

# 立法會

## *Legislative Council*

LC Paper No. CB(2)498/00-01(04)

Ref. : CB2\PL\CA

### **LegCo Panel on Constitutional Affairs**

#### **System of accountability for principal officials**

#### **Purpose**

This paper seeks members' advice on various proposals on how the Panel should proceed with its work to study the system of accountability for principal officials.

#### **Background**

##### Work of the Panel in the 1999-2000 session

2. In the last legislative session, the Panel conducted a public consultation on the development of the political system of the Hong Kong Special Administrative Region (HKSAR). The Panel also considered the research reports prepared by the Research and Library Services Division of the Legislative Council Secretariat on systems of government in seven countries : the United States, the United Kingdom, France, Germany, Japan, New Zealand and Singapore.

3. Having considered all the views received and deliberated in detail the relevant issues, the Panel presented the Report on the Development of the Political System of the HKSAR to the Council. One of the recommendations made by the Panel was that the Administration should consider implementing a more flexible contract system so that principal officials should be held politically accountable for their decisions.

4. A motion calling upon the Government to consider the views of Members of the Council on the Panel's Report and related issues was moved for debate at the Council meeting on 14 June 2000. The motion was carried by the Council.

### 2000 Policy Address

5. In his Policy Address delivered in October 2000, the Chief Executive (CE) has announced that the Government would study how the accountability of principal officials at Secretaries and Directors of Bureaux rank for their respective policy portfolios can be enhanced. The Government would consider devising a compatible system of appointment for these principal officials, setting out their powers and responsibilities and at the same time defining clearly their role in formulating and implementing government policies under the new system. In future, regardless of the system to be adopted in respect of the appointment of principal officials, the Government would maintain the stability of the civil service structure, preserve the principles of permanence and neutrality of the civil service, and maintain a highly efficient, professional and clean government.

### Present position

6. At the meeting on 14 October 2000, the Secretary for Constitutional Affairs advised the Panel that CE was personally responsible for the study of the proposed accountability system. The Administration would revert to the Panel on the details of the proposed system when it was in a position to do so.

7. At the meeting on 20 November 2000, members discussed how the matter should be taken forward by the Panel. The Panel considered that CE's announcement of a new accountability system was a positive step responding to the Panel's recommendations on the development of the political system of the HKSAR. The Panel agreed to conduct a public consultation on the proposed accountability system with a view to analysing the views received and making its own recommendations for the consideration of the Administration. The Chairman also proposed that the Panel should conduct an overseas visit to some European countries to study their systems of executive accountability. The Panel agreed that a paper on the way forward should be prepared for members' consideration at the meeting on 18 December 2000.

### **Public consultation**

#### Invitation for public views

8. It is proposed that the public be invited to send in or present their views to the Panel by the following means -

- (a) placing an advertisement in one Chinese newspaper and one English newspaper respectively;
- (b) writing to interested organisations and individuals; and
- (c) placing an invitation for submissions on the LegCo website.

### Issues for public consultation

9. It is proposed that the public should be invited to give views on the following issues -

- (a) a proposed system under which the accountability of principal officials/ministers can be enhanced ;
- (b) the system of appointment and removal of principal officials/ministers under the proposed system, e.g. authority of appointment and removal, conditions and term of office;
- (c) the powers and responsibilities of principal officials/ministers; their role in formulating and implementing government policies;
- (d) the administrative and financial arrangements for terminating the service of existing civil servants and re-appointing them as principal officials/ministers under the proposed system;
- (e) pros and cons of appointing the principal officials/ministers from within or outside the civil service;
- (f) the relationship of the principal officials/ministers with the Executive Council and the civil service;
- (g) whether the proposed system will be different if CE is returned by universal suffrage, and if so, in what ways; and
- (h) any other related issues.

### Timing for public consultation

10. Having regard to the coming Christmas and Chinese New Year holidays and in order to allow adequate time for interested parties to prepare written submissions, it is proposed that two to three meetings be scheduled in February 2001 for the purpose of receiving public views.

### **Proposed overseas duty visit**

#### Background

11. In line with the decision of The Legislative Council Commission, two rounds of bids for funds for Members to pay visits overseas would be invited from Panels and committees, in the beginning of the session and in March respectively

each year. Upon receipt of the bids submitted, the House Committee will consider their merits, determine the priority, and put up recommendations to the Commission for allocation of funds.

12. Rule 22(u) of the House Rules also provides that should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought.

### Proposal

13. As part of the study of the proposed system of accountability for principal officials to be undertaken by the Panel, the Chairman has suggested that the Panel should make reference to overseas experience by conducting a visit to some countries in Europe. Details of the visit are proposed as follows.

### *Destination*

14. It is proposed that a visit to London, Paris and Berlin for about 8 days in May 2001 be organized. These three places are chosen because the United Kingdom (UK), France and Germany have different systems of government. In the UK, executive ministers are all members of the legislature. In France, executive ministers are not allowed to be members of the legislature. Germany allows but does not require executive ministers to be members of the legislature.

### *Visit programme*

15. It is proposed that meetings and discussions be held between the delegation and members of the legislatures concerned (including the speakers, members of different political parties, chairmen and members of relevant committees), ministers and senior civil servants, and other interested parties e.g. academics. The assistance of the Hong Kong Economic and Trade Offices in London and Brussels would be enlisted in drawing up a detailed programme for the visit.

### *Size of the Delegation*

16. As a matter of principle, Members going on an overseas duty visit in their capacity as delegates of the Council should be fully sponsored for their trip. For the purpose of budget control, the Legislative Council Commission has agreed that the number of delegates sponsored for each overseas duty visit should be limited to no more than four. Members not selected to participate may join the delegation on a self-financing basis. The delegation is normally accompanied by a staff of the Secretariat.

### *Budget*

17. The estimated expenditure for the visit will be worked out when the tentative itinerary of the visit has been agreed to by members. Expenses will generally include air passage (business class round trip), hotel accommodation, meals, overseas subsistence allowance, travel insurance, airport tax, local transportation and interpretation service.

### **Tentative timetable**

18. A tentative timetable for the Panel's study on the proposed system of accountability for principal officials is in the **Appendix**.

### **Advice sought**

#### Public consultation

19. Members' advice is sought on the proposals set out in paragraphs 8 - 10 above.

#### Proposed overseas duty visit

20. Subject to members' agreement for the Panel to undertake the proposed visit to Europe, members are requested to decide on the following before a report is presented to the House Committee -

- (a) the countries to be visited (paragraph 14);
- (b) the intended timing of the visit (paragraph 14); and
- (c) the composition and leader of the delegation (paragraph 16).

Legislative Council Secretariat

December 2000

## Appendix

### **Tentative timetable for the Panel's study on the system of accountability for principal officials**

- |                         |  |
|-------------------------|--|
| By end of December 2000 | <ul style="list-style-type: none"><li>• To invite the public to submit and present views to the Panel by various means</li></ul>   |
| End of January 2001     | <ul style="list-style-type: none"><li>• Deadline for written submissions</li></ul>   |
| February 2001           | <ul style="list-style-type: none"><li>• To hold Panel meetings to receive oral presentation of views from the public</li></ul>   |
| March - May 2001        | <ul style="list-style-type: none"><li>• To consider views/written submissions received</li><li>• To consider comments of the Administration on the views/submissions received</li><li>• To receive briefings on the Administration's preliminary proposal</li><li>• To conduct the proposed overseas duty visit</li><li>• To deliberate and make recommendations</li></ul> |
| June - July 2001        | <ul style="list-style-type: none"><li>• To consider and endorse the Panel's report</li></ul>   |