

#### LCQ14: Appointments to advisory or statutory bodies

Following is a question by the Hon Audrey Eu and a written reply by the Secretary for Home Affairs, Dr Patrick Ho, in the Legislative Council today (February 8):

Question:

The Government requires that, in general, non-official members appointed to any advisory or statutory bodies should not serve for more than six years in any one capacity, and a person should not serve as a member on more than six boards or committees at the same time. In this connection, will the Government inform this Council:

- (a) of the number of members appointed to advisory or statutory bodies since the current Chief Executive assumed office;
- (b) among the members mentioned in (a), whether any of them has served a term exceeding six years on a board or committee, or for more than six years in the same post of a board or committee, or has served as a member on more than six boards or committees; if so, of the names of the boards or committees and of the members concerned, their posts, the dates of their appointment and duration of their service, as well as the rationale for appointing them; and
- (c) of the measures to ensure that all bureaux and departments strictly meet the above requirements in the appointment of non-official members to advisory or statutory bodies?

Reply:

Madam President,

- (a) From June 21, 2005, the day on which the Chief Executive assumed office, to December 31, 2005, 1,323 appointments to advisory and statutory bodies (ASBs) were made. These appointments were made by either the Chief Executive or the relevant appointment authority.

(b) Of the 1,323 appointments made, 87 post-holders will have served on a board or committee for more than six years, and 72 of these 87 post-holders will have served for more than six years in the same post of a board or committee by the end date of their current term of appointment; and 14 persons are serving on more than six boards or committees. Details of appointment for the 87 post-holders serving on a board or committee for more than 6 years (including name of the member concerned, the board or committee, post, the dates of appointment and duration of service, as well as the rationale for appointment) are at Annex 1. Details of appointment for the 72 post-holders serving in the same post of a board or committee for more than six years, and for the 14 persons serving on more than six boards or committees are at Annexes 2 and 3 respectively.

The main reasons for not complying with the "six-year rule" include:

- (i) some serving non-officials members have particular skills or experience essential to the effective and efficient functioning of the board or committee;
- (ii) serving members could provide continuity during a period of change, for example, when several appointments are expiring at the same time;
- (iii) nominating bodies which have a statutory or traditional right to have their interests represented on a particular body continue to nominate the same individuals for appointment; and
- (iv) certain office-holders are traditionally appointed to a particular committee (for example, District Council Chairmen and Vice-chairmen are appointed to the Municipal Services Appeals Board).

The main reasons for not complying with the "six-board rule" include:

- (i) some persons have certain skills or experience essential to the effective and efficient functioning of a particular board or committee;
- (ii) appointment of certain serving members to a particular board or committee could ensure continuity; and
- (iii) appointment of certain office-holders to a particular committee could facilitate its effective operation.

Active measures are being taken to ensure compliance with the "six-year rule" and the "six-board rule" as far as possible. As shown in Annex 3, for instance, five out of the 14 persons serving on more than six boards or committees as at December 31, 2005 have subsequently tendered their resignation from or retired from certain boards, as a result of which they are now serving on six boards only. We shall continue to take appropriate measures to deal with those cases that are exceptions to

the "six-board rule" and the "six-year rule".

As a point of clarification, appointment of non-official members of ASBs are subject to the "six-year rule", i.e. a non-official member of an advisory or statutory body should not serve more than six years in any one capacity. Where a member is appointed to a different post (for example, chairman or vice-chairman) of a board or committee, it will be regarded as a "new" appointment and the six-year count starts again.

(c) The "six-year rule" and "six-board rule" are general guidelines for making appointments to ASBs. Bureaux and departments have been reminded of the need to observe these rules in making appointments. Apart from the "six-year rule" and the "six-board rule", we need also to ensure that the most suitable individuals are appointed taking account of the functions and responsibilities of the bodies concerned and their effective operation. Given the diverse circumstances of ASBs, bureaux/departments may, on occasions, consider it necessary and appropriate to make an exception to the "six-year rule" and "six-board rule" for the boards and committees under their purview. Any such exception must be justified having regard to the circumstances of the case.