate greater redistribution in health care.

Since 2002, a significant progress in public participation took place in Taiwan through the introduction of the “consensus meeting,” which is a form of deliberate democracy. The
“Second Generation Healthcare Citizen Participation Group” within the Executive Yuan was launched as a discussion forum for the general public on health care policy. The Executive Yuan then collaborated with scholars to organize a “Pioneer Consensus Meeting on Citizen National Health Insurance”. The consensus meeting allowed members of the public throughout the socio-economic spectrum to discuss the issues with scholars in a symposium. Consequently, some new measures in health insurance have adopted the recommendations proposed in the consensus meeting. The “consensus meeting” model was also adopted by another government agency in 2004, as the Department of Health commissioned scholars to conduct a consensus meeting on the issue of surrogate mothers. Based on the recommendations from the consensus meeting, legislations on surrogate mothers were drafted in November 2005. Another significant case worth mentioning is the one held on taxation reform in 2005. This consensus meeting allowed twenty randomly–selected citizens to discuss the agendas on the issue directly with officials in the Ministry of Finance. Eight “consensus meetings” have so far been conducted on nation-wide issues in Taiwan. These examples, though not exhaustive, suggest that Taiwan has not only continued to use the more conventional mechanisms for public participation, but also experimented with more novel methods of deliberative democracy to enhance civic engagement.

**South Korea**

Similar to Taiwan, the advisory commissions, which are often seen as venues for political
patronages, used to be the main channels of participation in the policy process in Korea before it has become democratic. These advisory commissions were created “to mediate conflicting interests and to build social consensus”\(^9^4\). The advisory commissions were nonetheless criticized for their inactivity and lack of creditability.\(^9^5\) Major changes in streamlining and improving the advisory commissions have been introduced as Korea democratizes. In November 1998, the Korean government under the newly elected President Kim Dae Jung announced a major shaking up of the advisory bodies: of the existing 299 advisory commissions before the review, 27 were merged with other commissions, and about 177 advisory commissions were abolished.\(^9^6\)

Other changes were also introduced to facilitate the consultation of the general public. The Administrative Procedures Law in 1997 has made it compulsory for government agencies to notify the general public on any administrative measures and to host an informal hearing before the formal promulgation of policy.\(^9^7\) An amendment introduced in 2004 also made it mandatory for government agencies to ensure that the publication of notices, collection of public opinions on policies, and answers to the questions asked would be available in the bulletin boards of the agencies and on the Internet.\(^9^8\)

As Korea consolidates its democracy, the NGOs, especially those concerned with the scrutiny of corruption, misconduct in businesses, women’s affairs and environmental issues, have played an increasing role in policy consultation.\(^9^9\) The Korean government has actually
served as an incubator of NGOs by providing them with financial support and allowing their participation in the advisory committees of the Government. There were 257 NGO leaders serving in 92 advisory committees of the agencies of the central government in 2002. A dedicated department—The Office of Civic Cooperation—in the Ministry of Government Administration and Home Affairs, has also been established to facilitate liaison with the NGOs. One study also suggested that “the emergence of competitive elections, a shift of powers to the localities, the increasingly freedom granted to the media and the loosening of the control over the civil society groups have promoted the articulation of ‘diffuse environmental interests’ in the policy process”. Advocates of civic society groups have utilized the window of opportunity created to recast the traditional policy process of “bureaucrat-driven top-down process” into one characterized by an active participation of the civic groups. In short, scholarly research has indicated that the degree of participation of concerned civic groups in the policy process has been strengthened after Korea has become democratic.

In view of growing public demands for a “participatory government” in early 2003, a "Presidential Committee on Government Innovation and Decentralization (PCGID)" was established by President Roh Moo-hyn in April 2003. Comprised of a number of civilian professionals and civic society representatives, the Committee aims to explore new methods to foster public participation in the policy process. By August 2003, an “innovation road map” was developed on the basis of the opinions of academics and civilian professionals
participating in the presidential committee. The road map envisioned a "transparent and competent government" which is to be achieved through “improved efficiency, services, transparency, decentralization, and people-centeredness.”

If compared with these Asian examples, Hong Kong is more similar to the case of Singapore. The policy-making process in both places are dominated by an ‘executive-led’ government led by a group of senior bureaucrats and political elites. Both areas have tried to co-opt business leaders and professionals through a system of advisory committees aimed at legitimizing the government-dominated policy process. In policy areas requiring input from the experts, professionals in the advisory committees in both areas are also invited to provide advice to the two governments.

Nonetheless, there are also some significant differences between the two places. Unlike Hong Kong, the statutory bodies in Singapore are managed and controlled by bureaucrats in the Government. As Singapore is a parliamentary system dominated by one single party, the scrutiny of public policies in the legislature is less critical or politicized. The power of the civil society groups in Singapore in influencing policy-making seemed to be comparatively weaker. Another major difference concerns participation at the district level. Again, unlike Hong Kong, the central government in Singapore is closely linked with the district–based political and “para-political” organizations because of their close affiliation with the governing party. Hence, if compared with the district-based organizations in Hong Kong, these organizations have
played a more significant role in getting their voices heard at the “central” level. Further, the role of the media is another area in which Hong Kong and Singapore are quite dissimilar. The mostly privately owned media in Hong Kong has performed an important and effective function in fostering public participation through their vibrant debates and close scrutiny of government officials and their policies. On the contrary, the media organizations in Singapore, which are often wholly owned by the state companies and influenced by the Government, may be less critical and active in fostering effective public participation.

As Taiwan and South Korea have established a democratic form of government in the past decade, both have attempted to create more channels for public participation in policy-making. Both places have continued to co-opt the business and professional interests into the advisory bodies as one of the main channels for participation. However, both areas have recently allowed direct involvement of the general public and civil society groups in the policy process. For instance, the hosting of the “consensus meeting” the mechanism for mandatory consultation and the hosting of hearings in shaping the agendas and solutions of public policy in Taiwan and Korea respectively have served to enhance citizen participation. Members of the general public, not only the professionals and the business sectors, have begun to participate in the different stages of the policy process in the two areas. Hong Kong has begun to experiment with new forms of public participation in the last few years, albeit only after the authority and credibility of the HKSAR government has been seriously undermined by several policy
blunders.

V. Conclusions

This study suggests that there is a great deal of continuity in the venues for public participation in Hong Kong’s policy process. The existing mode shows a dominant role of the government in the policy process, the cooptation of professional and business elites, and the lack of broad grassroots representation in the different layers of advisory and statutory bodies. The venues for public participation in the policy process in Hong Kong were established to help the colonial government cope with increasing political demands from the community and legitimize policy decisions in an undemocratic political system. Instead of actively exploring new ways to engage the public, the HKSAR government still relies mainly upon these traditional channels for public participation in the policy process.

The more conventional mechanisms for public participation are no longer adequate in satisfying the growing political demands and managing the changing political dynamics in Hong Kong in the 21st century. The broadening of appointments in the advisory bodies to accommodate views coming from a wider political spectrum, for instance, has been attempted by Donald Tsang, but this is a far cry from turning these bodies into more effective platforms for public participation. The reviews of the advisory and statutory bodies introduced by the Government since 2003 focused more on “uncontroversial” arenas, such as the strict observance of the “six year rule” and the “six bodies rule”, and the promise of a wider
participation of social groups such as the youth, the physically handicapped, the ethnic minorities and women. The goals of “reinforcing the role of these bodies as important partners of the administration and strengthening their participation in the decision-making process,” and making the advisory bodies “important channels for public participation in public affairs,” as suggested in the reviews are yet to be fully achieved. Consultation exercises initiated by the Government are not designed to enhance public participation in policy-making. In fact, these exercises also show other limitations. For instance, the attendance of public forums and responses to the consultation documents were often only dominated by certain stakeholders. Although individual citizens were able to participate effectively at the implementation level in certain policy sectors, such as in the town planning process and the Environmental Impact Assessment process, they have much less opportunities to participate effectively in other policy areas.

Several new developments suggest that HKSAR government would only reform the mechanisms for public participation after its authority has been severely challenged in the aftermath of several policy fiascos. First, the impact of the mass rally against the Article 23 national security legislation on July 1, 2003 and the subsequent development of more assertive civil society groups and political forces have reshaped the political landscape in Hong Kong. The successful launching of the anti-reclamation campaign in 2003-04, for instance, has compelled the government to explore new modes of engaging the public in the policy
process—The Harbourfront Enhancement Committee was created in the aftermath of the widespread community outcry against reclamation of Victoria Harbour. Second, the Government has realized that it needs to address the concerns of the middle class—still a potent political force in Hong Kong. The establishment of a Public Affairs Forum, together with the expansion of the CSD and the changes of its role in the policy process, are the most obvious examples. Most recently, the Government has been trying to review the advisory and statutory bodies and also the role of the District Councils.

These new developments actually reflect several problems. First, the establishment of the new channels for participation and the conduct of review of the existing ones aptly show that the traditional mechanisms are hardly adequate for effective participation in the policy process. Some of these new mechanisms do not actually promote meaningful participation, as reflected in the complaints by those who are members of these mechanisms. For instance, the CSD fails to offer a channel for dialogue between the professionals and the Government because of its large size and big agenda whereas the Internet Public Affairs Forum at best serves as a passive platform for discussion among certain elements of the middle class. Second, these newly developed mechanisms are also no substitutes for genuine political reform whereby contending political interests can be articulated and aggregated through the political and electoral processes. The inability of the HKSAR Government and the central authorities in Beijing to take Hong Kong’s democratic reform forward prompted the pro-democracy political forces to
defeat the limited political reform proposals in the legislature in late 2005. These forces are particularly dissatisfied with the absence of a roadmap and timetable toward universal suffrage for the elections of the CE and the LegCo, which is, after all, the goal promised in the Basic Law. In view of Beijing’s reluctance to allow Hong Kong to move faster toward democracy, the exploration of more effective mechanisms for public participation has become imperative, but such an inquiry should also constitute part of a genuine exploration of Hong Kong’s political reform toward a more democratic form of government.
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References and Notes


5. Nonetheless, it should be noted that legal actions have become a surrogate for political actions in some recent policy controversies in Hong Kong.


For an elaboration of the policy process in Hong Kong before and after the reunification, see Anthony Cheung, “Hong Kong’s Post-1997 Institutional Crisis: Problems of Governance and


15 Annex 2.1 and Annex 2.2, paragraph three of the Basic Law of the Hong Kong Special Administrative Region.


17 Simon Young, “Can Functional Constituencies Co-exist with Universal Suffrage?” Occasional Paper No. 14, the Centre for Comparative and Public Law, University of Hong Kong.


21 All the members of the municipal councils were returned from directly election since 1994.


23 Consultation Paper on the Review of the Roles and Functions of the District Council, paragraph 2.41. The consultation paper can be accessed at
24 Election Platform of Donald Tsang, Section II 4(a).
26 Response to the enquiry on the subject matter from a staff at the LegCo Secretariat, 6 June 2006.
27 Response to the enquiry on the subject matter from a staff at the LegCo Secretariat, 6 June 2006.
28 Annex A of the Hong Kong 2030: Stage 3 Public Consultation Report (Hong Kong: Planning Department, the HKSAR Government, 2004).
36 See the powers and functions of the Town Planning Board at http://www.info.gov.hk/tpb/function/function_e.htm.
Policy Address of the CE 2004, para. 67, http://www.policyaddress.gov.hk/pa04/eng/p67.htm. Other highlighted objectives include “streamlining structure to avoid excessive duplication in organisation and membership;” “increasing their role in reconciling different interests in our community,” “enhancing their role in grooming leaders,” “improving how their performance should be evaluated and elevating their status as public policy think tanks.”


Notable examples include the appointment of Paul Shieh, an election committee member from the legal constituency, and Anna Wu in the important Law Reform Commission of Hong Kong in December 2005; the appointment of legislator Mandy Tam in the Equal Opportunities Commission in May 2005; the appointments of legislator Alan Leong as the vice-chairman of the Independent Police Complains Council; the appointment of legislator Emily Lau as the vice-chairman of the Business Facilitation Advisory Committee in 2006 (a District Council member from the pro-democracy camp was also appointed).


The Government has never formally acknowledged that the “consultation documents” have replaced the Green and White Papers as the venue for public consultation. Nonetheless, since the establishment of the HKSAR, the Government did not publish Green or White Papers in the consultation exercises. See Ian Scott, Public Administration in Hong Kong: Regime Change and its Impact on the Public Sector (Singapore: Marshall Cavendish Academic, 2005), p. 217.


See the list of the participants in the “engagement channels” at http://www.susdev.org.hk/archive/b5/pdf/participante.pdf.


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


Press Release of the HKSAR Government,
Over one-third of the persons appointed (41 persons) in the Commission were the delegates of the Chinese People’s Political Consultative Conference (30 persons) or National People’s Congress (11 persons), see 16 November 2005, *Hong Kong Economic Journal*, p. 7; 16 November 2005, *Sing Pao*, p. A5; 10 March 2006, *Hong Kong Daily News*, p. A6. Critics of the Commission include Former Executive and LegCo member, and a Hong Kong delegates to the National People’s Congress Allen Li stressed that the Commission is simply a “talking shop with no real power”, see 12 November 2005, *Hong Kong Economic Journal*, p. 2; ExCo and public administration scholar Anthony Cheung suggested that the Commission would simply become a ‘brainstorming’ meeting, where consensus will be difficult to reach, see 13 October 2005, *Hong Kong Economic Times*, p. A46.


See the full list of the statutory boards in Singapore in http://www.gov.sg/govtlist_Statu.htm


The civil society groups of the Association for Women in Action and Research, the Nature Society of Singapore and the Association of Muslim Professionals has been taken over, or supervised by their corresponding governmental agencies of Singapore Association of Women’s Organizations, the Singapore Environment Council and MENDAKI (Malay community development organization) respectively. See Ross Worthington, *Governance in Singapore* (London: Routledge, 2003), p.36.

Kenneth Paul Andrew Sze-sian Tan, “Democracy and the Grassroots Sector in Singapore,”


The Technology, Society and Democracy Research Team at the National Taiwan University is initially responsible for conducting the consensus meetings. See http://tsd.social.ntu.edu.tw/2002team.htm.


See the website on the consensus meeting at http://eppm2.shu.edu.tw/taxreform/public.htm.


They include the Korean Federation of Environmental Movement, the Citizens’ Coalition for Economic Justice, and the People’s Solidarity for Participatory Democracy.


