

Accountability System for Principal Officials
Comments to Legislative Council Subcommittee
to Study the Proposed Accountability System for Principal Officials
and Related Issues

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A. Objectives and Necessary Conditions for the New System

The accountability system for principal officials or ministerial system is a revolutionary change in the political system of Hong Kong. Although Hong Kong will still have an executive-led government, the ministerial system is shifting the power of policy-making from the bureaucracy to the Chief Executive (CE) and his political appointees who serve as the principal officials under the new system.

According to the Administration, there are two main objectives of the ministerial system

- (i). To enhance the accountability of the government to the public for its performance
- (ii). To ensure good policy formulation and proper policy implementation

To make the system successful, it is important to build in other institutional arrangements and necessary conditions for the system. Without them, it is not likely that the stated two objectives can be attained. Moreover, many of the difficulties of the implementation of the ministerial system are also underestimated by the Administration. The critical issues that must be considered and addressed carefully for the success of the ministerial system are stated and explained below.

B. Critical Issues for Consideration

1. Institutionalization of the System

The new ministerial system will use political appointees, not the civil service, as the major driving force for the policy-making of Hong Kong. It will highly enhance the role and power of the CE in both the political system and the policy-making of Hong Kong. However, as the CE is not popularly elected, it is hard to imagine that, simply by implementing the new system, the CE himself and his ministers will be more accountable to the public.

It is understandable that it may take a longer time for the political reform to be accomplished that will make the CE be directly elected under universal suffrage. However, given the existing constraint in the political system, there is still room for improvement to enhance government accountability under the ministerial system.

A major problem of accountability of the ministerial system is that the Legislative Council (LegCo), the only political institution in Hong Kong that has a democratic component, does not play any significant role in the appointment and removal of the ministers. Although it is difficult to amend the Basic Law to give the Legislative Council a formal role in the process, the Administration should at least establish some constitutional conventions to make the LegCo a partner in the process. For example, the CE can ask all his ministers to attend meetings of the LegCo to explain their policy platforms before they are formally nominated and appointed.

The civil service is also not directly elected when they are given important roles in the policy-making under the existing system. However, at least, the civil service is an institution where there are institutional checks on their power. However, under the ministerial system, it seems that the CE is given more power without the proper institutional checks on his power. This will weaken the institutional strength of the existing system and making our system more towards a "rule of man", rather than a "rule of law."

2. Good Policy and Strong Leadership

One core assumption the Administration has for its dissatisfactory performance in the first term of the CE is that it is poor policy implementation, not poor policy formulation, is the problem. Nevertheless, it seems that many of the policy failures experienced by the Administration in the first term of the CE is more related to bad policies, rather than bad policy implementation. Therefore, even if the policy implementation and coordination can be improved with the adoption of the ministerial system, the policy failure caused by poor policy will still remain. At least, ministerial system is not a solution to this problem.

Moreover, strong leadership, which is so far a rather weak aspect of the Administration, is very important and necessary for the ministerial system. In the existing system, the civil servants who are serving as directors of bureaux are administrative officers (AO). One important devise of the administrative grade system as a policy-making institution is job rotation. As each AO will be shifted from one policy area to another policy area and one department to another department regularly, they will not have a rested interest in one single policy area or one single department. In addition, they are all career civil servants who are socialized in the same civil service system for a long period of time. Many of them also have personal ties with each other. Consequently, they often share the same vision and have the same consensus on policy-making.

However, under the new ministerial system, talent from outside the civil servants, are going to be recruited as ministers. The administrative grade system for policy coordination will break down. Ministers have a strong tendency to compete with each other for media attention, attention from the CE, resources, and policy achievements. In order to maintain the policy consensus and coordination, the CE and his director of the CE's office must exercise very strong leadership. If not, the new ministerial system will only bring more conflict and chaos to the policy-making of Hong Kong.

3. Integrity and Neutrality of the Civil Service

The Administration paper on the ministerial system states that "the civil service would continue to be permanent, meritocratic and politically neutral" after the adoption of the system. While these objectives are highly valued and treasured, there is little there in terms of institutional safeguard to ensure that the objectives can be achieved under the new system.

For example, the Secretary for the Civil Service is politically appointed. It is unsure how he or she can balance the political pressure from the ministers and the CE, and the merit and neutrality of the civil service. Although the ministers do not have the direct authority to fire the civil servants, they still have strong political control on the civil service by exercising influence on the career prospects of the civil servants. This risk is particularly high for the senior civil servants as much of their work is management and policy in nature. Their work is hard to be quantified by objective and measurable indicators. It becomes vulnerable to the subjective or perhaps even political judgment of the ministers. Consequently, it is very likely that the political influence of the ministers can easily go beyond the level of the permanent secretaries and reach much deeper into the civil service.

If the Administration would like to ensure the civil service will be "permanent, meritocratic, and politically neutral", a more effective solution is to follow the example of the UK. That is, civil service legislations can be passed to ensure that the civil service will not be put under political pressure under the new system.

4. Financial and Staffing Implications

It is difficult to make the new ministerial system "cost-neutral". The crux of the problem is that the Administration adds a new layer of policy-making, the ministers, to the existing bureaux. Even if the ministerial system can be made "cost-neutral", it is more likely that it is cost-neutral in the sense that the budgets for the bureaux are not increased. The bureaux can do so by shifting some of the administrative tasks and the staff to the departments.

Some of the bureaux are already "downsizing" themselves by shifting their administrative staff of lower ranks, such as the executive officers, to the departments.

There are two implications here:

- (i). The so-called "cost-neutrality" is simply a number game. While the expenses of the bureaux may be kept constant, the overall expenses of the government will be increased.
- (ii). The bureaux will become top-heavy. Much of the cost-saving will be made at the expense of the lower level staff. It can be unfair to them and socially unjust.

Furthermore, the ministers will hire his or her own support staff. Policy formulation and research will become a critical task for policy bureaux in the new system. These mean that there is actually a pressure for expansion for the overall personnel of the bureaux in the long run.

Consequently, it is really doubtful that the ministerial system can be "cost-neutral" in a real sense.

5. Timing

It is not a good idea to set a fixed deadline, such as July 1, as the implementation date of the new system. This is not to say that the ministerial system must not be implemented on July 1. The important point here is that the ministerial system should not be implemented before all the institutional safeguards and arrangements are built into it to preserve the existing strengths of the existing system.

In fact, the only and major merit of having the system implemented not late than July 1 is more or less ceremonial. As the leaders of the Central Government are going to visit Hong Kong for the fifth anniversary of the handover, it will be a good occasion for them to appoint the ministers during their visit. However, the cost of having a badly constructed and poorly perceived system implemented prematurely is very high. It is not advisable to take the risk of rushing the legislations required for the system through the LegCo, just for the sake of meeting a self-imposed deadline.

C. Conclusion: Not a Panacea for the Real Problems

There are two sets of worries for the new ministerial system. First of all, the ministerial system can weaken many of the institutional strengths of the political system of Hong Kong in general and the civil service system of Hong Kong in particular. For instance, by making the civil service more "politicalized", it may lose its power to offer professional and neutral advice to the government.

Secondly, some of the more urgent and important problems are not addressed, or more correctly, cannot be addressed by the ministerial system. Good policy, clear vision, and strong leadership are all critical factors that are necessary for the success of the ministerial system. The Administration must demonstrate to the public that they have these sets of qualities before they formally implement the system.

It is not to say that the ministerial system is necessarily bad. However, we should not have a false faith that it can solve all our problems. We should also do not let it blind us from seeing the real and more profound problems faced by the HKSAR Government.