

Sustainable Governance

Policy Address Submission 2003

The Conservancy Association

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長春社 since 1968

The Conservancy Association

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Introduction

1. Over the past years the Conservancy Association has made annual submissions to the HKSAR Chief Executive Mr Tung Chee Hwa, putting forward the Association's views and proposals for the Policy Address. The more recent ones are as follows:

<i>Year</i>	<i>Title</i>
1999	A green policy address
2000	Putting sustainable development into practice
2001	Institution Building for Sustainable Development
2002	Asia's World City and a Model of Sustainable Development - Hong Kong Can Do It!!

2. Prior to the present submission, the Conservancy Association has presented to the Chief Executive two recent papers on conservation, namely:
 - "Heritage for the People" – a position paper on heritage conservation
 - Response to "Nature Outlook" – the government consultation document on nature conservation policy
3. A third paper on Hong Kong's position with regard to the Framework Agreement on Climate Change and the Kyoto Protocol, i.e. on the issue of global warming and the Green House Effect, is now under preparation and will be presented to the Government soon.
4. In view of these separate but substantive presentations, we have decided to submit a relatively brief paper this year, focusing largely on one single theme which we consider as being the most important issue confronting the SAR government, namely, that of governance.
5. We are focusing on this theme because the coming Policy Address will have a special significance in being the first after the historic day of 1 July 2003, when more than half a million Hong Kong people took to the streets in a peaceful show of solidarity. We see July 1st as an occasion to express the unity of Hong Kong people and their desire over better governance.

Principle: The big reconciliation

6. July 1st is a compelling statement that Hong Kong people are not satisfied with the way the SAR is governed. Despite their dissatisfaction, Hong Kong people have shown that they care about Hong Kong as their home, and are willing to shoulder their civic responsibility collectively. We pay tribute to Chief Executive Mr Tung for acknowledging this openly and for promising to listen to the people. The Policy Address will be the ideal occasion to show that he has genuinely listened, and that the government is sincere in responding to the community's aspirations.
7. To respond to the challenge of July 1st would require both the government and the community to begin a "big reconciliation". This should cover not only the political and social arenas, but the environment as well. For environment is, after all, about reconciliation, of man and nature, and also of communities and resources.
8. The Conservancy Association is not a political group, and we do not have any political model to advocate. However, we believe it possible, indeed important, to be diversified in platforms, and yet tolerant and inclusive. Under the theme of the "big reconciliation", we advocate a few principles to guide the development of government policy, as follows.
9. *Reconciling with the core values of modern society.* The biggest threat to the well being of Hong Kong as a society is not the temporary downturn in the economy, but a progressive disintegration of social values. To restore the core values of Hong Kong as a world-class modern society will be the responsibility of all social groups. For the government, besides adhering to long-time administrative dictum like "positive non-intervention" and "government-by-consent" (which are not always consistently applied), it must develop a "governing philosophy" which it can share with the community and the private sector. Such a philosophy should not only respect, but champion, the age-old values of charity, justice and integrity.
10. *Reconciling with an empowered community.* Hong Kong people have demonstrated that they are capable of being diverse and yet united at the same time. Collectively, we are a sophisticated community which is quite capable of dealing with complicated issues in a rational way. We should have confidence in the community's ability to master more knowledge and information, in spite – perhaps even because – of many vested interests and different voices in the

community. We encourage the government, therefore, to take a big leapt forward in increasing transparency and empowering people in the making of public policy. As stated in Principle 10 of the 1992 Rio Declaration on Environment and Development, “Environmental issues are best handled with the participation of all concerned citizens... At the national level, each individual shall have appropriate access to information concerning the environment...and the opportunity to participate in decision-making process... Effective access to judicial and administrative proceedings...shall be provided.”

11. *Reconciling sustainable development needs.* As a green group we emphasise the sustainable development agenda, which is about reconciliation among society, economy and the environment. Thus we reaffirm the basic values of sustainable development, embodied in three “P” words – People, Planet and Prosperity – from the World Summit on Sustainable Development.

12. Reconciliation is about adopting the right attitude by different sectors of the community. For the government, we believe this should be translated into a determination for better and more effective governance.

Towards sustainable governance

13. Governance is a matter of building consensus, making the right decisions, and executing them effectively. Poor governance is costly for society. On the surface, it is reflected in continuing community dissatisfaction. But a more serious consequence is the poor quality of decision making. It is our belief that many wrong or problematic decisions have been made over the past years, such as, in relation to the environment:

- the Lok Ma Chau spur line
- building highways along the waterfront
- continuing the small house policy
- environmentally insensitive charging structures in power, water and waste services
- Succumbing to political forces in freezing environmental charges

14. These decisions could turn out to be monumental mistakes costing the community dearly, despite the best efforts and the best intentions behind. The culprit is the outdated mode of governance. To change that would require a change in the

process of public involvement, in institution building, in reform of decision making bodies, and in policies and legislation.

Participatory process

15. The transparency of government must be improved. Even without any change in the government structure, a lot more can be done in opening up the information and operation of government departments. For advisory bodies, open meetings should be the norm.
16. To engage the public more effectively, the consultation process used by the government and the advisory bodies must be revamped. We advocate more use of public hearings, such as that adopted successfully in the case of the Harbour Area Treatment System (HATS). The goal of the public hearing should be to build consensus on public policy through an open and professional approach, so that conclusions can be drawn with legitimacy from the community's blessing.
17. An oft-cited worry of the government over more open and transparent process is the apparent lack of readiness on the part of the community. However, we believe that the community of Hong Kong is mature enough, as exemplified by July 1st. Their perceived lack of interest in public policy is more apparent than real, and the right way forward is not to wait for the community to become "more mature" but to enable and empower the community to participate.

Institution building and community empowerment

18. To enable the community to partake in public policies affecting their own quality of life is a matter of social institution-building. If the government feels that it is a difficult task, then it should take comfort that the community is already engaging themselves in institution building voluntarily. For instance, the Conservancy Association has had the pleasure of leading the creation of the People's Council for Sustainable Development, which, after a year of preparatory work, is now an independent body in its own right. It is multi-sectoral, multi-cultural, has a multi-dimensional agenda, and hosts a full range of experience and expertise. Through the People's Council for Sustainable Development, already much progress has been made in the most difficult task of institution building, namely, cross-sectoral consensus building, agenda setting and thought leadership – with a few concrete projects in the advanced stage of being developed. The contrast with the infinitely better-resourced Sustainable Development Council of the government cannot, in our view, have been more marked.

19. A related institution-building issue is that of the institutional strength of community groups, in particular, the sustainability of green groups as a force of the “third sector” in an increasingly difficult economic environment. As constructive intermediary bodies, green groups should be recognised for their contributions and the government should not allow their growth to be stifled by over-extending the role of officially sanctioned groups like Environment Campaign Committee.
20. Since the disbanding of the municipal councils, we believe the District Councils should now be given a bigger role and more resources to enable them to expand their work in local environmental and heritage conservation.

Structural change in decision making

21. Effective governance presupposes an effective and accountable structure in decision making and execution. The government’s advisory and decision making structure, as well as the regulatory and executing mechanism, should be brought in line with best practices that befit a mature society.
22. Advisory bodies. The government has begun a review of the various advisory bodies. The result is not yet known, but no promising message has been conveyed so far. We repeat our dissatisfaction with the previous change in the membership of the Advisory Council for the Environment, which was a backward step in that organisational representatives were removed. We strongly feel that there must be a fundamental change in the constitution of the advisory bodies to improve their accountability and transparency, if they are to become effective in rendering good policy advice.
23. Effective governing authorities. In both our submission papers on nature and heritage conservation, we have highlighted the need for an effective authority for conservation. The same goes for recent controversies over reclamation in the Central Harbour as well as the West Kowloon Cultural District, for which we believe an institution like an appropriately constituted Harbour Authority would be needed.

24. We must emphasise that we are not advocating a whole range of new bureaucracies as the solution to every problem, although we do acknowledge that in many cases similar ideas have been raised – a Nature Conservation Authority, a Heritage Authority, a Harbour Authority, a Sewage Authority, a Cultural Authority,

a Strategic Planning Authority, an Energy Authority, and so on. The fact that apparently so many institutions are needed reflects the compartmentalised nature of policy making. Rather than implying the need to establish many new bodies, they reflect the common structural flaw in different arenas – the separation of land use planning from transport planning, or the division between ecological preservation and rural conservation, for instance. They beg a structural integration as the common solution to the multifaceted but highly inter-related problems. Putting forward these ideas does not mean necessarily the establishment of as many bodies.

25. If the Conservancy Association's policy proposals is heeded, what is needed will be only two new bodies, namely:

- a Harbour Authority, as both a regulatory body and an executive agency; this is justified by the unique value of the Harbour
- a Conservation Trust which combines both nature and heritage conservation

26. All the others could be restructured from existing bodies, for instance, the Sewage Authority from the Drainage and Water Supplies Departments, the Planning Authority from the Town Planning Board, and so on.

27. In the end, however, the structural change must be backed by progress in constitutional reform. Although the Conservancy Association does not have a position on constitutional reform, we do nevertheless urge that this issue be taken forward in a positive and constructive way.

Policy and Legislation

28. A crucial part of the institutional establishment which directly affects the quality of governance is the body of laws and regulations, and the underlying government policies. In the environmental arena, there is a pressing need to bring the laws and regulations up to date. In our recent submissions, for instance, we have proposed the enactment of a Heritage Impact Assessment Bill, a Sustainable Development Bill, and a speedy conclusion of the amendments to the Town Planning Ordinance.

29. Also required is a modernisation of the regulatory regimes relating to the sustainable management and efficient use of resources. Appropriate policies to de-regulate and re-regulate electricity generation and distribution, as well as privatisation of water supply and sewage treatment, would fall under this.

30. There are many policy issues which will call for a policy review. Instead of a piecemeal approach, we would advocate the collective review of related issues in a more holistic and integrated manner. For example, to address rural conservation adequately would require us to go beyond mere ecological conservation, but to take account also of landscape value as well as rural character such as local culture and history. In practice, issues in rural conservation are often multi-dimensional – the small house policy, for one, straddles several policy areas and cannot be tackled from any one single policy angle. Imaginative solutions can only be developed by “thinking out of the box” of current policy constraints – such as linking small house compensation to surplus Home Ownership Schemes.

International stewardship

31. Finally, we draw attention to the importance of the international aspect for Hong Kong government’s environmental governance regime. We believe that the institution building, structural changes and policy developments can be much strengthened by reaffirming Hong Kong’s international obligations with regard to various global issues, including energy, green house gas, biodiversity, sustainable development, and heritage conservation.

Conclusion

32. In this Policy Address submission we have chosen to focus on institutional issues with a view to building up a sustainable governance regime. Every issue we raise is a big issue. Big issues require strong government. In the present context, many of these issues may appear to be too difficult to tackle. However, we have a contrary view. We believe that a strong government with real leadership is one that has a governing philosophy and abides by it, can identify the right problems, and is willing and ready to engage the community to tackle the problems in a rational manner. Ultimately, the justification for governance structure lies in the core values of society – such as the values of charity, justice and integrity we alluded to. We believe a government with such a governing philosophy will be understood and respected by people – the true definition of a strong and effective government.