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ACE Paper 7/2007
For discussion

Opening up of Meetings to the Public

Purpose

This paper sets out information relevant to the suggestion of opening up the meetings of the Advisory Council on the Environment (ACE) and its Subcommittees to the public and media.

Background

2. At the meeting held on 8 January 2007, some Members suggested and the Council agreed that the suggestion should be revisited. The Secretariat was requested to provide Members with relevant information.

3. The ACE is the Government's principal advisory body on matters relating to environmental protection and nature conservation. The terms of reference are as follows –

- (a) keep under review the state of the environment in Hong Kong; and
- (b) advise the Government, through the Secretary for the Environment, Transport and Works, on appropriate measures which might be taken to combat pollution of all kinds, and to protect and sustain the environment.

Discussion at Past Meetings

4. The suggestion had in fact been raised and thoroughly discussed at

the Council meetings in the past. The following divergent views have been advanced when the suggestion was discussed by the Council on previous occasions –

Consideration in Favour of Opening Up

- (a) the ultimate function of the Council was to serve the community. Since the issues raised at Council meetings were related to the well being of the community, Members' deliberations on such matters should be made in a transparent manner;
- (b) the long-term solution to environmental problems would be to strengthen public awareness of the importance of environmental protection and arouse their general interest in environmental matters. The best approach of public education was to let them hear different or even conflicting views on an issue and go through the process of deliberation;
- (c) the public's right to know should be respected;
- (d) the aspiration for transparency and public participation was growing;
- (e) enhancing transparency was in line with the spirit of sustainable development; and
- (f) there would not be too many sensitive issues that could not be disclosed to the public. In any event, the minutes of meetings, which were relatively detailed, were already in the public domain.

Consideration Against Opening Up

- (a) since the main function of the Council was to give professional advice to the Government on environmental issues, the quality of the advice was of utmost importance. The present arrangement enabled Members to speak freely whereas opening up meetings could politicize Members' discussion;
- (b) since all the agendas, papers and minutes of meetings were in the public domain, the Council was already operating in a very transparent manner;
- (c) if an issue discussed at a meeting involved the interests of a third party and the identity of the third party was divulged at an open

meeting, Members speaking on the issues might be liable to legal actions that the third party might take;

- (d) in the interest of maintaining efficiency and avoiding distracting from the Council's objectives, it was important to guard against the meetings becoming a platform for putting across individual Member's points at length to the public or the media;
- (e) some of the views expressed at meetings could be preliminary and making them known to the public would cause confusion. It would be better for the Council to deliberate the issues first before presenting the Council's views or recommendations to the public; and
- (f) as the incumbents accepted the appointment with the clear understanding on the meeting arrangements, it would be unfair to Members (who had reservations on opening up) if the meeting arrangements were changed in mid-course unless there was a complete consensus in the Council.

Current Transparency Measures Adopted by the Council

5. Members of the public have access to matters related to the Council through the following means –

- (a) the Internet – the Council's membership, terms of reference, contact information of the Secretariat, agendas, papers (other than classified papers the number of which is very small) and confirmed minutes of meetings (with Members' names deleted) are uploaded onto the Council's designated website in the homepage of the Environmental Protection Department (<http://www.epd.gov.hk/>). The public may also contact the Secretariat for enquiries, information and suggestions;
- (b) media briefings – after each Council meeting, the Chairman and Deputy Chairman accompanied by the Secretary will meet the media and brief them on subjects discussed at the meeting, the main points raised and the conclusions reached. The agenda and papers of the meeting are distributed to the media on the day of the meeting before the media briefing. There is a Question and Answer session after the briefing; and

- (c) open fora – the Council organizes open fora on issues with significant community concerns. Stakeholders, concerned groups, members of the public are invited to attend the fora to express and exchange their views and make suggestions. The media are also invited. Records of the proceedings are uploaded onto the Council's website.

Practices of Other Government Advisory Boards and Committees

6. We have had a look at other government advisory boards and committees. The norm is that the meetings of these advisory boards and committees are not opened up to the public or media.

7. At the meeting on 8 January 2007, some Members referred to the Country and Marine Parks Board (CMPB) and the Town Planning Board (TPB). The CMPB is a statutory body set up under the Country Parks Ordinance, Cap. 208. It has opened up the meetings of the full Board but not the Committees under the Board since 2000. The agenda of the upcoming meeting is uploaded onto the website before the meeting. Prior registration for attending the meeting is recommended. The public and media attend the meetings as observers in the conference room. Closed-door sessions will be conducted if the matters discussed involve personal, commercial or other issues of confidential nature.

8. The TPB is a statutory body formed under the Town Planning Ordinance, Cap. 131. It has opened up the meetings of the Board and two Committees since July 2005 upon the amendment of the relevant legislation. In accordance to section 2C(1) of the Town Planning Ordinance, all meetings of the Board and its Committees shall be opened to the public except for some specified circumstances under section 2C(2). The meetings are conducted in two parts. The first part of the meeting is held in open when the representatives/concerned parties make their presentations and respond to queries raised by Members. In the second part of the meeting, the Board or its Committee deliberates and makes a decision in private after the concerned parties left the meeting. Prior registration to attend the meetings is recommended. The public and media attend the meetings as observers in a Public Viewing Room. Broadcasting would be temporarily suspended for the closed-door discussion sessions. The agendas, minutes of meetings to be confirmed in the next meeting and a set of guidelines and rules for open meetings are uploaded onto the website. The agendas and papers submitted to the Board or its Committees for consideration are available to the observers in the Public Viewing Room on the date of the meeting.

9. The practices for the CMPB and the TPB might not be relevant to the ACE, given the statutory nature of the two bodies.

Logistical Constraints

10. The conference room in the Revenue Tower currently used for holding ACE meetings is limited in space. It would not be possible to set aside an area to accommodate observers if the meetings were open to the public and the media. Neither would there be room for expanding the conference room.

Advice Sought

11. Members are invited to note the above information.