

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1520/07-08(02)

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### **Subcommittee on Interpretation and General Clauses Ordinance (Amendment of Schedule 6) Order 2008**

#### **Background Brief**

#### **Purpose**

This paper provides background information on the Administration's proposal relating to further development of the political appointment system.

#### **Accountability System for Principal Officials**

2. The Accountability System for Principal Officials (POs) was implemented on 1 July 2002. A total of 14 POs, i.e. three Secretaries of Department and 11 Directors of Bureau, were appointed on contract. They were not civil servants and their contract did not exceed the term of the Chief Executive (CE) who nominated them for appointment. They were accountable to the CE for the success or failure of matters falling within their respective portfolios.

3. Following a re-organization of the policy bureaux of the Government Secretariat with effect from 1 July 2007, the number of policy bureaux has increased from 11 to 12, each headed by a Director of Bureau. There are now a total of 15 POs, i.e. three Secretaries of Department and 12 Directors of Bureau.

#### **Consultation Document on Further Development of the Political Appointment System**

4. In his Policy Address delivered in October 2005, the CE announced that the public would be consulted on the proposal to create within the Government a small number of positions dedicated to political affairs. Their main duty would be to support the CE and POs in their political work.

5. The Administration issued the Consultation Document on Further Development of the Political Appointment System (the Consultation Document) on 26 July 2006. The Administration proposed to further develop the political appointment system by creating two additional layers of political appointment positions, namely, Deputy Directors of Bureau and Assistants to Directors of Bureau (the proposal).

6. The Panel on Constitutional Affairs (the Panel) held two meetings in July 2007 for members to raise questions on the Consultation Document. Some members expressed concern about the delineation of role and responsibilities between the political layer and the civil service, and the measures to prevent conflict of interest of political appointees during office and after stepping down from office. They were also concerned whether the proposal would facilitate the development of political parties and democratic development.

### **Report on Further Development of the Political Appointment System**

7. The Administration published the Report on Further Development of the Political Appointment System (the Report) on 17 October 2007. The Secretary for Constitutional and Mainland Affairs made a statement on the Report at the Council meeting on the same day. The Administration recommended proceeding with the proposal in the Consultation Document for one position of Deputy Director of Bureau and one position of Political Assistant to Director of Bureau to be provided for each policy bureau, except the Civil Service Bureau.

8. The Administration briefed the Panel on the Report at a special meeting on 23 October 2007. Members who supported the proposal considered that it would enrich the composition of the political team and contribute to better governance of Hong Kong. Members who expressed reservations considered that the proposal was not conducive to the political party development and would open the door to a "spoils system" for political parties which had close relations with the CE. They also considered that further development of the political appointment system should be withheld until universal suffrage was implemented for the CE election.

9. The proposal to create 24 non-civil service positions (11 Deputy Directors of Bureau and 13 Political Assistants to Directors of Bureau) under the Political Appointment System with effect from 1 April 2008 was endorsed by the Establishment Subcommittee on 28 November 2007, and approved by the Finance Committee on 14 December 2007.

### **Relevant Papers**

10. A list of the relevant papers which are available on LegCo website is in the **Appendix**.

**Subcommittee on Interpretation and General Clauses Ordinance  
(Amendment of Schedule 6) Order 2008**

**Relevant documents**

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
Legislative Council	6 July 2005	Official Record of Proceedings of the Council on an oral question raised by Hon SIN Chung-kai on "Recruiting People with Political Aspirations to Serve as Administrative Assistants to Directors of Bureaux"
Panel on Constitutional Affairs	26 July 2006	<p>Consultation Document on "Further Development of the Political Appointment System"</p> <p>Administration's paper on "Further Development of the Political Appointment System" [LC Paper No. CB(2)2858/05-06(01)]</p> <p>Minutes of meeting [LC Paper No. CB(2)242/06-07]</p>
	31 July 2006	<p>Administration's note on the comparison of the proposed political appointment system for Hong Kong and the system in the United Kingdom and Canada [LC Paper No. CB(2)2848/05-06(01)]</p> <p>Minutes of meeting [LC Paper No. CB(2)87/06-07]</p>
Legislative Council	17 January 2007	Official Record of Proceedings of the Council on an oral question raised by Hon Albert HO Chun-yan on "Avoidance of Conflict of Interests by Principal Officials"
	4 July 2007	Official Record of Proceedings of the Council on an oral question raised by Hon Margaret NG on "Policy Regarding Breach of Confidentiality Rule by Former Principal Officials"

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
	17 October 2007	Official Record of Proceedings of the Council on Statement made by the Secretary for Constitutional and Mainland Affairs on the Report on Further Development of the Political Appointment System
Panel on Constitutional Affairs	23 October 2007	<p>Legislative Council Brief on "Implementation of Further Development of the Political Appointment System"</p> <p>Report on Further Development of the Political Appointment System</p> <p>Background Brief on "Further Development of the Political Appointment System" prepared by the LegCo Secretariat [LC Paper No. CB(2)123/07-08(01)]</p> <p>Minutes of meeting [LC Paper No. CB(2)953/07-08]</p>
Establishment Subcommittee	28 November 2007	<p>Proposed creation of 24 non-civil service positions (11 Deputy Directors of Bureau and 13 Political Assistants to Directors of Bureau) with effect from 1 April 2008 under the Political Appointment System and remuneration for positions at these two ranks [EC(2007-08)11]</p> <p>Minutes of meeting [LC Paper No. ESC12/07-08]</p>
Finance Committee	14 December 2007	<p>Recommendations of the Establishment Subcommittee made on 28 November 2007 [FCR(2007-08)37]</p> <p>Minutes of meeting [LC Paper No. FC50/07-08]</p>