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Collaboration Among Government Agencies: A Study in the Management of Roadside Skips

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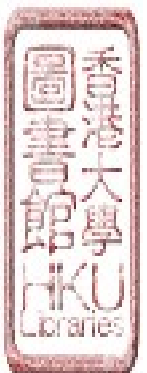
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**Capstone Project Report submitted in partial fulfillment of the requirements of the
Master of Public Administration**

Department of Politics and Public Administration

The University of Hong Kong

2015



DECLARATION

We declare that this Capstone Project Report, entitled
‘Collaboration Among Government Agencies:
A Study in the Management of Roadside Skips’, represents our
own work, except where due acknowledgement is made, and
that it has not been previously included in a thesis, dissertation
or report submitted to this University or any other institution for
a degree, diploma or other qualification.

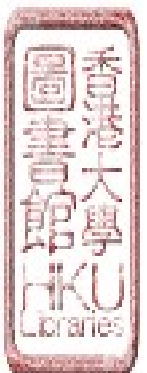
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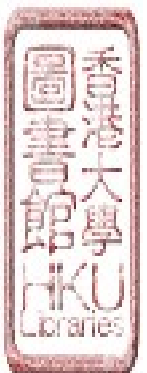
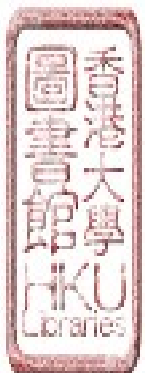
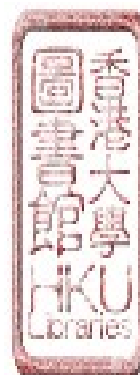


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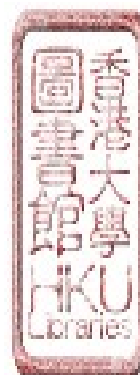
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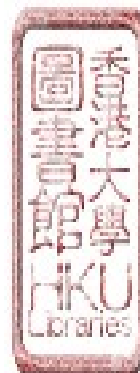
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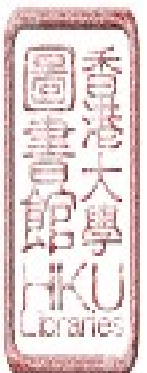
ABSTRACT

This project aims at identifying the type of governance model adopted by the HKSAR Government in management of roadside skips. By applying relevant theories and criteria, the study considers the strengths and weaknesses of the governance arrangements and their effectiveness in management of roadside skips. For the above purposes, a set of research questions is prepared and they provide a logical and step-by-step flow of the study. Empirical analysis is supported by various facts and figures, including from a report of the Audit Commission, news cuttings and other available sources of information. It suggests solutions with a view to enhancing effectiveness of collaborative governance in the management of roadside skips.

The analytical framework for the project is spelt out in Chapter 2, with reference to the evolution of traditional public administration into modern governance as addressed by Salamon (2002), the types of ideal governance identified by Knill and Tosun (2012), the modes of collaborative governance considered by Emerson, et al (2011), and related ideas concerning stakeholder analysis adopted by the World Bank (“World Bank Group Stakeholder analysis”, 2015). Chapter 3 provides an overview of the approach adopted by the HKSAR Government generally in the management of roadside skips with reference to publicized information, including Audit and Ombudsman Reports, news cuttings, and guidelines of responsible Government agencies. Chapter 4 considers the array of stakeholders who hold an interest in the matter of managing roadside skips, followed by the

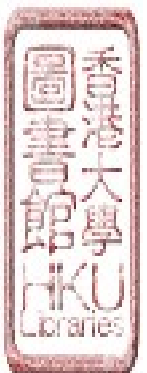


stakeholder analysis by applying the stakeholder influence diagram. Chapter 5 addresses effectiveness, strengths and weaknesses of the governance arrangements with support of empirical facts gathered from sources such as newspaper cuttings and an Audit Report. Chapter 6 concludes the study by summarizing key findings concerning the research questions and providing suggestions on how the HKSAR Government can enhance effectiveness of the management of roadside skips.



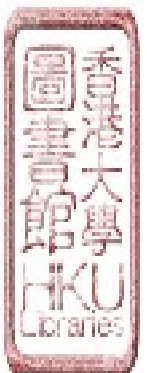
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LIST OF ABBREVIATIONS

DC	District Council
EPD	Environmental Protection Department
FEHD	Food and Environmental Hygiene Department
HAD	Home Affairs Department
HKPF	Hong Kong Police Force
HKSAR	Hong Kong Special Administrative Region
HyD	Highways Department
LandsD	Lands Department
LegCo	Legislative Council
NGOs	Non-governmental organizations
SCDA	Steering Committee on District Administration
TD	Transport Department



CHAPTER 1 - INTRODUCTION

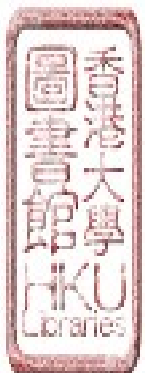
Focus and Objectives

This study focuses on aspects of governance in Hong Kong with particular reference to the extent of dynamics of collaborative governance in the management of roadside skips. It studies and evaluates collaborative effectiveness, strengths and weaknesses by applying relevant theories and criteria suggested by scholars such as Emerson (2011) and Knill and Tosun (2012). Empirical analysis is supported by various facts and figures, including information from a report of the Audit Commission, newspaper cuttings and other available sources. It suggests solutions with a view to enhancing effectiveness of collaborative governance in the management of roadside skips.

The objective of this study is to identify the type of governance model adopted by the HKSAR Government in the management of roadside skips, i.e. collaborative governance. By applying relevant related theories and criteria, the study will consider the strengths and weaknesses of this type of governance and to evaluate its effectiveness in the management of roadside skips. It will also attempt to provide suggestions for enhancing effectiveness of the governance model.

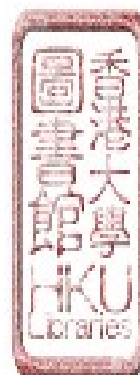
Background

Public administration in Hong Kong is traditionally and commonly perceived as a rather bureaucratic system, or in other words a control and authority approach. Policy design and implementation powers and initiatives concentrated in the hands of



the Government while citizens and private sectors were only recipients. However, as time goes by, it turned out that the Government is unable to be the sole agent in solving various social and political problems, given their complexity, extent of their impact, the increasing awareness of individual rights and overlapping of roles of “private” and “public” sectors. Progressive engagement among public and private sectors, multi-agency / sector cooperation, or collaboration, have been playing a more and more crucial role in effective implementation of public policies and achievement of the policy goals. This leads to evolution from tradition concept or perception of Government into modern governance. As a result, governance in Hong Kong has gradually changed from traditional bureaucracy (control and authority) to a more collaborative mode, i.e. stressing cooperation, or collaboration, between Government, market and society.

Amongst various social problems of Hong Kong, issue of roadside skips is recognized as a typical example that requires collaboration between public and private sectors: its regulation relates to various laws and legislation that fall on the purview of different government departments. On the other hand, its effective regulation heavily relies on cooperation of skips owners, affected parties like local residents, business holders and road users. The effective operation of this matter requires collaboration across various government and private agencies. Whilst the above governance models were intended to deal with structure of government, it is in fact also applicable to cross-sector collaboration, i.e. for collaboration involving non-governmental organizations and private sectors.

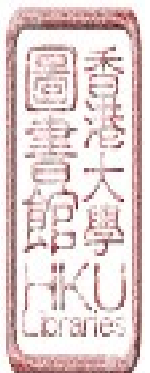


Research Questions and Associated Propositions or Hypotheses: Theory and Practice

The project addresses the following set of research questions:

1. What types of governance can a government adopt to handle various social issues and concerns?
2. What particular type(s) of governance has the HKSAR government adopted in the management of roadside skips?
3. What criteria are appropriately used to evaluate effectiveness of the type(s) of governance?
4. How effective has the type(s) of governance been?
5. How could the type(s) of governance be strengthened to manage roadside skips more effectively?

Given the increasing complexity and the rising awareness of rights and interests of the public, solving of social problems can no longer be performed like in the past in which the Government was the policy designer whilst the public would simply be the follower. The general public is aware of their rights and interests and also more eager to take part in the process of policy design, negotiation and execution. This forms the propelling force for governance to evolve into different types or styles, of which can be defined by the level of participation of the public. Amongst various types of governance model, collaborative governance is recognized as the most significant one as it allows collaboration among various agencies across different

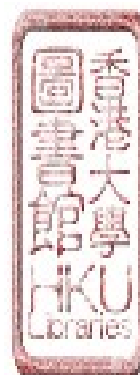


sectors, which creates synergy by channeling resources from different areas or purview to address a problem.

Having said that, collaboration is not by default a panacea to all social problems. By its very nature there exists factors that weaken its effectiveness. An easily imaginable example is the discrepancy in expectation and hence effort of different stakeholders as different interest party will have their own priorities and considerations towards different problems. Thus, analysis of stakeholders' interests is also necessary in the study of collaborative governance.

Overview of the Analytical Framework

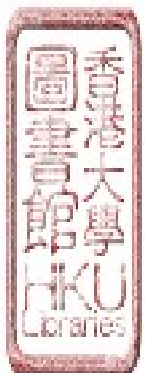
The analytical framework in Chapter 2 spells out theories and concepts that the study will take reference to. It considers the evolution of traditional public administration into modern governance by applying the theory of Salamon (2002). Following this, it distinguishes modern governance into several types as addressed by Knill and Tosun (2012). Amongst the types of governance, it elaborates on collaborative governance by considering the discussion by Emerson, et al (2011), along with reference to related ideas concerning stakeholder analysis addressed by the World Bank (“World Bank Group Stakeholder analysis”, 2015). Criteria suggested by Knill and Tosun (2012) and Emerson, et al (2011) are applied in evaluation of effectiveness of collaborative governance in Hong Kong in terms of the management of roadside skips.



Research Methodology

The project involves desktop research comprising a literature review to establish the analytical framework that underpins the study, which comprises the evolution of traditional public administration into modern governance as addressed by Salamon (2002), types of ideal governance identified by Knill and Tosun (2012), the modes of collaborative governance considered by Emerson, et al (2011), and related ideas concerning stakeholder analysis adopted by the World Bank (“World Bank Group Stakeholder analysis”, 2015), together with empirical analysis drawing on official information and publicized data. Discussions on the development of public administration by scholars and academics serve to examine different notions of public administration, types of modern governance and approaches to evaluate their effectiveness. On the other hand, for empirical analysis on management approaches adopted by the HKSAR Government in addressing the roadside skips issues, reference will be made to official information and publicized data, including Audit Report by the Audit Commission. In addition, newspaper critiques and commentaries will be relied on as sources to assess effectiveness of collaboration in the roadside skips management and provide hints for enhancing effectiveness.

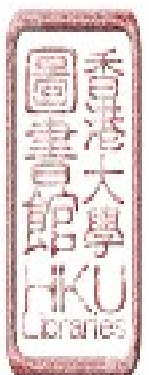
With information collected from the above-mentioned references, the study will find out the type of governance model that the HKSAR Government adopted in handling roadside skips management issues. In response to the research questions, recommendations will be made to suggest how the HKSAR Government could enhance its capacity and effectiveness in managing roadside skips.



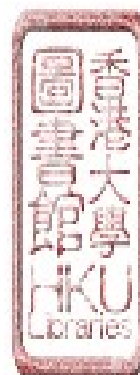
The above methodology approaches the research in a step-by-step manner. It first studies governance at a macroscopic perspective and further breaks down into a specific model of collaborative governance. After that it spells out the theories that could be applied to evaluate the effectiveness. Having established the theoretical foundation and model, they are then applied into the real example of management of roadside skips.

Chapter Overview

This project comprises of six chapters. Chapter 1 is introduction that gives an overview of the study. Chapter 2 spells out the analytical framework for the project, with reference to evolution of traditional public administration into modern governance as addressed by Salamon (2002), types of ideal governance identified by Knill and Tosun (2012), the modes of collaborative governance considered by Emerson, et al (2011), and related ideas concerning stakeholder analysis adopted by the World Bank (“World Bank Group Stakeholder analysis”, 2015) in practice. Chapter 3 provides an overview of the general approach adopted by the HKSAR Government in the management of roadside skips by using some real examples. Chapter 4 looks for the array of stakeholders who hold an interest in the matter of managing roadside skips, followed by the stakeholder analysis by applying the influence diagram. By doing so, different strategies can be tailored to approach different stakeholders who hold unique influence and interest in the matter of roadside skips. Chapter 5 examines the type of governance adopted by the HKSAR



Government in the management of roadside skips and analyzes its effectiveness, strengths and weaknesses with support of empirical facts. Chapter 6 concludes the study by summarizing the key findings addressing the research questions and providing suggestions on how the HKSAR Government can enhance its effectiveness in the management of roadside skips.

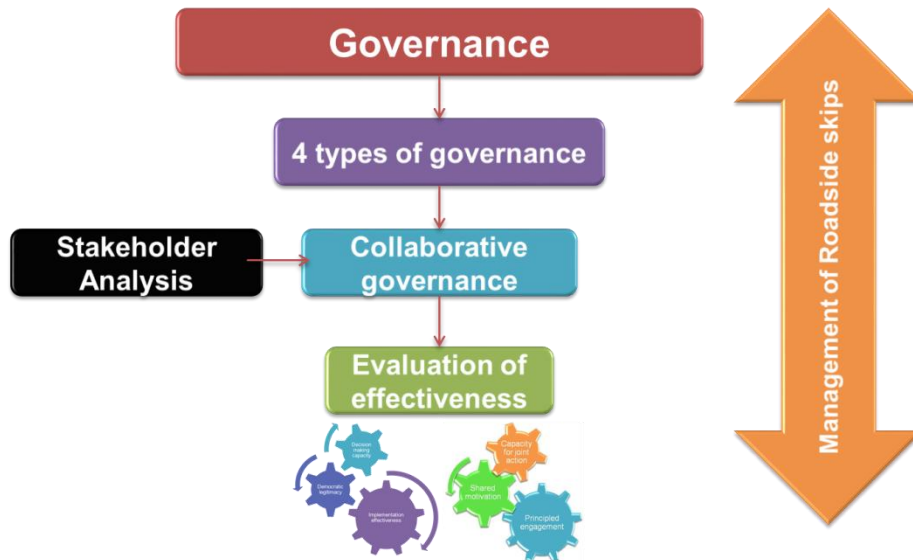


CHAPTER 2 - ANALYTICAL FRAMEWORK

Introduction

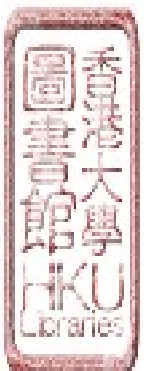
This chapter establishes the analytical framework of the study with particular reference to concepts and ideas about collaborative governance. It considers the evolution of traditional public administration into modern governance as addressed by Salamon (2002), the types of ideal governance identified by Knill and Tosun (2012), the modes of collaborative governance considered by Emerson, et al (2011), and related ideas concerning stakeholder analysis addressed by the World Bank (“World Bank Group Stakeholder analysis”, 2015).

Figure 1 – Analytical framework



What is Governance?

There are different definitions and ideas in the study of governance. In general terms, governance can be referred to structure of government, networking between the



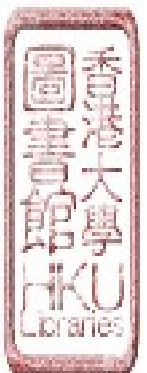
government and the public (or so called private sector) or process in which government adopts to achieve policy goals. Amongst the various theories and ideas, the definition suggested by Knill and Tosun (2012) usefully spells out what “governance” is: the “purposeful attempts at coordinating of individual action” which aim at “achieving various policy goals”. It also includes both “hierarchical and non-hierarchical modes”, including elements such as structuring of a government, developing network between government and the private sector, and any processes that attempt to achieve policy goals.

As time goes by, people noticed the need for refinement and development of governance models to address the more and more complicated and subtle public issues. This leads to theories of “traditional (classical) public administration” and “new governance” and their evolutions (Salamon, 2002).

From Traditional Public Administration to New Governance

Salamon (2002) suggested that the change of traditional government to new governance was mainly due to complicated social problem, which could easily be seen in everyday life. Instead of the traditional dichotomy between government and privatization, he introduced the concept of “new governance” (third-party government) which involves participation of various stakeholders and actors to different extents.

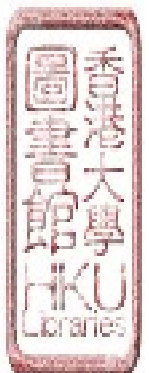
Salamon (2002) further highlighted that new governance can be differentiated from classical (or traditional) public administration in various aspects. First is the focus of policy design. For classical public administration, the focus of policy analysis falls on



program agency or individual public program, i.e. the overall planning of a policy and the people involved in the program. But for new governance, the focus of the same analysis is on “distinctive tools or instruments”, i.e. available resources from various sectors rather than an individual. Different actors hold different purview and characteristics which require different skills to address a public issue jointly. Moreover, tools tend to complicate the issue by broadening the range of options and pool of resources, thus require the development of a system or mechanism of information about the dynamics and characteristics of different tools of public action.

Second is the mode of policy planning. Policy planning in classical public administration is hierarchical or top-down in nature. In simple terms, public policies are designed by the higher level of the Government whilst the public or private sector has very limited say in the process. For new governance, policy design is a network-oriented process. It stresses collaboration among and engagement across different sectors, including both “public” and “private” sectors in the planning process. Policy designed is the fruit of negotiation, compromise and collaboration among stakeholders that lie across different sectors.

The third one concerns the roles of public and private sectors. For classical public administration, there is a clear distinction between public and private sectors. Public sector, which is mainly the government, plays the role of public policy design and implementation whereas the general public, or private sector is barely the policy recipient and complier. For new governance, both public and private sectors have a role in the



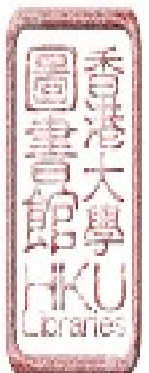
formulation and implementation of public policy. In many scenarios, the private sector even plays a more significant role in the process.

Next is about the approach of policy implementation. For classical public administration, the government adopts a command and control approach in policy implementation. It stresses instruction or order from the government followed by the strict implementation at the execution level. Private sector can only follow the government’s instruction in the process. For new governance, policy implementation is a negotiation and persuasion process. It involves the give-and-take among different sectors which aimed at achieving optimized benefits for the community as a whole.

Last but not the least is the skills sets required. Given the very nature of classical public administration, one may easily imagine that it focuses on management skills, i.e. skills required for effecting a good command and control by the government. But when it comes to new governance, the skills sets required for the government would focus more on the enablement and negotiation skills. The government stresses to empower and motivate responsible sectors to contribute to their respective purview. Table 1 summarizes the above difference between classical public administration and new governance.

Table 1 – Difference between classical public administration and new governance

Classical public administration	New governance
Focus on program/ agency	Focus on tool



Classical public administration	New governance
Hierarchy	Network
Public vs. private	Public + private
Command and control	Negotiation and persuasion
Management skills	Enablement skills

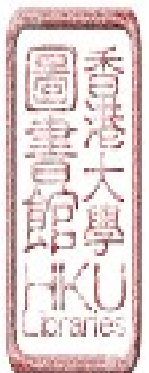
Source: Salamon (2002)

Given the concept of new governance, there exists public issues of different natures which require different styles or modes of collective coordination or collaboration in the problem-solving processes. The arrangements involve different types of governance.

Types of Governance

There are various models that describe different types of governance based on different characteristics. What suggested by Knill and Tosun (2012) best suits this study of collaborative governance. According to Knill and Tosun, governance is the purposeful collective coordination of action by different individual players to achieve policy goal or goals. Different models of governance co-exist and indeed different policy issues often require the flexible use of these models. Knill and Tosun further suggested the below four types of “ideal” governance with their respective characteristics.

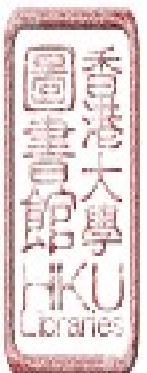
The first type is interventionist governance. This is characterized by the “limited governance capacity” of the private sectors. The overall responsibility of provision of public goods rests with the government. Relationship between public and private sectors



is hierarchical in nature, whilst the government will play an intervening role “top-down” in the society with its clearly defined rules and regulations. In other words, the government adopts a “command and control” approach in public policy design and implementation under this model.

The second one is regulated self-governance. Under self-governance the government will still adopt hierarchical intervention strategy through legally binding rules similar to interventionist governance. However, there will be stronger cooperative relationships between public and private sectors during the formulation and implementation of public policies. The society is involved in the process by following clearly formalized and institutionalized procedures set by the government, in which the latter still controls the making of final decision on policy and regulatory arrangements. Power is delegated to private actors in various forms, but again the government is still capable to intervene as if the case of interventionist governance should there be governance failures.

Next is the cooperative (or collaborative) governance. Under this type of governance, definition and application of instruments does not occur on the basis of legally binding requirements, but through negotiations and voluntary agreements between public and private stakeholders. Policies are the result of bargaining and negotiation processes, in which both public and private sectors participate on an equal basis where they cooperate to define the rules of the game and its development. “Joint policy-making” is introduced to replace hierarchical intervention by voluntary agreements between public and private actors, e.g. industry associations. In this type of governance, private sectors are the



dominant in the process of policy formulation, instead of the government in the previous two models.

The fourth one is private self-governance. For this type of governance, definition and implementation of public policies completely rely on private actors that act in accordance with voluntary rather than legally binding instruments. The government may still play a role in providing complementary governance contributions, e.g. increase the legitimacy by officially acknowledging the outcomes of private governance, by mediating and moderating between conflicting interest groups, stimulating communication and coordination between actors.

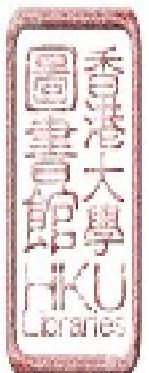
Table 2 summarizes the distinction between the above-mentioned types of governance, in terms of their degrees of legal obligation and public-private cooperation:

Table 2 – Distinction between 4 types of governance

		Cooperation of public and private actors	
		High	Low
Degree of legal obligation	High	Regulated self-governance	Interventionist governance (Government)
	Low	Cooperative governance	Private self-governance

Source: Knill & Tosun (2012)

Over the years, the role of government in general sense has shifted, at least partly, from providing a whole array of public goods and services to that of establishing regulatory



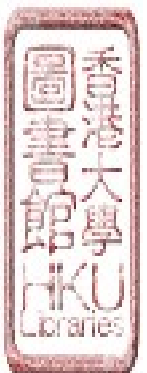
frameworks for the provision of goods and services by private actors. Meanwhile, experience shows that more and more social problems can no longer be addressed by the government solely and required the cooperation of stakeholders from both public and private sectors in order to achieve the policy goals. For this reason, collaborative governance, in which the term “collaboration” can better describe the interaction between the government and the private sectors than “cooperation”, is considered to be a particularly important type of governance nowadays.

Collaborative Governance

Emerson, et al (2011) suggested the following integrated framework of collaborative governance. The framework comprises three inter-related dimensions.

The first dimension is the general system context. It refers to a basket of political, legal, socio-economic, environmental and other factors of influence that both affect and being affected by the collaborative governance regime. System itself generates opportunities and constraints and thus substantially influences the dynamics of the collaboration throughout the entire process of collaborative governance. Meanwhile, the presence of drivers such as leadership, incentives, interdependence and uncertainty can help initiate and set direction for collaborative governance regime.

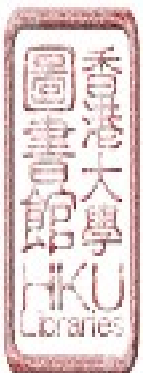
Next is the collaborative governance regime. It is contained under the general system context and is the essence of collaborative governance. Collaborative governance regime refers to a particular mode of, or system for, public decision-making in which



cross-boundary collaboration represents the prevailing pattern of behavior and activity. It is further divided into collaborative dynamics and collaborative actions which jointly shape the overall quality and extent to which a collaborative governance regime is developed and become effective.

Finally is the collaborative dynamics and actions, which are further divided into three components, namely principle engagement, shared motivation and capacity for joint action. For principled engagement, it refers to the process of engagement with different stakeholders at different points and can take place in face-to-face or virtual formats, cross-organizational networks, or private and public meetings, among other settings. Through principled engagement, people with different content, relational, and identity goals work across their respective institutional, sectoral, or jurisdictional boundaries to solve problems, resolve conflicts, or create values. Who the participants are and who they represent are of signal importance to collaborations. General agreement for getting the “right” people to complete the task is essential.

Shared motivation is a self-refining cycle consisting of four elements, namely mutual trust, understanding, internal legitimacy, and commitment. It highlights the interpersonal and relational elements of the collaborative dynamics and is sometimes referred to as social capital. It is partly initiated by principled engagement and it is an intermediate outcome of that. It also reinforces or accelerates the principled engagement process once initiated. Trust happens over time when parties work together, get to know each other, and prove to each other that they are reasonable, predictable and dependable. It also generates mutual understanding, which in turn generates legitimacy and commitment.



For capacity for joint action, as the purpose for collaboration is to achieve the intended outcomes which could not be accomplished by a single stakeholder separately, the collaborative governance regime is thus expected to generate a new capacity of joint action that did not exist before and sustain or grow for the duration of the shared purpose. The necessary capacity building is specified during principled engagement, derived from the participants explicit or tacit theory of action needed to accomplish their collaborative purposes, and likely to be influenced by the scope and scale of the group's objectives and activities. It is a combination of four elements: procedural and institutional arrangements, leadership, knowledge and resources. Capacity for joint action can also be viewed as an intermediate outcome of the interacting cycles of principled engagement and shared motivation. However, as it develops, it can also strengthen or improve the engagement and shared motivation cycles, and in synergy, assure more effective actions and impacts.

The above framework for collaborative governance is visualized in the Figure 2. The three components work together in an interactive and iterative way to produce collaborative actions or the steps taken in order to implement the shared purpose of the collaborative governance regime:

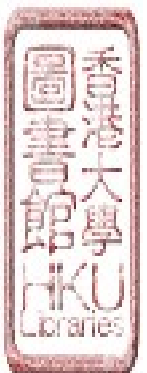
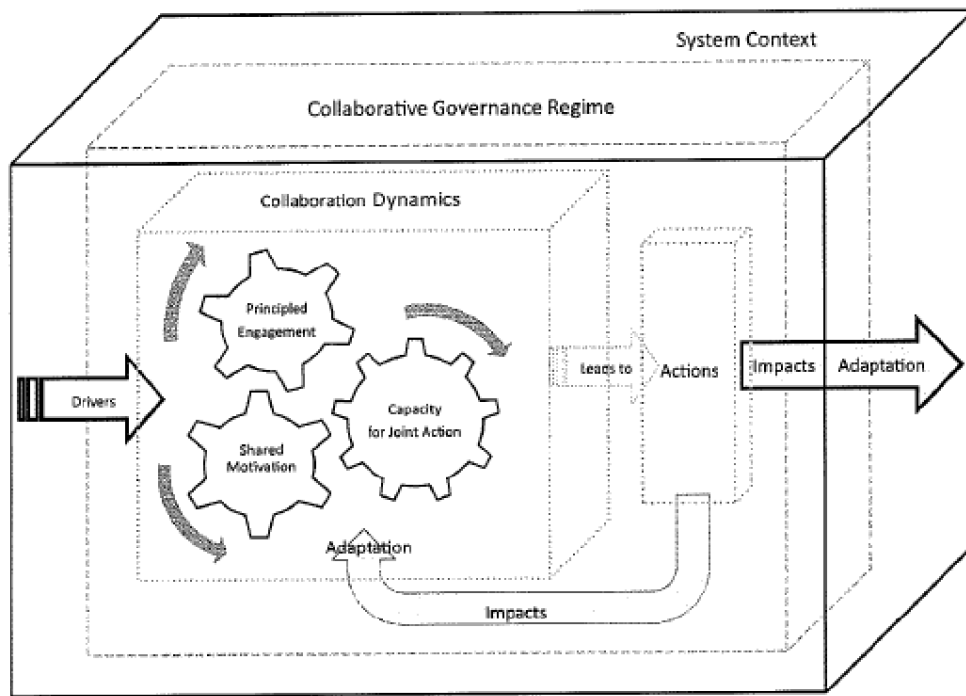


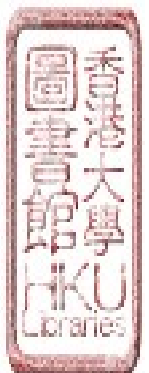
Figure 2 – Framework of collaborative governance

The Integrative Framework for Collaborative Governance



Source: Emerson, et al (2011)

Collaboration by its nature implies the participation of more than one stakeholder. The extent of impact, involvement, etc. resulted by the collaboration will affect the attitude, drive and hence performance and effectiveness of different stakeholders in the process of policies formulation and implementation. This directly affects the intended policy goals. Thus, in the study of the collaborative governance, it is necessary to introduce the element of stakeholder analysis in order to collate and understand the acts of different stakeholders and their rationale.

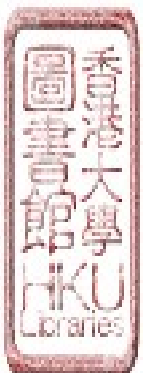


Stakeholder Analysis

By adopting the version of the World Bank (“World Bank Group Stakeholder analysis”, 2015), stakeholder analysis is the “methodology used to facilitate institutional and policy reform processes by accounting for and often incorporating the needs of those who have a ‘stake’ or an interest in the reforms concerned”. In the context of collaborative governance, stakeholder is an entity who holds a declared or perceivable interest (and hence “stake”) in the collaboration process in the context of collaborative governance.

In the collaborative governance context, policies are the result of bargaining and negotiation processes, in which stakeholders from both public and private sectors participate on an equal basis where they cooperate to define the rules of the game and its development. This equal basis is formed on the various and very often unique, powers, resources and other relevant attributes being held in the hands of the stakeholders. Different stakeholders have different priorities and purview owing towards any particular issue, and thus their drives or motivation will show discrepancy in addressing any public policy issue.

Stakeholder analysis is thus necessary to understand the factors that lead to the discrepancy in drives or motivation of different stakeholders in a policy formulation and / or implementation process, which substantially determines the success or failure of the collaborative governance. Also, it throws light on the strategies of enhancing effectiveness of the collaborative governance model.



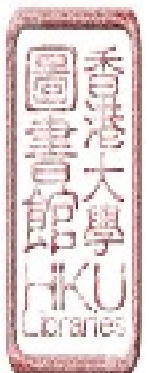
Collaborative Governance and Stakeholder Analysis: Evaluation of Effectiveness

Knill and Tosun (2012) and Emerson et al (2011) had suggested different sets of criteria that can be used to evaluate the effectiveness of a collaborative governance model.

Knill and Tosun (2012) suggested the criteria of level of decision-making capacity of a political system, effectiveness of policy implementation and level of compliance and democratic legitimacy.

Decision-making capacity of political systems varies with levels of discretion and obligation implied by different modes of governance. Capacity is higher if more powers and discretion are delegated to lower institutional levels (i.e. decentralization) and to private actors. The more the precise specification of policies is made to other actors or institutional levels, the easier it is to adopt these policies at the central level, and vice versa.

Effectiveness of policy implementation and level of compliance refers to the combination of the “push” factors by the government and “pull” factors from the private sectors. The higher the extent of hierarchical control by the government, the stronger is the “pushing ability” to ensure the implementation and compliance of the public policy. However, if more discretion and self-governance is allowed to the private sectors, there will be a stronger “pulling force” or incentives among the private sectors for full implementation and compliance. No governance model works equally well for all constellations. Rather appropriate governance arrangements have to be designed carefully by taking into account



the specific institutional and problem structures in hand. So modes of governance adopted require a subtle balance.

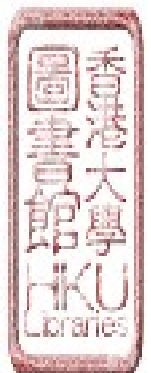
Democratic legitimacy focuses on “due process” and accountability of the governance pattern. “Due process” refers to the decision-making and implementation phase and claims public support by “equal and wide participatory rights” given to stakeholders. In other words, it relates to the extent of participation and equality in the policy formulation by the stakeholders.

Emerson et al (2011) suggested that effectiveness of a collaborative governance model can be done by applying the three components under the collaborative dynamics of their model: (1) the extent of principled engagement, (2) the level of shared motivation, and (3) the capacity for joint action – as addressed earlier in this chapter. The pertinent factors are set out in Table 3.

Table 3 – Pertinent factors of the 3 components under collaborative dynamics

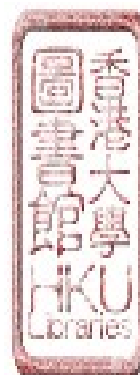
Collaborative Dynamics		
Principled Engagement	Shared Motivation	Capacity for Joint Action
- Discovery	- Mutual Trust	- Procedural/ Institutional
- Definition	- Mutual Understanding	Arrangements
- Deliberation	- Internal Legitimacy	- Leadership
- Determination	- Shared Commitment	- Knowledge
		- Resources

Source: Emerson et al (2011)



Concluding Comments

Among the various theories of public governance, the discussion here has identified collaborative governance to be the most significant and common model nowadays to address various social problems. In the following chapters, as structured and guided by the analytical framework developed out in this chapter, the analysis will concentrate on issues and concerns of collaborative governance in managing roadside skips in Hong Kong, which is considered to be a typical public issue that requires the application of collaborative governance and is in fact being applied to a limited extent. Applying the evaluative criteria suggested by Knill and Tosun (2012) and Emerson et al (2011), an assessment is made of whether the current management of roadside skips in Hong Kong is a success or failure, followed by suggestions for potentially improving the arrangements.



CHAPTER 3 – ROADSIDE SKIPS: A COMMON ROADSIDE OBSTRUCTION PROBLEM IN HONG KONG

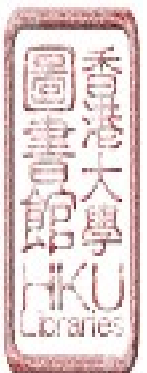
Introduction

Hong Kong is a busy and crowded city with a population of over seven millions packed in about 1,000 square meters area. Roads and pathways are always flooded with vehicles and people and they all compete for limited spaces. What even worse are the high rental prices in Hong Kong, which make it difficult for business owners to run their businesses, so some owners may illegally occupy the roadside for displaying their goods, placing additional tables for restaurants, or dumping construction wastes. Thus, roadside obstruction is a common district administration issue in Hong Kong. It is certainly not limited to the placement of skips.

Roadside Obstruction: A Common and Widespread Problem

Illegal shop front extension

One of the roadside obstructions usually seen is the occupation of public places by shops. The shop owners occupy the road or public area adjacent to their shops to conduct their businesses, such as displaying of goods, or using the places as storage area. This causes nuisance, inconvenience and safety hazards to the pedestrians and road users. The pedestrians may have to walk on the vehicular road as the walkway is blocked because of shop front extension.



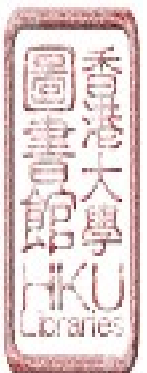
There are various government departments to tackle the problems, including HKPF, FEHD and HAD. But there are limitations of existing enforcement strategies, including the inapplicability of legal tools in targeting shop front extensions, the long lead time of prosecution (one to two months for a summons to be issued and another two months for court hearing) and the light penalties (\$595 on average while maximum level of fine is \$5,000). These made the enforcement actions not effective and the problems not being solved. A consultation was launched in 2014¹ to propose stepping up the enforcement by introducing a fixed penalty system and enhancing community involvement to better satisfy the needs and aspirations of the public in specific districts.

Illegal extension of business area by restaurants

Another common roadside obstruction is the extension of business area by restaurants. As the rental price of the business area is very high, many restaurants can only rent a very small indoor licensed area for business, which can only accommodate small number of customers. In order to survive in the keen competition, some restaurant owners will place the tables and chairs outside their licensed shop areas, for example on pedestrian roads, under the footbridges, outside the wet markets. They will usually extend the business area at nights and weekends to attract more customers. Some will even occupy the whole pedestrian road and add a shelter to create a better environment for the customers.

Although the extension of business area can attract more customers and the restaurant owners can earn more, this causes environmental hygiene, noise problems to upstairs and

¹ Public Consultation on Enhanced Measures against Shop Front Extensions:
http://www.had.gov.hk/en/publications/consultation_papers/sfe.htm

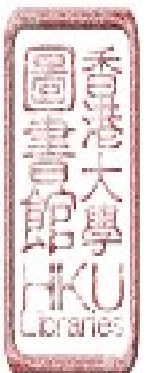


nearby residents. The restaurant owners would leave the road unclean and the food residue on the road will cause unpleasant smell to the nearby residents. In addition, as the pedestrian road is blocked, people may have to walk outside the pedestrian road and move onto the vehicular road, which causes danger to both the pedestrian and vehicular road users.

The FEHD, as the licensing authority of restaurants, is responsible for the enforcement against restaurants. The LandsD, which is responsible for the land administration, can take enforcement actions against the illegal occupation of Government land. However, their actions are not effective. As revealed by a direction investigation conducted by the Ombudsman², the FEHD does not have adequate resources and lack of determination in dealing with repeated offenders. The existing licensing system is lenient and it is very difficult to suspend or cancel the license of the restaurant, and even the license is cancelled, the same person can still apply for a new licence afterwards without any restrictions. For the LandsD, their major target is to tackle illegal occupation of Government land which is more permanent in nature, thus they seldom conduct inspections and take enforcement actions against roadside obstructions by restaurants as they are usually not permanent.

Indeed, the fines imposed by the court are usually between \$2,000 and \$3,000 only. The restaurant owners can easily back earn these amounts of fines and they usually treat the fines as a part of rental fee. The punishment has no deterrent effect to the offenders.

² Ombudsman's Direct Investigation Report on the Regulatory Measures and Enforcement Actions against Illegal Extension of Business Area by Restaurants
http://ofomb.ombudsman.hk/abc/files/2013_03_01_0.pdf



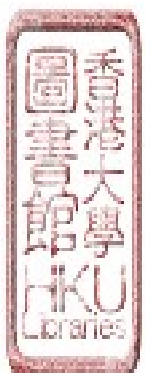
The Ombudsman has suggested the departments to step up enforcement actions by targeting resources to repeated offenders, identifying blackspots in each district, publishing the offender records through media, and engaging with the District Councils (DC) to seek their views and supports on the enforcement plans.

Illegal parking on pedestrian road

Another roadside obstruction is caused by illegal parking. As revealed by the media on the complaints received, some drivers illegally parked their cars on the pedestrian roads and occupied the Government Land. Not only this will cause the obstruction to pedestrian, it will also cause damage to the pedestrian roads as they are not designed for supporting the weight of cars.

The cause of illegal parking is that the supply of legal parking spaces (e.g. parking lots at streets, car parks) cannot catch up with the rising demand of cars in Hong Kong. A study conducted by the Bauhinia Foundation Research Centre revealed that there are about 670,000 licensed vehicles in Hong Kong, while there are only 690,000 parking spaces. As the land in Hong Kong is scarce, the space allocated for car parking is not enough. Thus some drivers may just park their cars on the nearby pedestrian road.

The HKPF can issue fixed penalty ticket to the drivers if they park the cars on pedestrian roads. But the enforcement effort is not effective as the cause of problems is that the supply of legal parking spaces cannot meet the demand of parking spaces. In late 2014, the Transport Advisory Committee has released a report on Study of Road Traffic

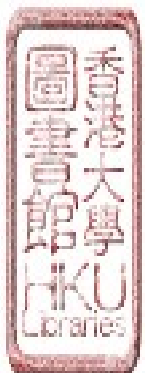


Congestion in Hong Kong³, it recommends, among other recommendations, to step up enforcement actions by increasing the level of fines of fixed penalty (as the fine has not been raised since 1994 and lost its deterrent effect to the offender), deploying more resources to enforcement done by the HKPF and enhancing publicity and education. Moreover, by employing latest information technology, it is also recommended that information on parking vacancies can be disseminated in real time to car drivers via mobile devices, so that they can plan their routes and identify suitable parking spaces nearby.

Placement of Roadside Skips as a Significant Obstruction Issue

Apart from above roadside obstruction examples on shop front extension, illegal extension of business areas by restaurants and illegal parking on pedestrian area, there is another type of roadside obstruction that draw rising attention from the public: placement of roadside skips. Similarly, the roadside skips causes nuisance to the public nearby (which will be described in the later paragraphs) and various government departments are responsible in enforcing different ordinances under their purview. Unlike the above examples, roadside skips are placed nearly anywhere on streets, they are not placed in specific area as it is usually placed near a construction sites / buildings requiring refurbishment. They are placed on the street temporarily for a few days and probably will be relocated to another location. Also, there is no licensing system, it is difficult to identify the owner and prosecute them if they violate any ordinances. (The present management of roadside skips will be described in the latter paragraphs)

³ Transport Advisory Committee, Study of Road Congestion in Hong Kong
http://www.thb.gov.hk/eng/boards/transport/land/Full_Eng_C_cover.pdf

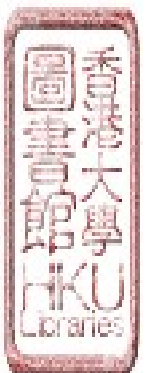


The problems of roadside skips are getting more alarming, as it can be seen from the increasing number of complaints from 645 in 2008 to 1,366 in 2012, causing injuries and nuisance to public. The LegCo and DC members have expressed concerns on this from time to time. For example, in 2012 the Sham Shui Po DC⁴ has discussed on the management of skips and considered that there is no co-ordination among different departments, members suggest the departments acting proactively and establishing a designated area for skips, amending the Building Ordinance to regulate construction companies and involving the public to decide proper locations for placement of skips. In 2014, the Yau Tsim Mong DC⁵ also discussed on the management of skips, representatives of government departments (such as LandsD, HKPF, EPD) have explained to district councilors the established policy and the enforcement measures against obstruction and nuisance caused by the roadside skips.

Thus, the management of skips is a good illustrative example for studying the management of roadside obstruction problems and the collaborations among various parties. The following paragraphs will describe the roadside skips problems and to understand the collaboration approach used

⁴ Meeting note of Sham Shui Po District Council, Traffic Affairs Committee:
[http://www.districtcouncils.gov.hk/ssp/doc/2012_2015/common/committee_meetings_minutes/TAC/TAC_4M\(19-07-2012\).pdf](http://www.districtcouncils.gov.hk/ssp/doc/2012_2015/common/committee_meetings_minutes/TAC/TAC_4M(19-07-2012).pdf)

⁵ Meeting note of Yau Tsim Mong District Council, Traffic Transport Committee:
http://www.districtcouncils.gov.hk/ytm/doc/2012_2015/tc/committee_meetings_agenda/TTC/TTC%20Chi_Agenda_12th_dd%2016.1.2014.pdf



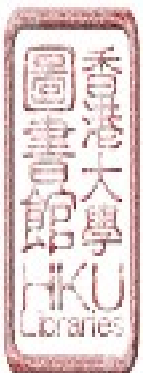
Skips are large open-topped containers placed at roadside to store construction waste from the building or renovation site nearby. The skips can serve the practical needs of the trades as they can store the wastes in skips for a few days and transport them away when the skips are fully loaded. This is an effective means to reduce environmental nuisance to the public nearby, comparing to dumping the waste casually on the street.

There is no government monitoring system on the skips and no single government department is responsible for the overall management of the skips. And also no government survey has been done to understand the total number of skips in operation, number of skips operators or number of skips placed at roadside every day.

While conducting an audit review (Director of Audit Report No. 61, 2013) in August 2012 to July 2013, the Audit Commission has identified a total of 470 skips for inspection in three districts, namely Hong Kong East, Wan Chai and Yau Tsim Mong.

Problems Caused by Roadside Skips

While the trade welcomes the introduction of skips, the placing of skips at roadside can facilitate them in handling the construction waste properly, the roadside skips can cause different problems. The main problems include unlawful occupation of government land, obstruction to traffic, increasing safety risks to road users, damage to roads and causing environmental and hygiene problems.



Unlawful occupation of government land

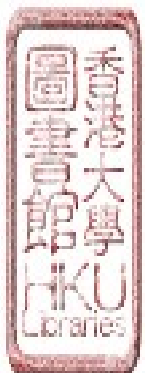
As most streets in Hong Kong are government land, the prolonged placing of skips at roadside will occupy the government land and violate the law. Unless the skips owner apply for a temporary licence for occupation of unleased government land from the LandsD, the skips owners are not allowed to occupy the land without the permission from the Government and paying an appropriate rate of rents. This is stipulated in the Cap. 28 - Lands Ordinance, however, occupation of land usually refers to a more permanent nature (e.g. the erection of a structure like shelter, storey building) and thus if the skips are only placed temporarily, it will be in doubt whether it is an “occupation” of land.

Obstruction to traffic

Some skips were placed at no-stopping restricted zones and some occupied the bus routes. As the traffic is already very congested in the central business areas, the huge skips blocking a lane will make the traffic even worse. The drivers have to slow down and drive around the skips carefully to avoid any accidents. According to the Audit Commission, 39% of skips out of a total 470 skips inspected are placed at no-stopping zones and 19% on bus routes (Director of Audit Report No. 61, 2013). Moreover, some skips were placed at roadside for weeks, which seriously obstruct the road and cause great inconvenience to other road users.

Safety risks to road users

99% of skips were not equipped with flashing lights or reflective strips (Director of Audit Report No. 61, 2013), so drivers may not easily notice the location of the skips, especially at night or in rainy days. This may cause traffic accidents and cause serious injuries.



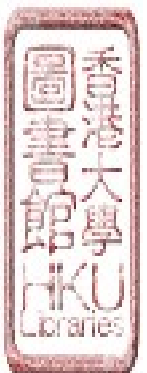
Also, 25% of skips are placed near the junctions, pedestrian crossings or the entries and exits of buildings (Director of Audit Report No. 61, 2013). The vehicles will have chance to pump into the skips accidentally and cause injuries to the passengers and pedestrians. In July 2011, a minibus was crashed into a roadside skips and caused three passengers injured and the drivers seriously injured.

Damage to roads

During the hauling and lifting of skips onto the lorries for sending them to waste collection site, damages will be caused to the road especially when the skips are fully loaded (as the weight of the construction waste is very large). The skip owners usually do not repair the road nor report it to the Highways Department (HyD). The cracked roads will increase risk and pose imminent danger to other road users and if the drivers are not aware the damage of the roads, they may lose control of their car and cause serious traffic accidents. The damaged roads also require additional government spending in the subsequent repairing works. While the Government can ask the skip owners to pay back the repairing cost, the skip owner cannot be easily traced as there is no registration system now.

Environmental and hygiene problems

As the skips were placed on the street for days and 99% them were not covered with waterproof canvas (Director of Audit Report No. 61, 2013), the construction waste will cause nuisance as the dust will be spread by wind to nearby public. Also, as the skips are exposed on the street, the sunlight and raindrops will cause chemical reactions with the construction waste inside and create bad odor to the nearby residents.



In addition, 100% of skips did not have clear markings indicating that the disposal of other wastes (such as domestic waste, chemical waste) was not permitted (Director of Audit Report No. 61, 2013). People may treat the skips as a temporary waste collection point and put other types of wastes such as domestic wastes, chemical wastes, and commercial wastes into the skips. This will cause serious hygienic nuisance to the neighbourhood as well as creating bad odor.

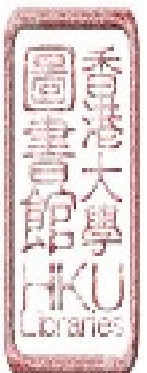
While the roadside skips can cause different kinds of problems to the nearby community, it is not surprising that the general public will complain to the government departments and ask for remedial actions. How the departments react to the complaints and their roles and responsibilities will be described in the following paragraphs.

Present Management of Roadside Skips

There is no single government monitoring system regarding the management of roadside skips. Each department uses its own legislation under its purview to tackle the problems of roadside skips.

Lands Department (LandsD)

If the skips occupy any government land, LandsD can use Cap. 28 – Land (Miscellaneous Provision) Ordinance to remove the skips. The ordinance requires the staff to issue a removal notice and then place it on the skip to require the skip owner to cease the unlawful occupation of Government land before a specified date. After the expiry of the notice, LandsD can ask their contractors to remove the skips and take prosecution actions against

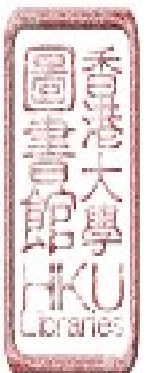


the skip owner. However, if the skips are removed (or being moved to another places), no further action could be taken by the LandsD. As the skips are temporary in nature, the owners can easily avoid prosecution by moving the skips slightly away to the original location. Thus the enforcement actions are not effective.

Indeed, the Cap. 28 Ordinance is a land administration tool for the management of government's land right on a long-term basis. The main targets are the permanent structures and unauthorized building works. Though the ordinance can still be applied to skips which are short-term and movable in nature, enforcement priority would be given to the unlawful occupation of government land in permanent nature. Thus the LandsD would give a lower priority in removing the roadside skips and deploy less staff resources in routine inspections.

Hong Kong Police Force (HKPF)

While patrolling on streets or receiving public complaints about roadside skips, police officers will inspect the skips on site. If a police officer finds that the skip is causing serious traffic obstruction or imminent danger to the public, the officer can arrange contractor to remove the skips and prosecute the skip owner using the Cap. 228 – Summary Offences Ordinance. From 2008 to 2013, the HKPF has removed 32 skips and taken prosecution actions in 25 cases. All cases were convicted and the fines were less than \$2,000 (Director of Audit Report No. 61, 2013). The amount of fines is too little and probably the skip owners (usually employed by the construction companies) will treat it as a rental fee rather than a punishment. The existing prosecution has no deterrent effect to the skip owners.

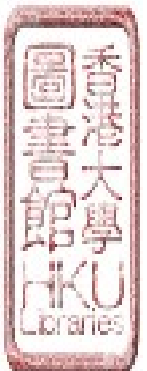


Food and Environmental Hygiene Department (FEHD)

If the waste inside the skip causes environmental nuisance to the nearby public (such as bad odor caused by the construction waste or other domestic waste), the FEHD may take enforcement action under the Cap. 132 Public Health and Municipal Service Ordinance and ask the owner to remove the skips. However, this is not the main priority of the departments, as the workmen of the department or the contractors mainly concerns about the cleansing of streets or emptying the waste collection bins. There is no mandatory requirement for the contractors to conduct inspection to the skips and remove any waste inside the skips. Except receiving public complaints on the skips, the department will not conduct inspection and remove any wastes inside the skips as the wastes are actually the property of the skips owners. During the past ten years, there is no record on enforcement action against skip owners. It shows that the department probably would not use this statutory power in the management of skips.

Transport Department (TD)

As the skips placed on a road cannot be defined as a vehicle (which have wheels and electrical parts and can run on the roads independently), it could not be regulated like other vehicles under the Cap. 374 - Road Traffic Ordinance. The TD considered that the obstruction to traffic by skips is a traffic management problems and the department should not account for the single responsibility for the management of skips. The responsibility should be shared among different government departments, such as LandsD, FEHD, the HKPF and HyD.

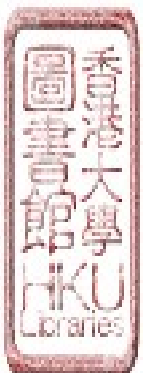


In 2008, the department has consulted with the trades and issued a guideline on good practices in placing skips on roads⁶. It highlighted several points to note, such as the placing of skips at a proper location, painting the skips in bright yellow color with reflective strips, attaching yellow flashing lights at corners of the skips during night time. However, as the guideline is not promulgated under any ordinance, skip owners are only requested to comply with the guidelines voluntarily. From the Director of Audit's review, it was found that no skip inspected (out of a total 470 skips) fully complied with the guidelines. (Director of Audit Report No. 61, 2013)

Environmental Protection Department (EPD)

The management of skips is outside the purview of the Cap. 354 - Waste Disposal Ordinance. The department does not have specific power or roles in the management of skips. In 2007, the EPD consulted the trades and issued guidelines about the environmental measures in placing the skips on street, such as covering them with waterproof canvas, suspending the operation of skips at mid-night. It was hoped that the skips owners could follow the measures and reduce the environmental nuisances caused to the nearby residents. The guideline was incorporated in the similar guideline issued by the TD as discussed above. However, the environmental protection measures are only some general advices and the guideline is for voluntary compliance.

⁶ Guidelines for Mounting and Placing of Skips:
http://www.td.gov.hk/filemanager/en/publication/skip_en.pdf



Highways Department (HyD)

If the road is found damaged by the operation of skips (as during the loading and unloading the skips on ground, the skips may make cracks on the ground), the HyD is responsible for the maintenance work. The related repair cost could be sought from the skip owners, if identified. However, as there is no registration of skips now, it is very difficult to trace back the skips owners and ask for the recovery of the maintenance work. Therefore extra government money is required for the cost of work.

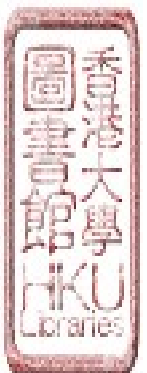
Home Affairs Department (HAD)

As the management of roadside skips involves various departments, the HAD has taken up the co-coordinating role. The department does not have any statutory power in the management of skips. It only acts as a liaison officer to exchange information among different parties and follow up of some complicated complaints. Whenever needed, the department will consider coordinating some interdepartmental joint operations to remove the skips.

The district office of each district (managed by the HAD) may also receive suggestions and complaints from the district councilors, the district officer (head of the district office and being the government representative at the district level) can liaise with different government departments and follow up on the concerns of the district councilors.

Steering Committee on District Administration (SCDA)

In 2007, the Home Affairs Bureau set up a Steering Committee on District Administration (SCDA) to enhance the collaboration among departments in dealing with district

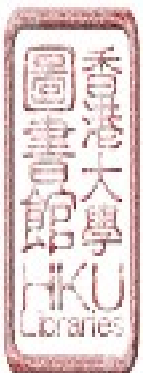


management issues, including tackling problems caused by skips. The committee agreed that under different circumstances, the LandsD and the HKPF have different roles and responsibilities on taking enforcement actions against skips: for those skips causing serious obstruction and imminent danger, the HKPF should take the enforcement actions, while for others, the LandsD should treat the skips as unlawful occupation of land and take appropriate enforcement actions. Also, the committee requested the TD and the EPD to issue guidelines for voluntary compliance by the trades, so that the nuisances caused by the roadside skips could be minimized.

In 2009, the Committee considered that the problems caused by roadside skips are not that serious and do not require for establishing a permit system through legislation process (Director of Audit Report No. 61, 2013). The government departments can use the existing statutory power to manage the roadside skips. In 2010, the Committee considered that the problem was generally under control thus the issue would not be further discussed at the subsequent meetings. However, there is no evidence provided by the Committee that the problem caused by skips was not serious.

Overall

All in all, there are various government departments responsible for the management of roadside skips and there is no specific department that is specifically responsible and no specific ordinances regulating the operation of skips. The departments use the enforcement authorities guided by different ordinances to manage the roadside skips in different situations. While there is collaboration among departments, it is in an ad hoc manner and the outcome of collaboration is yet to be seen.



Roadside Skips Occasioning Accidents

Traffic accidents

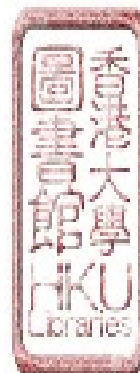
In the late night on 11th July 2011, it was reported by Apple Daily News⁷ that a minibus crashed into a roadside skips parked on the 2nd lane of Station Lane in Hunghom, causing severe injury to the driver and some minor injuries to 3 passengers on board. The District Councilor complained that government departments would not work with initiative on the issue until complaints were received, and it took very long before the problems were being addressed by various departments.

The hazards posed by roadside skips to road users were more than the abovementioned, and even the law enforcement agency. Another case to demonstrate happened in the early morning on 18th November 2013 as reported by Apple Daily News⁸, whilst a driver of a 16-seater was turning into Connaught Road, his sight was blocked by a roadside skip and he accidentally bumped into a traffic policeman who was driving a motorcycle along Connaught Road. The policeman suffered minor injury and was hospitalized.

Indeed the blockage of road by skips could be found everywhere in Hong Kong. In Yau Ma Tei, there was a taxi station in Bute Street, in the vicinity of where Kwong Wah Hospital was situated. Some of the patients would take a taxi and drop off there for medical consultation. However, Oriental Daily News reported on 26th October 2014 that a skip was found being placed exactly on the taxi station layby, completely blocking the get

⁷ <http://hk.apple.nextmedia.com/news/art/20110711/15420209> (Retrieved on 2015, May 20)

⁸ <http://hk.apple.nextmedia.com/news/art/20131118/18512666> (Retrieved on 2015, May 20)



on / drop off of passengers⁹. When there was no enforcement being taken by government departments, such behaviour would send a wrong message to the members of public as acceptable and tolerable, causing more and more obstructions and potential traffic accidents in the neighbourhood.

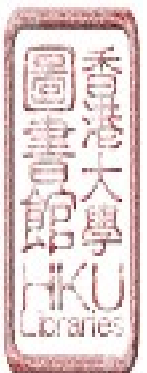
On 26th September 2012, a traffic accident was reported by Headline Daily News¹⁰ in Wanchai near the Academy of Performing Arts, during which a taxi crashed into a roadside skips when it was turning left into the Performing Arts Avenue from Harcourt Road. Two roadside skips were placed on the second lane of the Performing Arts Avenue but the taxi driver could not see them clearly and crashed into one of them accidentally, causing injury to a passenger aged 85 on board. According to the news reported, the Police attended scene and notified the owner of the skips to move them away, and the owner undertook to do so within 2 days.

Normally it would be expected that a responsible and efficient government to have tackled the problem within a short period of time and carry out measures in order to avoid similar incidents from happening again. With the mandate stipulated in law authorizing the government departments to take action, a roadside skip being placed on the carriageway should be dealt with by the HyD, by the LandsD on government land, or by the HKPF if serious obstruction was caused that affect the free flow of traffic and the safety of other

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http://oriental.com.hk/hk/bkn/cnt/news/20141026/bkn-20141026182900494-1026_00822_001.html
(Retrieved on 2015, May 20)

¹⁰ http://news.stheadline.com/dailynews/content_hk/2012/09/26/208106.asp (Retrieved on 2015, May 20)



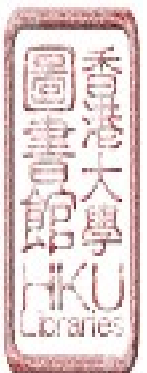
road users and pedestrians. On the other hand if the enforcement guidelines issued by the HyD / LandsD were taken into consideration, it should also be under the purview of the departments for follow up after Police had already taken immediate remedial actions at scene.

After about a lapse of five months on 3rd April 2013, Mingpao News reported that¹¹ the situation remained the same in the same location. Indeed the number of roadside skips even increased from two to six, some of them using blue color that was even less visible for road users and would amplify the chance of accidents occurrence. In the same report, District Councilors from other districts, for example Yuen long and Kwun Tong, also raised that roadside skips problems had been a long-standing big issue in their districts, particularly with rapid land developments taking place. One of the reasons was the lack of enforcement of regulations about accurately marking the contractor details on the skips, another reason was obviously the lack of coordination and collaborations between government departments on the problem. Whichever reason it might be, the above highlighted the lack of collaborations between government departments that made the problem lasted for five months without improvement on a busy carriageway near the Central Business District of Hong Kong.

Suspicious fire erupted in skips – possible vandalism?

Most of the time, the neighbourhood living or working nearby the roadside skips is the most affected group of people regarding the issue. When the government departments were not properly addressing the problem, people will think of alternatives to express their

¹¹ <http://news.sina.com.hk/news/20130403/-3-2933609/1.html> (Retrieved on 2015, May 20)

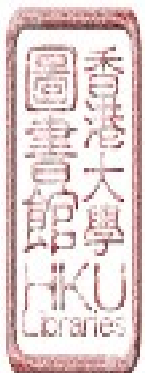


opinions. It was not uncommon that there were fires unexpectedly erupted inside the skips with some garbage being burnt, and it could be highly possible that it was some sort of vandalism by the affected neighbourhood who could not channel the grievance. For example in the afternoon on 29th March 2010, a skips was suddenly caught on fire in Kwai Chung, which later believed to be related to an unfinished cigarette as reported in the Headline Daily News on the same day¹².

One could argue that it was a littering offence that caused the fire, but if we tried to look at the issue more holistically, the elements and possibilities of vandalism towards the occupation of road by skips could not be negated. Another similar case was reported by Oriental Daily News¹³ in the afternoon on 28th October 2014 that occurred in Salisbury Road, Tsim Sha Tsui, whereas two roadside skips being placed near the MTR Station were caught on fire suddenly but the source of ignition could not be found. Apparently the two skips were placed on the pavement in which a large portion of the road was being blocked and affected many road users nearby, which could also involve some degree of businesses. When both skips were caught on fire at the same time, given the location the skips were placed, the suspicions towards vandalism would be greater than only one skip with cigarette butt found.

¹² http://news.stheadline.com/dailynews/content_hk/2010/03/29/106417.asp (Retrieved on 2015, May 20)

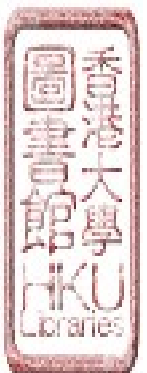
¹³ http://www.orientaldaily.com.hk/hk/bkn/cnt/news/20141028/bkn-20141028150023179-1028_0082_2_001.html (Retrieved on 2015, May 20)



Concluding Comments

This chapter has introduced the extents of the skips problems and the actions taken by different government departments to tackle the problems, and highlighted some problems identified in the collaborations among government departments in various real-life scenario. A high level SCDA was set up to facilitate the collaboration among different departments and the roles played by different stakeholders have been mapped out. Some accident cases are described to show the possible hazards of the skips to the nearby public and these are just tip of the iceberg.

In the next chapter, stakeholder analysis will be performed to identify key stakeholders and understand the power, interest and influence of different stakeholders in their collaborations on this issue.



CHAPTER 4 – STAKEHOLDER ANALYSIS

Introduction

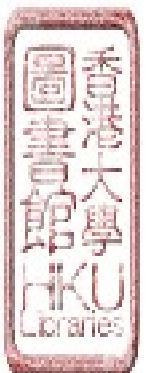
Apart from different government departments involved in the management of roadside skips, there are other key stakeholders who are interested in the problems and have influences on the decision making process. A stakeholder analysis can help to find out the stakeholders with relatively most interest and influence on the issues and involve them in the management of roadside skips.

An Array of Stakeholders Beyond Individual Government Agencies

Steering Committee on District Administration (SCDA)

To strengthen the role and functions of DCs as announced in the 2005 Policy Address, the Government has conducted a comprehensive review of the role, functions and composition of DCs in 2006. The aims were to strengthen the roles of DCs and the support of different government departments in the resolution of district management issues, such as street management, venue management. In 2007, the Home Affairs Bureau set up the SCDA which is chaired by the Permanent Secretary of Home and Affairs and consists of other top government officials of relevant government departments. It aimed at facilitating effective coordination among government departments by making policy decisions and deploying resources among departments.

The committee has great power and influence on the policy and can rearrange priority or redeploy resources to tackle the problems. This is a platform where the representatives of

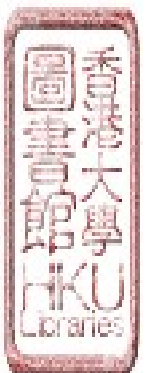


different departments can discuss the management of roadside skips, delineate the roles and responsibilities and make decisions on some complicated cases. When a compliant case cannot be solved by a single department, it can be discussed by the committee and the top officials will have a final decision on how to handling the case. Collaboration can be achieved through the discussions in the committee.

To facilitate the enforcement actions on roadside skips, the committee has agreed in 2009 that the LandsD and the HKPF should take different roles and responsibilities in managing roadside skips (Director of Audit Report No. 61, 2013). For skips that do not cause obstruction or danger to the public, the LandsD can issue a notice to cease the unlawful occupation of land. If the skips cause serious obstruction or imminent danger to pedestrian or road users, the HKPF can remove the skips and prosecute the skips owners.

Legislative Councilors

Legislative Councilors have high power and influence as they can discuss and pass new or amend existing legislation to step up the enforcement actions. For example, if the Government proposed to amend the existing ordinances or introduce a new ordinance which is specifically targeted to the management of skips, then the Legislative Councilors can discuss on the scope, terms, and level of fines of the ordinances. As stipulated in the Basic Law, they are independent from the Government and can give suggestions or criticize the Government's policies or actions. Therefore they act as a very powerful role in monitoring the Government system and help the public voice out the views in the LegCo meetings.

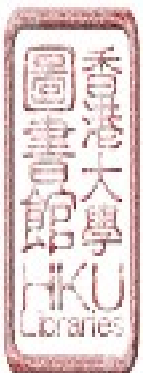


In general they are more concerned on territory wide issues, such as policies involving or affecting most citizens. They do not have much interest in the district level issues so they may not spend much time to discuss and give pressure to the government to rectify the problems.

District Councilors

District Councilors are responsible for the liaison of local community and help to convey the public opinions to the Government. They are usually responsible for a small district of a few streets or a few buildings. They have close relationship with the residents living there and help the residents to apply for Government services such as Government subsidies, recreational and cultural activities. Usually a network of trust is formed and the district councilor can represent the residents in district management issues and offer their views during the DC meetings.

But the District Councilors have relatively low power and influence, as they are mainly an advisory role on district administration and only have scarce resources. They can propose to the government departments for some improvement areas but the departments have power and the final decisions on whether to adopt the proposals. On the problems of skips, the district councilors have relatively higher interest in the problems of skips than the Legislative Councilors, as the public may lodge the complaints to them directly. They will help to follow up the issues with different government departments and solve the problems.



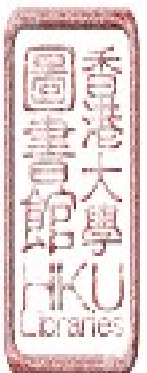
Construction companies / contractors

The skips can benefit to the construction companies and contractors as they can use them to temporarily storing the construction wastes on street which is near to their construction sites. They can use the skips to store the construction waste properly and not much mandatory restrictions are imposed on the placing of skips now. As the guidelines issued by the TD and the EPD is on voluntary basis only, the construction companies or contractors do not have any incentive to comply with the guidelines. Thus some skips may just causally be placed at roadside and cause nuisances to the nearby public.

Construction companies / contractors have high interest in the management of skips, as if the enforcement actions are stepped up, it will affect the running of their business. Thus they will be probably against the stepping up of the enforcement and propose to remains status quo.

Road users

Road users use the road every day, for example the bus and minibus drivers may take the similar routes in the districts every day to deliver the services. They are mostly affected by skips as they have to carefully adjust their driving routes to avoid bumping into the skips and causing serious injuries. Since the location of skips can change every day and there is no information on the placement location of skips available, the drivers can only keep alert and adjust accordingly. Indeed, the skips can block the driving lanes and cause traffic congestion, it will increase the travelling time of road users.



Road users have high interest in the skips issues as they suffer from the nuisances caused by the roadside skips. But they do not have much power and influence on the management of skips, as they are only general public who can only approach the district councilors to follow up the issues.

Non-governmental organizations (NGOs)

Non-governmental organizations (NGOs) refer to some local communities groups or environmental protection agencies. They usually have interests in a particular topic and gather the voices of the public to feedback to the government. NGOs do not have much power and influence on government policies.

The NGOs do not have much interest on the skip issues, because it is insignificant compared to other issues like the establishment of incinerators or the illegal emission of vehicles on the street. They would not have interest to follow up the skips issues and urge the government to rectify them.

Influences between Various Stakeholders

The stakeholders can actually interact and influence each other. They can persuade others to accept their viewpoints and join hands to affect the policy decisions. For examples, the road users can influence the district councilors to help put forward their suggestions in the DCs, or the NGOs can make suggestion to the government departments about the alternative solutions to the problems.

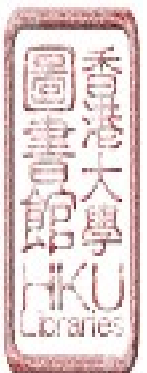


Figure 3 shows the power, interest and influence of different stakeholders. The stakeholders are pin pointed according to two dimensions: interest versus power and influence. According to the definition adopted by the World Bank, the stakeholders can be categorized in four types: promoter, defender, latent and apathetic. For those located at the right upper corners (e.g. SCDA), they are the “promoter” who have high power and interest to the issues, so they are the key stakeholders. For those located at the right lower corners (e.g. Government departments, Legislative Councilors), they are the “latent” having high power but low interest, thus increasing their interests and get them involved in the issues is feasible. For those at the left upper corners (e.g. road users, construction companies), they are the “defender” who have high interest but low power. Therefore, their views should be considered in formulating the policies. They should be fully engaged in the policy formulation through consultation and regular meetings so that their views are incorporated in the policy. For those located at left lower corners (e.g. NGOs, general public), they are the “apathetic” who have low interest and low power. They should be kept informed of the policies but no special engagement should be done with them.

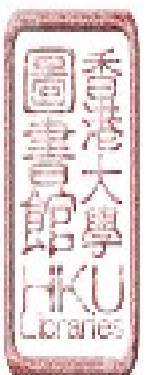
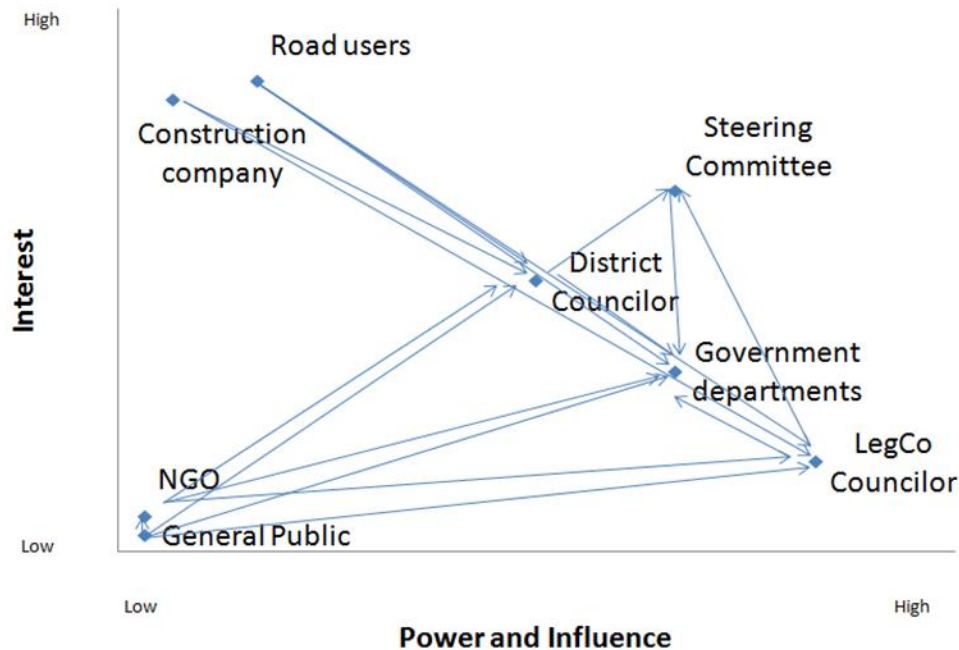
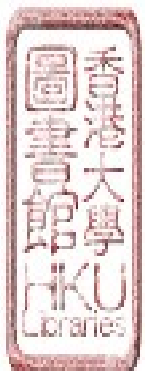


Figure 3 – Stakeholder influence diagram

Stakeholder Influence Diagram



From the stakeholder analysis, it is understood that different stakeholders will have different power, interest and influence on the management of roadside skips. Different strategies can be formulated to address different groups of stakeholders. For “promoters” (i.e. The SCDA) who have relatively high interest and influence, it is more effective to let them take the lead in formulating plans and implementing enforcement actions against the roadside skips problems. They can use their respective power and resources to adjust the enforcement actions. Clear strategies and objectives could be set up and they should monitor the outcomes of the policies and review them from time to time. Information should also be published for the interest of other stakeholders.

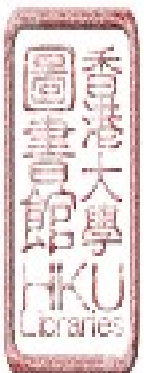


For “latent” (i.e. the government departments, district councilors and Legislative Councilors), they can be empowered to strengthen the communication between government departments and the public. More resources should be deployed and power be delegated to facilitate them to take up a more active role. They can act as a bridge between the Government and the public to ensure smooth exchange of views and information. They can also help to collect the views from other stakeholders who are interested in the management of roadside skips issues, and to inform the general public about the updates of the enforcement measures. While they accord a higher priority and get more involved in the management of roadside skips, they can be get “promoted” as promoters and become key stakeholders.

For “defenders” (i.e. road users, construction companies), as they have high interest in the topic but low influence, they should be keep informed about the progress and updates of the issues. Regular exchange of views and information through consultation and survey can be a way to get them more involved.

For “apathetic” (i.e. NGOs and general public), as they have low interest and low influence, low priority should be given to this group in the stakeholder engagement. It is only necessary to monitor the views and feedbacks using the least resources. When any of the stakeholders change from this group to another (e.g. to “defender” or to “latent”), then the strategy to engage the stakeholders should be changed accordingly.

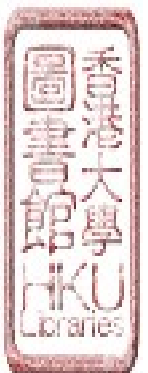
By mapping out the differences of stakeholders using stakeholder analysis, it can be understood that the stakeholders could be segmented into different types. When the



enforcement measures of roadside skips are changed, the resources and priority can be targeted to the key stakeholder accordingly and engage different types of stakeholders using different approaches.

Concluding Comments

This chapter identifies the key stakeholders involved in the management of roadside skips, and discussed their power, interest and influence in the management. The stakeholders are categorized into four types according to the interest / influence. This can help to form strategies which are tailored to address different needs. In the next chapter, the evaluation of the effectiveness of the interagency collaboration will be discussed.



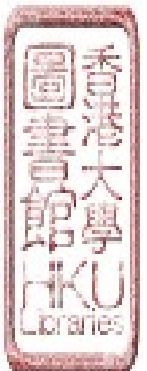
CHAPTER 5 – EVALUATION OF EFFECTIVENESS OF INTERAGENCY COLLABORATION ON SKIP ISSUE

Introduction

Skips issue in Hong Kong has caused a series of problems including street management problems, obstruction problem, safety problem, environmental and hygiene problems to the community. It has also been addressed above that the skips issue is a complex and multi-dimensional social problem which could not be handled by a single agency or department. In view of its multi-dimensional nature, collaboration among various government agencies is necessary. Nevertheless, the skip-related accidents from news reports revealed some loopholes in the interagency collaboration. This chapter applies the integrative framework for collaborative governance introduced by Emerson, Nabatchi and Balogh (2011) and the criteria suggested by Knill and Tosun (2012) to evaluate the effectiveness of collaboration across various government departments in the skip problem.

Integrative Framework for Collaborative Governance

The integrative framework for collaborative governance introduced by Emerson, Nabatchi and Balogh (2011) provides a framework for comprehensive analysis on the external and internal factors influencing collaboration among government agencies on skip problem. The external factors include political, legal, environmental factors that create opportunities and constraints influencing collaboration among government agencies while internal factors refer to principled engagement, shared motivation and capacity for joint action which interact to generate collaborative action.



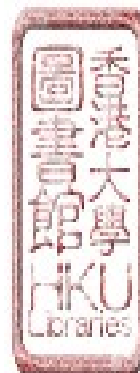
Political influence

In the case of skips issue, government agencies suffer enormous political pressure from DC, LegCo, feedbacks from inside of the Government as well as recommendations from the Audit Commission.

Members from DC and LegCo had expressed concerns on skip problem from time to time in DC and LegCo meetings. As mentioned in Director of Audit Report No. 61, many DC members from time to time expressed concerns over the issue and members of the LegCo had expressed concerns over roadside skips at seven LegCo meetings in the period of 2003 to 2013. One of the LegCo members, the Hon Kam Nai-wai, specifically raised questions in LegCo meeting on 9 March 2011 regarding the monitoring of skip operation and the feasibility of establishing licensing system for regulation of skip (LCQ20: Skips placed on streets, 2011).

Apart from political pressure from outside the Government, voices coming from inside the Government were also received concerning the monitoring of skip operation. The HKPF raised the issue of skips placed on public roads with the TD suggesting the setting up of a system to monitor the movement and placing skips as early as 2001 (Director of Audit Report No. 61, 2013).

In view of the seriousness of skip problems, the Audit Commission issued an Audit report in 2013 identifying area for improvement on skip operation and making recommendations



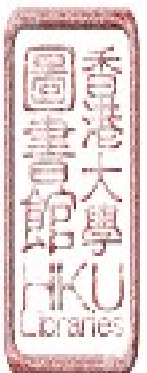
to various department heads of government agencies including the Secretary of Development, the Secretary for the Environment, the Secretary for Transport and Housing, the Director of Lands and the Commissioner of Police for better monitoring of skip.

The political pressure from outside and inside the Government constitutes great political influence to drive the collaborative governance among government agencies on the skip issue.

Legal influence

The existing legislation in Hong Kong only provides legislative background for the Government to take enforcement action against skips in urgent or serious circumstances. For skips causing imminent danger or serious obstruction to road users, the HKPF could take action under section 4A of the Cap. 228 - Summary Offences Ordinance and the LandsD could take action under the Cap. 28 - Land (Miscellaneous Provisions) Ordinance.

However, there is insufficient legislation on the monitoring of skips operation. In response to the question raised by Hon Kam Nai-wai in LegCo, the then Secretary for the Environment, Mr Edward Yau, admitted that the existing legislation would not provide adequate legislative backing for the introduction of an effective skips permit system (LCQ20: Skips placed on streets, 2011). Moreover, the guidelines issued by the EPD and TD on monitoring skips causing environmental problems and traffic problems did not empower the authority to take enforcement action because of the fact that skips problem is



considered out of the scope of the Cap. 354 - Waste Disposal Ordinance as well as the Cap. 374 - Road Traffic Ordinance.

All in all, the legislative influence on collaboration among government agencies to tackle the skips problem is inadequate.

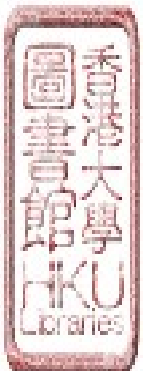
Environmental influence

Obviously, the skips problem causes environmental hygiene problem and safety problem to the public.

According to the statistics of the TD on traffic accidents, there were 66 number of traffic accidents involving vehicles hitting skips and causing human injuries or death in 2010, the most serious district was Eastern District, which had 13 traffic accidents related to skips (LCQ20: Skips placed on streets, 2011).

Moreover, the number of complaints about skips received by the Government increased from 400 to 562 from 2008 to 2010. The skips problem was getting serious in Wan Chai District, in which the number of complaints increased sharply from 55 to 113 cases within three years (Director of Audit Report No. 61, 2013). The increase in number of skips-related complaints showed that the skips problem adversely affects the environment in the district and the environmental impact is getting more and more serious.

The use of skips was intended to prevent improper disposal of construction waste and thus reduce environmental and hygiene problems, however, it creates other problems such as



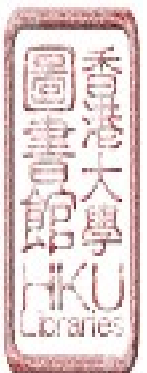
danger to road users and nuisance to the citizens. These environmental factors encourage the government agencies to collaboratively tackle the skips problem.

Drivers

Leadership is a crucial driver for collaborative action because the leader could help to initiate and secure resources for collaborative action. Moreover, the support of leaders gives confidence to the front line officers for better collaboration with other parties.

In this case, the SCDA chaired by Permanent Secretary for Home Affairs with members including the Commissioner of Police, the Director of Lands and the Commissioner for Transport represents the role of leadership in collaboration among various Government departments. The SCDA engages the senior officials of departments involved in regulation of skips operation which helps to initiate the collaboration among the involved departments and commit to tackle the skips problem.

The SCDA plays the role of leader to initiate the collaboration among various government agencies to tackle the skips problem. They identify the roles and responsibilities of government departments which help to clarify the purview and actions of government departments. For example, HKPF focuses on skips causing imminent danger to the public while LandsD focuses on skip occupying government land. Furthermore, the SCDA helps to review the existing arrangement on monitoring skip operation.

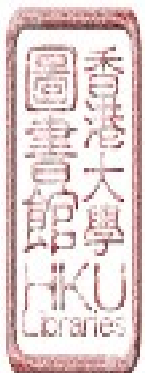


However, the SCDA, as a leader, fails to secure extra resources for collaboration action on skips problem. In fact, government departments have to consume their own resources for action taken for skip problem which hinder the effectiveness of collaborative action.

Another driver for collaboration is consequential incentives which include internal incentives and external incentives. The internal incentives refer to resources needs, problems and interest while the external incentives refer to situational crisis, threats or opportunities.

In this case, it is found that there is insufficient internal incentive for driving collaboration due to lack of resources and low interest in skips problem. As mentioned above, no extra resource was allocated for collaborative action among government departments to tackle the skips problem. Individual department has to consume its own resources to support the collaborative action. However, each government department has its own priority, for example, the primary mission of HKPF is to reduce crime and maintain law and order. Skips problem, which is less important compared to their core duty, normally have a lower priority. Thus, individual department has lower interest and allocate less resource to skips problem.

However, it is found that there are more external incentives to drive the collaborative action. The external incentive mostly come from the threats and crisis such as accidents related to skips, pressure from LegCo and DC as well as public complaints. The number of skips-related accidents and increasing trend of skips-related complaints raise concerns from



LegCo and DC members. The pressure from politicians and the public becomes a strong external incentive to drive the collaboration.

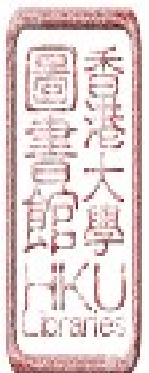
Emerson et al (2011) mentioned that one of the strongest drivers for collaboration is interdependence. When a problem cannot be solved by a single agency, collaboration becomes necessary. Skips problem is multidimensional because it causes different problems such as safety, obstruction and hygiene problems which are under purview of different government departments. Thus, collaboration among various departments is required to tackle the skips problem.

Collaborative dynamics

The essential drivers mentioned above initiate the motion of collaborative dynamics which involve three interacting components, namely principled engagement, shared motivation and capacity for joint action.

Principled engagement

The principled engagement allows people with different content, relational, and identity goals to works across their respective institutional, sectorial, or jurisdictional boundaries for solving problems (Cahn 1994; Cupack and Canary 1997; Lulofs and Cahn 2000). The following section applies the four basic process elements of principled engagement, namely discovery, definition, deliberation and determination to analyze the strength and difficulties of collaboration among government agencies on skips problem.



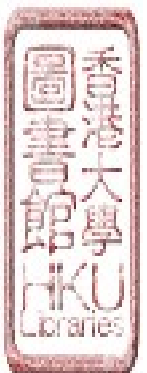
Discovery

Discovery is a fact-finding process which involves identification of individual and shared interest. The SCDA identifies the roles and responsibilities of various departments which helps to clarify their situations. Different departments have different operational priorities and interests as they belong to different policy bureaux. Also, the actions taken by different departments are subject to different regulations. These factors may increase the difficulties in collaboration.

For example, LandsD, under Development Bureau, is mainly responsible for all land matters in Hong Kong. Although LandsD could take enforcement action to remove skips under Cap. 28 Ordinance (Section 6 of the Land (Miscellaneous Provisions) Ordinance), the ordinance is mainly for land administration instead of monitoring of skips.

On the other hand, HKPF, under Security Bureau, is mainly responsible for maintaining law and order as well as fighting against crime. Although HKPF could take enforcement action under Common Law and Section 4A of the Summary Offenses Ordinance, these law and ordinance are not purposefully used to regulate skips problem.

EPD, under Environment Bureau, is mainly responsible for environmental protection. Also, EPD has no authority to take enforcement action due to the fact that skips problem is outside scope of the Cap. 354 - Waste Disposal Ordinance. Instead, EPD issued guidelines for skips operation which, however, is voluntary compliance.



TD, under Transport and Housing Bureau, is responsible for providing a safe and reliable transport system to road users. Similar to EPD, TD has no authority to take enforcement action for skips regulation as skips problem is outside scope of the Cap. 374 - Road Traffic Ordinance. Thus, TD issued guidelines for skips placement which is also voluntary compliance.

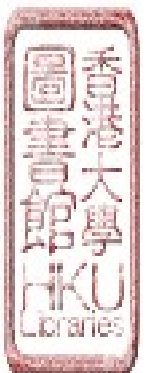
Definition

The definition process refers to create a common purpose and objective in order to build shared meaning. In the skips case, the SCDA defines the common purpose to commit to tackle the skips problem collaboratively.

While government department has its own priority, it is important to find the common interest among government departments in order to motivate collaboration. The SCDA help to create the common purpose to solve the skips problem. With a clear objective identified by leaders in SCDA, individual department would give a higher priority to skips problem and more willing to make effort to solve the problem.

Deliberation

The deliberation process involves communication among participants before making decisions which allow thoughtful examination of issues, listening to others' perspectives and arriving at agreed decisions. Government departments normally work independently on street management matters under their purview. There is inadequate channel of communication to discuss street management issues, especially involving senior officials.



The SCDA provides a safe place for involved departments to communicate and exchange of opinions and concerns which allow deliberations before making decisions.

Determination

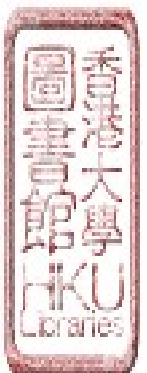
The determination process refers to joint determinations including procedural decisions, for instances, setting agendas, tabling a discussion and assigning a work group.

After thorough communication, the SCDA jointly determines an intra-departmental arrangement as well as clear roles and responsibilities of various departments on managing roadside skips in the meeting.

Table 4 shows the determination of roles and responsibilities of various departments in management of skips.

Table 4 – Roles and responsibilities of various departments

Related Departments	Role on skip issue
LandsD	Roadside skips involve unlawful occupation of government land
HKPF	Roadside skips involve which causes serious obstruction or imminent danger to the public or vehicles
EPD	Roadside skips causes environmental problems

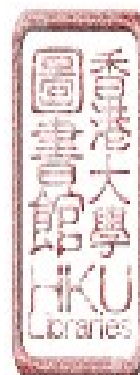


Related Departments	Role on skip issue
TD	Roadside skips causes traffic problems
FEHD	Responsible for administrating environmental hygiene in public places
HAD	Responsible for coordinating work of departments in district administration
HyD	Responsible for maintenance of public roads

The SCDA also determined an intradepartmental arrangement on handling skip-related complaints. Under the agreed arrangement, when a skips-related complaint is received, staff of the District Land Offices would inspect the site in two days. If a skip is found occupying government land, a notice will be posted on the skip pursuant to the Cap. 28 - Land (Miscellaneous Provisions) Ordinance. After that, the owner would be required to remove the skip within one day. If the skip causes serious obstruction or imminent danger to the public or vehicles, the HKPF will take removal actions under the common law and prosecution actions under section 4A of the Summary Offences Ordinance.

Shared motivation

It is found that there is insufficient motivation among the government departments in handling the skips problem, it may be due to the lack of mutual trust, internal legitimacy as well as commitment to the skips problem.



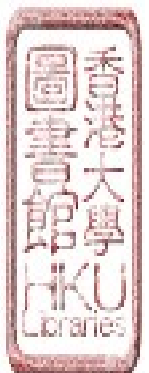
Government departments are more on mutual understanding than mutual trust. Although they understand the situation and difficulties of other departments, they are unwilling to take further step to go beyond their purview. Individual departments do not want to take extra responsibilities for the problem because they don't have enough trust on other departments. The lack of trust may due to insufficient communication among various departments which also lead to the lack of internal legitimacy.

Furthermore, as government departments have their own operational priority and low interest in skips problem, they have little commitment to solve the skips problem.

The news regarding skips-related traffic accident happened in 2012 illustrates that government departments have little shared motivation in tackling skips problem. After five months of the happening of skips-related traffic accident in Wan Chai, nothing was improved at the same location and even worse, more roadside skips were found in that area. It showed that no follow up action was taken by concerned departments and they have inadequate trust and commitment to each other.

Capacity for joint action

The collaboration is expected to enhance the capacity of both self and other parties to achieve the common goal, it should generate a new capacity for joint action. The capacity for joint action consists of four elements, namely procedural and institutional arrangements,

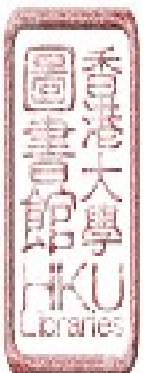


leadership, knowledge and resources. In the skips case, it is found that there is limited capacity for joint action due to the lack of shared knowledge and resources.

The element of procedural and institutional arrangements can be found in the agreed intradepartmental arrangement on handling of skip determined by the SCDA. The SCDA clearly defines the roles and responsibilities of various departments and determines an agreed arrangement which helps to share the responsibilities and duties of departments.

The element of leadership can also be found in the SCDA. As mentioned before, the SCDA formed by senior officials of various department help to engage the top management of different departments to commit to the skip issues through communication. The SCDA helps to clarify the role of different departments and identify the common purpose to encourage collaboration. Moreover, the SCDA allows various departments to communicate and deliberate before making commonly agreed determination.

However, it is found that there is limited sharing and enhancement of knowledge because there is a lack of common database for sharing of information among departments. Individual department cannot access to information system of other departments to check information of skips such as number of skip-related complaints received and progress of investigation. The limited sharing of information hinders effective collaboration among government departments.



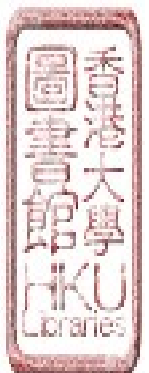
It is also found that there is insufficient resource for collaboration actions in managing skips. No extra funding or human resources is prepared for tackling skips problem, the involved departments could only consume their own departmental resources for actions on handling skips problem. With limited resource, departments prefer putting their resources on core business and allocate resources according to their operational priority. As departments have little interest in the skips issue, the resources allocated to collaboration on skips are very limited.

Collaborative action

The collaborative action is the output of collaboration. In this case, the collaborative action includes setting up of the SCDA, the engagement of top management of different departments, the clear definition of roles and responsibilities of various government departments and the agreement on arrangement of managing skip.

Impact

The impact represents the outcome of collaboration. It is found that the impact of the collaboration in skip monitoring is very limited. Although collaboration actions were taken by various departments, the Audit report issued in 2013 revealed that the number of complaints over roadside skips handled by the HKPF and the LandsD increased from 645 in 2008 to 1,366 in 2012. Moreover, the Audit report mentioned that there was a lack of regulatory system for skips problem and recommended the Government to revisit the issue. It may indicate that the collaborative action among various departments is not effective.



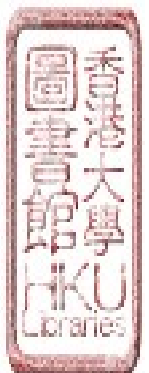
To summarize, collaborative actions can be found among Government departments in handling skips operation which include the SCDA, agreement on intra-departmental arrangement, the clear definition of roles and responsibilities of various department. However, the impact of collaboration is limited. It may be because there is a lack of a leading department and other government departments focus only on skips problem within their own purview without going beyond their perspectives. While a successful collaborative action requires participants go beyond their own perspectives, it is considered that the collaborative action among departments in skips problem is not successful. The collaboration failure in the skip issue may due to the lack of legislative influence, mutual trust and resources well as ownership of the skips problem.

Criteria for Good Governance

This section further analyzes the effectiveness of collaboration among government agencies in skips issue by applying the criteria suggested by Knill and Tosun (2011), which are decision-making capacity, implementation effectiveness as well as democratic legitimacy.

Decision-making capacity

Decision-making capacity refers to the capability of the organization to take a policy decision. In the skips case, it focuses on analyzing the capability of the SCDA to take a policy decision. The SCDA engages the senior officials of various government departments and provide a platform for direct communication between departments.



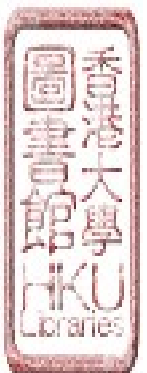
The decision-making capacity of SCDA would not be high because of the membership and arrangement of the SCDA. The SCDA provide a platform for exchange of information and opinions between government departments, however, the government departments are under different policy bureaux with different policy goals. It would be difficult for the SCDA to achieve a common policy goal in view of different values of different departments.

Moreover, there is no hierarchical intervention within the SCDA as the membership of SCDA are all senior officials such as the Commissioner of Police, the Director of Lands and the Commissioner for Transport. The top management of different departments would take their departments' interest into consideration in the process of making policy decision. While the members of SCDA are of comparable ranking and with different objectives, it requires more effort to reach agreement on policy decisions.

Implementation effectiveness

Implementation effectiveness refers to the extent to which policy decisions are carried out. In the skips case, it analyzes the effectiveness of implementation of the intradepartmental arrangement on handling skips which is decided by the SCDA. The implementation effectiveness is high due to the high hierarchical “push” inside government departments and high “pull” factor in SCDA.

The senior officials in SCDA commonly agree on the intradepartmental arrangement which set out the role and responsibilities of different departments as well as procedures on



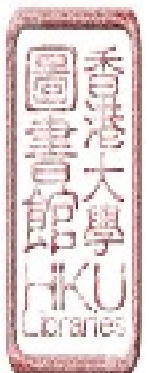
handling skips-related complaints. While the arrangement is agreed and decided in SCDA, the senior management would respect and follow their own decision which forms a strong “pull” factor.

Moreover, the front-line officers generally complied with the intradepartmental arrangement in handling skip matters because it is the decision made by their senior management in the SCDA. The traditional hierarchical management culture inside government departments facilitates the implementation of the policy decision which are made and agreed by senior official in SCDA. Thus, it forms a strong hierarchical “push” factor to implement the policy decision.

Democratic legitimacy

The democratic legitimacy focuses on the due process, which refers to equal participatory rights in the decision-making and implementation phase, as well as accountability of governance patterns.

Although the SCDA provides a platform for participation and communication of related government departments, it limits to the participation of top management level of government departments. Nevertheless, the front-line officers such as police officers and district land officers, who directly handle the skips-related matters, do not have an opportunity to participate in the formulation of decision including the intradepartmental arrangement and procedures on handling skips. With regard to accountability, the other stakeholders have no way to participate or involve in the formulation of intra-departmental

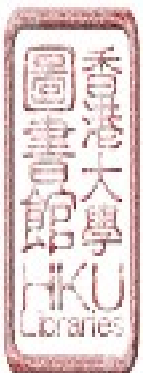


arrangement. It is therefore obvious that the democratic legitimacy is very low in this case.

In summary, although the SCDA, the collaborative action of various departments, can be effective in implementation of intradepartmental arrangement on handling skips, it has a relatively low decision-making capacity and democratic legitimacy. Thus, it is considered that the collaboration among government departments on skips issue is not effective.

Concluding Comments

This chapter analyzes the effectiveness of collaboration among government departments with the integrative framework for collaborative governance introduced by Emerson, Nabatchi and Balogh (2011) and criteria suggested by Knill and Tosun (2012). It is found that the collaboration among government departments on the skips problem is limited and ineffective. In the next chapter, it will suggest ways to improve the collaboration based on the result of analysis.



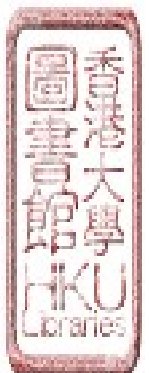
CHAPTER 6 – RECOMMENDATIONS and CONCLUSION

Introduction

Looking into the problem of roadside skips in various aspects, the discussions in previous chapters had applied an integrative framework to evaluate the effectiveness of collaboration among government departments by the application of Emerson et al (2011) and some criteria laid out by Knill and Tosun (2012). The application process of the stated academic theories reached to a conclusion that the government departments had been ineffective in the management of roadside skips problem owing to the relatively low decision-making capacity and democratic legitimacy, amid other pertinent factors.

Recommendations

Some rectification measures are therefore suggested below to enhance the governance and collaborations amongst them so that a common goal can be reached with proper decision-making capacity empowered onto the relevant departments. The five recommendations proposed with a view to improving the current system are described as below.



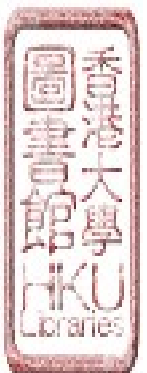
Establishing an IT platform to share information and knowledge for collaborative enforcement actions

The first suggestion is that government departments to establish a centrally shared database, similar to that being used by Tree Management Office¹⁴, incorporated with suitable IT infrastructure to manipulate the data of roadside skips so as to augment their common goals and cooperation. The system can assist in the management, the coordination, and the follow up of the problems. Black spots of roadside skips can be identified and repeated offenders / contractors can then be followed up and prosecuted by responsible departments by making good use of the system. With the updated skips information and knowledge, the officers can take appropriate steps to tackle the problems effectively.

It is indeed an enhancement in the capacity for joint action (Emerson et al, 2011), through which is hoped that good practice and knowledge can be shared through the same platform so that a consistent approach can be used by different government departments in dealing with the problem and ensure that there will be long term sustainability and resources in solving it. The management can also monitor the problems easily and redeploy the resources when necessary.

¹⁴ Guidelines for Tree Risk Assessment and Management Arrangement On an Area Basis and on a Tree Basis

http://www.trees.gov.hk/filemanager/content/attachments/TRAM_Guidelines_2014.pdf



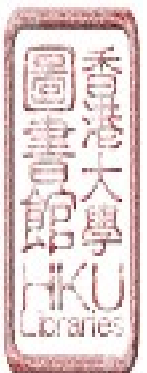
Assigning government department responsible for each case in the IT platform

The Audit Commission in its Audit report No.61 on “Management of Roadside skips” (2013)¹⁵ recommended to assign a government department to take up the responsibility for regulating and facilitating skip operations after a survey on the magnitude of their problem and a review on the effectiveness of HKPF and LandsD for the existing enforcement actions had been conducted. This is in line with the suggestion that was being discussed above and can take a very long time before a final decision is being made, an apparent lack of shared motivation, and it could somehow suggest that it had been a collaboration failure in the government in handling the roadside skips problem.

However, for the time being it is proposed to improve the collaborative actions, or in other words to enhance the responsibility issue even in the IT platform recommended as an interim measure. One crucial entity being identified from the above study was the ownership of the problem. When a case falls into the purview of multiple government departments, none of the department will take lead and full ownership. Taking the abovementioned case of the roadside skips near Academy of Performing Arts, no one was willing to take up full responsibility and thus the problem existed even after a lapse of five months. The problem could even last longer if it had not been reported by the media.

The stakeholder analysis also found out that different stakeholders would have different interest and power in solving a certain problem, and hence their different input of resources to a particular problem. Thus it is proposed that the IT platform, apart from the normal

¹⁵ “Management of Roadside skips, the Audit Commission.
http://www.aud.gov.hk/pdf_e/e61ch02.pdf

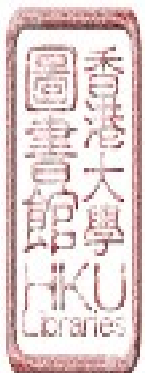


functionalities mentioned, should be able to assign ownership to a specific government department with business rules for follow up messages or actions required prompted by the system from time to time. Once assigned with the responsibility, the department should be held accountable to monitor the progress for the follow up actions and a reply should be made to the complainant within a set frame of time. A warning message would be issued and escalation to senior management would be done if the case was not solved within the prescribed time. In that case it is expected that the efficiency can be enhanced in solving a problem, even if the problem involves multiple government departments and requires collaborations amongst them.

Providing a venue for departments to escalate a problem

Whilst it was mentioned previously about assigning ownership to government departments, it is anticipated that there will be conflicts or differences in understanding that makes it not viable at times, as the shared motivation may not be too strong. There are currently platforms in working levels between departments and the high level SCDA. However, it is considered that a new platform / venue should be established in between for departments to escalate so that unresolved problems on ownership can be resolved without reaching the highest level, except that the problem is significant and would have major policy impact to the whole system.

It was discussed in Salamon (2002) that the new governance involved elements including tools, network, public & private collaboration, persuasion and negotiation, and enablement skills. With this present tool of an intermediate platform, the proper selection of participation of various stakeholders can form a network that facilitates problem solving.



It can also serve as a good platform for decision makers with genuine leadership to persuade and negotiate with different departments. Collaboration among government departments can be effective at the middle-high level without reaching the highest level of hierarchy unnecessarily. This also improves the efficiency of the decision-making process and capacity and hence leaves less idle time for the unresolved problems.

A permit system for effective regulation of roadside skips

The audit report also considered that a permit system would be effective¹⁶, however, it had recommended that the Secretary for Transport and Housing, the Secretary for the Environment and the Secretary for Development should jointly assess whether the current situation justifies the Government to take actions in the introduction of a regulatory system to regulate and facilitate roadside skips operations. From the same audit report, there were 470 skips identified for audit inspection in three districts (Hong Kong East, Wan Chai and Yau Tsim Mong). By estimation, it could expect to have about 3,000 skips in 18 Districts of Hong Kong.

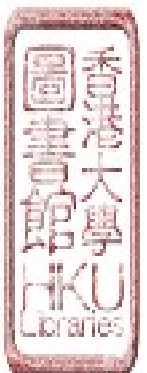
From the yearly traffic accident figures obtained from the TD¹⁷, the total number of traffic accidents in 2014 was 15,790 (consisting of 99 Fatal, 2,508 Serious and 13,183 Slight). Taking the 2,508 serious accidents into consideration, it is more or less the same over the past 10 years with only normal fluctuations. If the skips all over Hong Kong will contribute one more accident, the serious figure will shoot to rocket high. The issuance of

¹⁶ “Management of Roadside skips, the Audit Commission.

http://www.aud.gov.hk/pdf_e/e61ch02.pdf

¹⁷ Traffic Accident Figures by Regions

http://www.td.gov.hk/filemanager/en/content_4717/f2.1.pdf



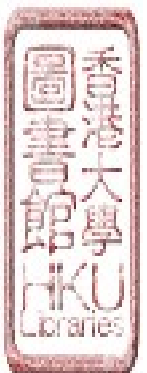
a permit also enhances the legitimacy in the law enforcement for contravention by users. The cases being discussed above demonstrated that the roadside skips were always a contributing factor to road accidents. The need for a permit system cannot be negated and a feasibility study should be commenced as soon as practicable.

Empowering District Administration functions

The current Chief Executive mentioned in his Policy Address 2014¹⁸ about the Pilot Scheme in District Administration. The pilot scheme empowered the District Management Committee to make decisions on district priorities with additional government resources and manpower to implement policies that are unique to the District, in fulfilling the concept of “addressing district issues at the local level and capitalizing on local opportunities”. It is considered as a way forward to tackle the roadside skips problem as well, since the District Council can have the best grasp of the local problem with local knowledge as it could be seen from the stakeholder analysis conducted. The District Management Committee meeting also provides a safe local platform for the government departments to discuss the responsibilities and follow up actions under the coordination of the District Officers.

The idea from Salamon (2002) can once again be adopted here. The empowerment of District Administration can ideally better enhance the public and private collaboration as more initiatives to solve local problems can be raised in the District Management Committee. The people network of the District Officers and the District Councilors can serve the purpose in persuasion and negotiation for the resources allocation among

¹⁸ Policy Address of the CE in 2014 <http://www.policyaddress.gov.hk/2014/eng/p188.html>

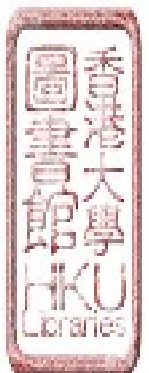


different parties or priorities, which will normally involve compromises. However, since the members in District Management Committee are principally engaged and already had the capacity for joint-actions under the empowerment in current pilot scheme, with the pre-requisite of shared motivation (Emerson et al, 2011) the problem should be able to be addressed properly.

Conclusion

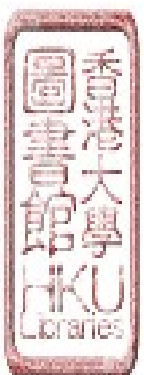
The management of roadside skips is only one of problems exist in a society, and it was chosen to be an issue in the current study. This issue has become a “wicked problem” because it involved collaborations among different government departments that have different motivations, disparity in the capacity in joint-actions and collaborative actions. To better understand the dynamics between different departments and external stakeholders, the stakeholder analysis was utilized with a view to identifying visually their power, interests and influences. Through these tools, the strengths and weaknesses of the collaborations among various stakeholders had been mapped out together with their existence in the system of the government. In addressing such, five recommendations were proposed to alleviate the weaknesses in collaborations by enhancing different aspects required under a good collaboration.

Quantification of the aspects under consideration throughout can be a further enhancement of the framework being applied in current study, though it is not easy as most information is qualitative. In that case the effectiveness of the whole collaboration process can be estimated by counting and quantifying the existence of certain criteria and the framework



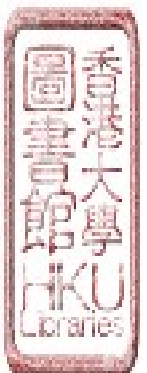
can be made as an overarching one for assessment of different collaboration problems.

This can be a direction suggested for future studies.



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