

立法會
Legislative Council

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Date : 11 April 2002
From : Clerk to Panel
To : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon SZETO Wah
Hon IP Kwok-him, JP

LegCo Panel on Constitutional Affairs

Meeting at 4:30 pm on 18 April 2002

System of Accountability for Principal Officials

The Administration will discuss with Members details of the system of accountability for principal officials at the meeting on 18 April 2002.

2. Since early 2000, the Panel has discussed the development of the political system of the Hong Kong Special Administrative Region including the pace of democratisation, system of government and executive-legislature relationship. Following the Chief Executive's (CE) announcement about the proposed accountability system for principal officials in his 2000 Policy Address, the Panel has discussed the proposed accountability system and the mechanism to regulate post-office activities of CE and senior members of government.

3. To facilitate discussion of these issues, the Panel has solicited views from academics and other interested parties and has requested the Research and Library Services Division of the LegCo Secretariat to conduct a number of research projects. For details, please refer to the **Appendix** attached. Members are invited to note that the relevant minutes of Panel meetings, papers and research reports could be accessed through the LegCo website.

(Mrs Percy MA)
Clerk to Panel

Encl

c.c. Members of Panel on Public Service
All other Hon Members of LegCo
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Appendix

LegCo Panel on Constitutional Affairs

System of Accountability for Principal Officials and Related Matters

Date	Sequence of Events
12 January 2000	Hon Emily LAU moved a motion at the Council meeting which read - "That this Council urges the Executive Authorities to conduct a public consultation as soon as possible on the relationship between the executive and the legislature, the ministerial system and the election of the Chief Executive and the Legislative Council by universal suffrage.". The motion was passed by the Council.
21 February, 4 & 20 March 2000	The Panel conducted a public consultation exercise to solicit views from academics and interested parties on the development of the political system of the HKSAR. Matters discussed included, inter alia, the pace of democratization, system of government and executive-legislature relationship as well as appointment and accountability of senior government officials.
17 April 2000	The Panel considered the Research Report prepared by the Research and Library Services Division (RLSD) on "Systems of Government in Some Foreign Countries". The Report covered seven countries i.e. the United Kingdom (UK), the United States (US), Germany, France, New Zealand, Japan and Singapore (<i>RP03/99-00 to RP10/99-00</i>).
1, 8 April & 8 May 2000	The Panel held a series of meetings to consider views received by the Panel on the development of HKSAR's political system with a view to making its recommendations.

8 June 2000	The Panel presented a Report entitled “The Development of the Political System of the HKSAR” to the Council (issued to Members vide <i>LC Paper No. CB(2)2185/99-00</i>).
14 June 2000	A debate on a motion calling upon the Government to consider the views of Members on the Panel Report was held by the Council. The motion was carried.
11 October 2000	The Chief Executive (CE) announced in his Policy Address that the Administration would consider how to enhance the accountability of principal officials at Secretaries and Directors of Bureaux rank for their respective policy portfolios by devising a compatible system of appointment for these principal officials.
20 November, 18 December 2000 & 15 January 2001	The Panel discussed the way to proceed with a study of its own on a system for enhancing executive accountability. It was agreed that the Panel should conduct a consultation exercise on the subject and send a delegation to visit other countries to study their systems of executive accountability.
19 February, 19 March, 7 & 21 May 2001	In the light of the appointment of Mr Antony LEUNG Kam-chung as the Financial Secretary, the Panel discussed the system of appointment of principal officials on civil service agreement terms. Questions were raised on the appointment of Mr LEUNG, including the timing for completing the integrity checking and details of his employment contract.
3 March 2001	The Panel received views from academics on the proposed accountability system for principal officials.
21 May 2001	The Administration briefed the Panel on its duty visit to New Zealand and Australia to get an update on the civil service management and progress of public sector reform of these governments (<i>LC Paper No. CB(2)1583/00-01(01)</i>). The experience would be useful reference for the study on the accountability system for principal officials.

13 - 24 June 2001	A delegation of the Panel conducted a duty visit to obtain first-hand information on the systems of executive accountability in UK, France and Germany.
12 June & 9 July 2001	The Panel received views from academics and interested parties on the development of the political system of the HKSAR and the proposed system of accountability system for principal officials.
17 July 2001	The Panel discussed a paper prepared by the Administration (<u>LC Paper No. CB(2)2042/00-01(04)</u>) which highlighted the findings of a study on the arrangements applicable to heads of governments after stepping down from office. The study covered eight countries, i.e. Australia, Belgium, Canada, Germany, Japan, New Zealand, UK and US.
27 August 2001	<p>The Panel endorsed the Report on “Duty Visit to Study the Systems of Executive Accountability in the United Kingdom, France and Germany” prepared by the delegation of the Panel. The Report was presented to the House Committee on 5 October 2001.</p> <p>The Panel considered a paper prepared by the Secretariat setting out the main issues considered by the Panel relating to the proposed system of accountability for principal officials (<u>LC Paper No. CB(2)2207/00-01(01)</u>).</p>
10 October 2001	CE outlined the proposed system of accountability for principal officials in his 2001 Policy Address.
19 November 2001	<p>The Panel received views from academics on the proposed system of accountability for principal officials</p> <p>The Panel discussed the Administration's paper on its initial thinking on the proposed accountability system (<u>LC Paper No. CB(2)194/01-02(01)</u>).</p>

17 December 2001	The Panel discussed with the Administration the Hong Kong Bar Association's view that it was not appropriate to include the post of the Secretary for Justice (SJ) in the proposed accountability system (<i>LC Paper Nos. CB(2)441/01-02(02) and CB(2)675/01-02(03)</i>).
21 January 2002	<p>The Panel noted that the Administration remained of the view that it was appropriate to include the post of SJ in the proposed accountability system (<i>LC Paper No. CB(2)921/01-02(03)</i>).</p> <p>The Panel considered the Research Report prepared by RLSD on “Restrictions on Activities of Former Heads of Government and Former Senior Members of Government” (<i>RP02/01-02</i>). The Report examined and compared the post-office arrangements applicable to former head of government and former senior members of government, including ministers, political appointees and senior civil servants in five countries and places, i.e. France, UK, US, California and Ontario.</p>
18 February 2002	The Panel received views from academics on the issue of introducing a monitoring mechanism for regulating post-office activities of the CE and principal officials in order to avoid possible conflicts of interest.
18 March 2002	The Panel considered the Research Report prepared by RLSD on “Process of Appointment of Senior Members of Government in Selected Countries” (<i>RP05/01-02</i>). The Report studied the appointment process of senior members of government (political appointees such as Cabinet Ministers and Cabinet Secretaries) in the UK, US and Singapore.