

**PART 5 - COMPARISON OF THE VARIOUS ATTRIBUTES OF THE
PROCESS OF APPOINTMENT OF SENIOR MEMBERS OF
GOVERNMENT**

31.1 Table 7 presents some basic facts of the three countries studied and Hong Kong. Table 8 to Table 14 summarize various attributes of the process of appointment of senior members of government in the three countries studied and Hong Kong. The information regarding Hong Kong refers to the practice applicable to existing principal officials.

Table 7 - Basic Information of Selected Countries and Hong Kong

Country	Population (million)	GDP per capita (HK\$)	Number of Civil Servants	Number of Seats in the Legislature	Cost of Living [#]	Salaries of Cabinet Ministers / Secretaries (in millions of HK\$)
UK	59.1	190,242	460,000 [^]	The House of Lords: 670 The House of Commons: 659	99	1.344 [@]
US	272.9	261,612	2,218,000 ⁺	The Senate: 100 The House of Representatives: 435	100	1.300
Singapore	3.2	205,608	63,300 [*]	85	97	6.114 - 4.162
Hong Kong	6.9	180,258	187,000 ^{**}	60	117	N/A

Remarks: # New York=100, December 1999.
 ^ *Civil Service Year Book 2001*, The Stationery Office.
 @ including full parliamentary salary.
 + *World Almanac 2001*, World Almanac Books.
 * *Singapore 2001*, Ministry of Information and Arts.
 ** *Establishment of the Civil Service*, Civil Service Bureau web site, The Government of the HKSAR, March 2001.

Source: Unless otherwise indicated, all data is abstracted from *The Economist Pocket World in Figures 2002*.

Table 8 - Qualification of Senior Members of Government

Country	General Requirements	Specific Requirements for Particular Offices	Parliamentary Qualification	Disqualification Criteria
UK	<ul style="list-style-type: none"> - Must be able to take the oath of allegiance to the Crown - Must not be an alien* - Member of Parliament 	<ul style="list-style-type: none"> - Nil - Except that the Lord Chancellor is traditionally held by a member of the legal profession 	<ul style="list-style-type: none"> - By convention, each Minister has or obtains a seat in either House of Parliament 	<ul style="list-style-type: none"> - Nil - But a serious criminal record could jeopardize a person's prospect of a ministerial career
US	<ul style="list-style-type: none"> - Must be a US citizen 	<ul style="list-style-type: none"> - Nil - Except that a candidate of the Secretary of Defense must be a civilian 	<ul style="list-style-type: none"> - Not Required 	<ul style="list-style-type: none"> - No officer shall be Member of either House simultaneously - Prohibits Members of Congress being appointed to any office created during their term
Singapore	<ul style="list-style-type: none"> - Must be a Singapore citizen - An elected Member of Parliament 	<ul style="list-style-type: none"> - Nil - Except that the Minister of Law is traditionally a legally-trained Member 	<ul style="list-style-type: none"> - By convention, Cabinet Ministers are elected Members of Parliament 	<ul style="list-style-type: none"> - A Minister will be disqualified if he has a criminal record or is declared bankrupt - Cabinet Ministers shall not hold any office of profit and shall not actively engage in any commercial enterprise**
Hong Kong	<ul style="list-style-type: none"> - (1) A Chinese citizen; - (2) A permanent resident of Hong Kong; - (3) No right of abode in any foreign country; and - (4) Ordinarily resided in Hong Kong for a continuous period of not less than 15 years - Swear to uphold the Basic Law and swear allegiance to the HKSAR 	<ul style="list-style-type: none"> - Nil 	<ul style="list-style-type: none"> - Not Required 	<ul style="list-style-type: none"> - Nil

Remarks: * persons born outside of the Kingdoms of England, Scotland or Ireland or the dominions.
 ** the "Code of Conduct for Ministers" provides rules governing the question of the participation by Ministers in business and professional activities. Please

refer to para. 29.2 for details.

Table 9 - Routes to Senior Members of Government

Country	Typical Routes	Typical Social Background
UK	- A back-bencher → a Parliamentary Private Secretary → a Parliamentary Under-secretary of State → a Minister of State → a Cabinet Minister	- Lawyers and businessmen
US	- From departments of previous administrations - Early or long-term friends and supporters of a President	- Lawyers, civil servants and businessmen
Singapore	- May be handpicked by the People's Action Party → a Member of Parliament → a Minister → a Cabinet Minister	- Executives of banks or multi-national companies, civil servants and academics
Hong Kong	- Administrative Officer - Ms Elsie Leung (Secretary for Justice) -- a private practice solicitor before assuming her post - Dr E K Yeoh (Secretary for Health and Welfare) -- Chief Executive of the Hospital Authority before assuming his post - Mr Anthony Leung (Financial Secretary) -- Chairman of a major international bank before assuming his post	- Public Servants

Table 10 - Appointment of Senior Members of Government

Country	Appointment Process			Role of Parliament	Whether Senior Members Must Be Member of Parliament
	Nomination	Clearance	Approval		
UK	Prime Minister	No	Queen	No	Must be, by convention
US	President	Yes	Approved by the Senate and appointed by the President	Advice and Consent by the Senate	No
Singapore	Prime Minister	No	President	No	Must be, by constitution
Hong Kong	Chief Executive	Yes	Appointed by the Central Government	No	No

Table 11 - Salary Determination of Senior Members of Government

Country	Regulatory Framework	Determination Criteria	Annual Adjustment	Review Body
UK	<i>The Ministerial and Other Salaries Act 1975</i>	Past history and comparison with their counterparts in the private and public sectors	Yes, in line with senior civil service pay bands	A full review every three years by the Senior Salaries Review Body
US	<i>Section 5312, Title 5 of the US Code</i>	Linked to the salaries of Members of Congress and federal judges	Yes, in line with the Employment Cost Index	Citizen's Commission on Public Service & Compensation
Singapore	No specific legislation subject to Parliament's approval	Pegged with private sector benchmarks	Yes, in line with the economic performance, individual's performance and the private sector salary benchmark adjustment	Public Service Division of the Prime Minister's Office
Hong Kong	No specific legislation subject to LegCo's approval	Broadly comparable with the private sector	Yes, follows the Pay Trend Survey	No

Table 12 - Comparison of Annual Salary (in millions of HK\$)

Office-holders		UK	US	Singapore	Hong Kong
Prime Minister/President/ Chief Executive		1.272 (1.853 [@])	3.120	8.342 [*]	3.412
Cabinet Ministers/ Cabinet Secretaries		0.763 (1.344 [@])	1.300	4.162 - 6.115	Not applicable
Permanent Secretaries/ Directors/ Secretaries of Departments and Directors of Bureaux		1.168 - 2.005	0.881 - 1.014	3.165 - 4.369	2.281 - 2.729 [~]
Members of Parliament/ Members of Congress/ Legislative Councilors		0.622 [#]	1.170 ⁺	0.757	0.699 [^]
Chief Executive Officers in the Private Sector**	Total Remuneration	5.215	15.074	5.037	5.745
	Basic Compensation	2.243	4.221	2.367	2.356

Remarks: @ including full parliamentary salary.
 * salary of the Prime Minister.
 ~ Secretaries of Departments refer to DL7, D9 and D10; Directors of Bureaux refer to D8.
 # basic annual salary, not including allowances.
 + members are not permitted to take part in business activities.

[^] not including operating expenses.
^{**} Towers Perrin, *Worldwide Total Remuneration 2001-2002*.

Table 13 - Ways to Prevent Conflicts of Interest of Senior Members of Government

Country	Major Regulatory Framework	Declaration of Interest	Interests to be Declared	Post-office Employment
UK	- <i>The Ministerial Code: A Code of Conduct and Guidance on Procedures for Ministers</i>	- Make declaration to Permanent Secretaries - Make returns to both Houses as Parliamentarian	- Cover financial instruments and partnerships, financial interests such as unincorporated businesses and real estate, also relevant non-financial private interests and previous relevant employment - Not only personal interests, but also those of spouses, children or closely associated persons	- Monitored by the <i>Advisory Committee on Business Appointments</i> - <i>Guidelines on the Acceptance of Appointments or Employment Outside Government by Former Ministers of the Crown</i>
US	- <i>The Ethics in Government Act of 1978 and Executive Order</i>	- <i>Public Financial Disclosure Report</i>	- Cover assets, transactions, liabilities, outside positions and compensation in excess of \$5,000 paid by one source, etc. - Spouses and dependent children are required to declare interests on assets, transactions, gifts and liabilities, etc.	- By legislative and executive means
Singapore	- <i>The Code of Conduct for Ministers</i>	- Declare in writing to the Prime Minister details of their personal assets and previous sources of incomes at the beginning of appointments	- Confidential and not available to the public	- No regulations
Hong Kong	- A declaration of Interests system for senior civil servants - <i>Civil Service Regulations</i> - A mechanism for Members of Executive Council to declare their interests in matters laid before the Council	- Make declaration to the Civil Service Bureau	- All investments in/or outside Hong Kong (annually) - Any investment transaction equivalent to or exceeding HK200,000 (within 7 days) - Register annually certain financial interests* for public inspection - Only required to report the occupation of their spouses, no need to declare financial interests of their spouses and children	- Required to seek prior approval from the Government within one year after completion of their agreements, before taking up any outside employment or engaging in any business the principal part of which is carried out in Hong Kong.

Remarks: * including 1) land and building; 2) proprietorships or directorships of companies; and 3) shareholding of 1% or more of the issued share capital in any listed, public or private company.

Table 14 - Removal of Senior Members of Government

Country	Conditions	Role of Parliament	Removal Process
UK	<ul style="list-style-type: none"> - When a whole government resigns - In a reshuffle - Fails to fulfil the requirements of collective responsibility - Breaches the requirements of individual responsibility 	<ul style="list-style-type: none"> - Vote of confidence 	<ul style="list-style-type: none"> - Hold office at the Queen's pleasure, their removal is determined by her on the Prime Minister's advice at any time
US	<ul style="list-style-type: none"> - By the President after notice and opportunity for public hearing for inefficiency, neglect of duty or malfeasance - By the Congress through impeachment for conviction of treason, bribery, or other high crimes and misdemeanors 	<ul style="list-style-type: none"> - Impeachment 	<ul style="list-style-type: none"> - The Constitution stipulates that the power to impeach is given to the House of Representatives, and cases of impeachment are tried before the Senate
Singapore	<ul style="list-style-type: none"> - Similar to the UK - The Cabinet of Singapore is, by Constitution, collectively responsible to Parliament 	<ul style="list-style-type: none"> - Vote of confidence 	<ul style="list-style-type: none"> - Only the President can declare the office of the Prime Minister vacant, or revoke the office of a Minister, acting on the advice of the Prime Minister
Hong Kong*	<ul style="list-style-type: none"> - Misconduct - Criminal conviction - Public interest 	<ul style="list-style-type: none"> - No 	<ul style="list-style-type: none"> - CE recommends to the central government to remove principal officials.

Remark: * Public Service (Administration) Order 1997.