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Panel on Constitutional Affairs

Meeting on 16 June 2008

**Background Brief on
Further Development of the Political Appointment System**

Purpose

This paper provides background information and developments on issues raised by Members at the meeting of the Establishment Subcommittee on 28 May 2008, following the announcement of the appointment of Under Secretaries (at the rank of Deputy Director of Bureau) and Political Assistants to Director of Bureau (Political Assistant).

Background

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, there are a total of 15 POs, i.e. three Secretaries of Department and 12 Directors of Bureau.

Further Development of the Political Appointment System

4. On 26 July 2006, the Administration issued the Consultation Document on Further Development of the Political Appointment System proposing the creation of two additional layers of political appointment positions, namely Deputy Directors of Bureau and Political Assistants, for the following reasons -

- (a) POs needed additional support to meet the demands of people-based governance;

- (b) additional political appointments would be conducive to maintaining the political neutrality of the civil service; and
- (c) political positions at different levels of the Government could provide a more comprehensive career path for political talents to pursue.

5. On 17 October 2007, the Administration published the Report on Further Development of the Political Appointment System. In the light of the views received during the consultation period, the Administration recommended that one position of Under Secretary at the rank of Deputy Director of Bureau and one position of Political Assistant should be created for each policy bureau (except the Civil Service Bureau), and one position of Political Assistant should be created for the Chief Secretary for Administration and the Financial Secretary respectively.

6. The proposal to create 24 non-civil service positions (11 Deputy Directors of Bureau and 13 Political Assistants) 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.

7. On 20 and 22 May 2008, the CE appointed the first batch of eight Under Secretaries and nine Political Assistants on non-civil service terms for the period ending 30 June 2012. The Government will make further announcements on the remaining positions of Under Secretaries and Political Assistants in due course. The relevant press releases issued by the Government are in **Appendices I to III**.

Issues

Nationality

8. The Basic Law was promulgated on 4 April 1990 and came into effect on 1 July 1997. The restrictions on foreign right of abode as stipulated in Chapter IV : Political Structure of the Basic Law are as follows -

- (a) Article 44 - the CE shall be a Chinese citizen who is a permanent resident of the Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years;
- (b) Article 55 - Members of the Executive Council shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country;
- (c) Article 61 - the principal officials shall be Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country and have ordinarily resided in Hong Kong for a continuous period of not less than 15 years;

- (d) Article 67 - LegCo shall be composed of Chinese citizens who are permanent residents of the Region with no right of abode in any foreign country. However, permanent residents of the Region who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected members of LegCo, provided that the proportion of such members does not exceed 20% of the total membership of the Council; and
- (e) Article 101 - the Government may employ British and other foreign nationals previously serving in the public service in Hong Kong, or those holding permanent identity cards of the Region, to serve as public servants in government departments at all levels, but only Chinese citizens among permanent residents of the Region with no right of abode in any foreign country may fill the following posts : the Secretaries and Deputy Secretaries of Departments, Directors of Bureaux, Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise.

9. Following the announcement of the appointment of eight Under Secretaries on 20 May 2008, it was reported by the media that some of these appointees are holders of foreign passports. These reports have triggered discussions whether Under Secretaries with right of abode in foreign countries would contravene the Basic Law. There were views that the spirit of Article 61 should apply to Under Secretaries as they will deputize for Directors of Bureau during the latter's absence.

Remuneration

10. An Appointment Committee chaired by the CE and comprising the Secretaries of Department, the relevant Directors of Bureau and the Director of the Chief Executive's Office has been set up to consider nominations and appointments of potential candidates to fill the new political positions. The Appointment Committee also gives advice on the remuneration package recommended for individual appointees.

11. Chapter 9 of the Report on Further Development of the Political Appointment System sets out the recommendations on the remuneration package for Under Secretaries and Political Assistants (**Appendix IV**).

12. Following the announcement of appointment of eight Under Secretaries and nine Political Assistants, there have been calls for the Administration to disclose the salaries of individual political appointees.

Codes for political appointees and civil servants

Code for Officials under the Political Appointment System

13. The "Code for Principal Officials under the Accountability System" (the Code) was gazetted on 28 June 2002.

14. In response to concerns previously expressed by Members about the status of the Code and sanctions for breaching the Code, the Administration had advised that although the Code had no legislative effect, it had legal force on the POs. The employment contract of POs would stipulate a requirement for POs to observe the rules and principles contained in the Code. The employment contract would be legally binding, and a contravention of the Code would be regarded as a breach of the employment contract. In extreme cases, the PO concerned might be required to resign.

15. Paragraph 8.03(b) of the Report on Further Development of the Political Appointment System states that the Code should be adapted as the "Code for Officials under the Political Appointment System" to reflect the broader coverage of officials governed by the Code after the expansion of the Political Appointment System. A copy of the Code for Officials under the Political Appointment System is at **Annex C to the Administration's paper** (LC Paper No. CB(2)2225/07-08(01)).

Civil Service Code

16. According to paragraph 5.14 of the Report on Further Development of the Political Appointment System, to mirror the code for political appointees, a Civil Service Code applicable to civil servants will be drawn up.

17. In her speech on the Motion of Thanks at the Council meeting on 24 October 2007, the Secretary for Civil Service advised that "[t]o maintain the civil service's political impartiality in the further development of the political impartiality in the further development of the political appointment system, the Civil Service Bureau will issue a Civil Service Code to establish a framework under which civil servants are expected to work with the appointees under an expanded political appointment system. The Code will set out the principles and values which civil servants are expected to uphold and the roles and responsibilities of civil servants under the expanded political appointment system, thereby delineating the working relationships between the civil service and the politically appointed officials."

18. The item "Civil Service Code" was originally scheduled for discussion at the meeting of the Panel on Public Service on 16 June 2008. At the request of the Administration, the item was subsequently removed from the agenda.

Latest development

19. On 31 May 2008, the Administration issued a press release to provide information on the distribution of Under Secretaries and Political Assistants at each of the specified salary points, and to explain why it will not disclose the actual salaries of individual appointees (**Appendix V**).

20. At the Council meeting on 4 June 2008, Hon Martin LEE raised an oral question concerning the salary and nationality of Under Secretaries and Political

Assistants. A relevant extract of the draft Record of Proceedings of the Council meeting on 4 June 2008 is in **Appendix VI**.

21. On 10 June 2008, the newly appointed Under Secretaries and Political Assistants decided to disclose details of their personal remuneration in view of sustained public interest. A press release issued by the Government on behalf of the appointees is at **Annex B to the Administration's paper** (LC Paper No. CB(2)2225/07-08(01)).

22. At a meet-the-media session on 10 June 2008, the CE spoke about the Government's position on issues relating to nationality, remuneration and appointment of Under Secretaries and Political Assistants. The relevant press releases are in **Appendix VII**.

23. Hon TAM Heung-man will raise an oral question on the procedure and criteria for appointment of Under Secretaries and Political Assistants and related issues at the Council meeting on 18 June 2008 (**Appendix VIII**).

24. Hon LEE Wing-tat will move a motion on "Seeking papers, books, records and documents regarding the salary and fringe benefits of Under Secretaries and Political Assistants" at the Council meeting on 25 June 2008. The wording of the motion is in **Appendix IX**.

Relevant papers

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

Appendix I

Press Releases

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CE's transcript at media session on appointment of Under Secretaries (with video)

Following is the transcript of remarks (English portion) by the Chief Executive, Mr Donald Tsang, at a media session on appointment of Under Secretaries at the Central Government Offices, Main Wing, today (May 20):

I would like to announce that I have appointed the first batch of eight Under Secretaries at the rank of Deputy Directors of Bureau.

The appointments mark a key milestone in Hong Kong's development of its accountability system. The appointees will assist the respective bureau secretaries in implementing my policy blueprint and agenda to better serve the community.

The new Under Secretaries are drawn from the finance, legal and medical professions, as well as academia and the media. One of them is an Administrative Officer.

I am impressed by their commitment and passion in serving Hong Kong. They will certainly bolster the strength and capacity of our team of political appointees.

As the political appointment of Under Secretaries and Political Assistants is a new arrangement, there is bound to be a period of transition. However, I am confident that they will work closely as a team with the bureau secretaries and our highly professional civil servants in serving Hong Kong.

The Information Services Department will soon release the list of the first batch of eight Under Secretaries. The process of appointing additional political appointees is still under way. We will make further announcements on the remaining posts of Under Secretaries and Political Assistants in due course.

Thank you very much.



(Please also refer to the Chinese portion of the transcript.)

Ends/Tuesday, May 20, 2008

Issued at HKT 11:10


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CE appoints Under Secretaries (with photos)

The Chief Executive, Mr Donald Tsang, today (May 20) appointed the first batch of eight Under Secretaries to bolster the strength and capacity of the Government's team of political appointees under the political appointment system.

At the rank of Deputy Directors of Bureau, the new Under Secretaries are drawn from the finance, legal and medical professions, as well as academia and the media. One of them is an Administrative Officer.

“The appointments mark a key milestone in Hong Kong's development of its political appointment system,” Mr Tsang said.

Impressed by the commitment and passion of the new appointees to serve Hong Kong, Mr Tsang was confident that they would work closely as a team with the Bureau Secretaries and the highly professional civil servants in implementing his policy blueprint and agenda.

The process for appointing additional political appointees is still under way. The Government will make further announcements on the remaining posts of Under Secretaries and Political Assistants in due course.

The Under Secretaries are appointed under the political appointment system on non-civil service terms for the period ending June 30, 2012.

The eight appointees are -

*Under Secretary for Commerce and Economic Development, Mr Gregory So Kam-leung;

*Under Secretary for Constitutional and Mainland Affairs, Mr Raymond Tam Chi-yuen;

*Under Secretary for Education, Mr Kenneth Chen Wei-on;

*Under Secretary for the Environment, Dr Kitty Poon Kit;

*Under Secretary for Financial Services and the Treasury, Ms Julia Leung Fung-yee;

*Under Secretary for Food and Health, Professor Gabriel Matthew Leung;

*Under Secretary for Home Affairs, Ms Florence Hui Hiu-fai; and

*Under Secretary for Transport and Housing, Mr Yau Shing-mu.

Their biographical notes are as follows:

Mr Gregory So Kam-leung

Aged 49. Mr So holds a Bachelor of Arts Degree in Economics from the Carleton University and a double degree of Master of Business Administration and Bachelor of Laws from the University of Ottawa.

Mr So is the senior partner of a solicitor's firm. He is also a vice-chairman of the Democratic Alliance for the Betterment and Progress of HK.

Mr So is a Member of the Hospital Authority, the Council of the Lingnan University and the Commission on Strategic Development. Between 2000 and 2003, Mr So served on the Wong Tai Sin District Council and the Tsz Wan Shan Area Committee.

Mr Raymond Tam Chi-yuen

Aged 44. Mr Tam holds a Bachelor of Science Degree in Engineering from the University of Hong Kong. He joined the Administrative Service in September 1987 and rose to the rank of Administrative Officer Staff Grade B in April 2007. Mr Tam has served in various bureaus and departments including the Central Policy Unit, the former Constitutional Affairs Bureau, the Office of the Financial Secretary, The Chief Executive's Office, the Geneva Office and the Information Services Department. Mr Tam is currently the Deputy Secretary for Home Affairs.

Mr Kenneth Chen Wei-on

Aged 43. Mr Chen holds a Bachelor of Science Degree in Electrical Engineering from Princeton University, a Master of Science Degree in Applied Mathematics from Harvard University and a Master Degree in Business Administration from the Wharton School of the University of Pennsylvania.

He joined the Hong Kong Jockey Club in 2000 and is currently its Director of Racecourse Business.

Mr Chen is a member of the Advisory Committee on Teacher Education and Qualifications and served as a part-time member of the Central Policy Unit between 1998 and 2000.

Dr Kitty Poon Kit

Aged 45. Dr Poon holds a Bachelor of Arts Degree from Rutgers University, a Master Degree in International Affairs from the Columbia University and a Ph.D. in Government and Public Administration from the Chinese University of Hong Kong.

Dr Poon joined the Hong Kong Polytechnic University in August 2005 and was promoted in 2006 to her current post as an Assistant Professor of the Department of Applied Social Sciences.

She is a part-time member of the Central Policy Unit and a council member of the Hong Kong Political Science Association Limited.

Ms Julia Leung Fung-yee

Aged 48. Ms Leung holds a Bachelor of Social Sciences Degree from the Chinese University of Hong Kong and a Master of Science Degree in journalism from the Columbia University.

Ms Leung joined the Hong Kong Monetary Authority (HKMA) in 1994 and was promoted to her present post as Executive Director (External) in 2000. She is a member of the Financial Services Advisory Committee of the Hong Kong Trade Development Council.

Before joining HKMA, Ms Leung served on the Asian Wall Street Journal for 10 years.

Professor Gabriel Matthew Leung

Aged 35. Prof Leung holds a Medical Degree from the University of Western Ontario, a Master Degree in Public Health from Harvard University, a Doctor of Medicine Degree from the University of Hong Kong (HKU) and a number of professional qualifications.

He joined the Faculty of Medicine of HKU in 1999 and was promoted in 2006 to his present position as Professor in Translational Public Health.

Prof Leung has been a consultant to various international agencies including the World Health Organisation and World Bank. Prof Leung is also a member of the Hong Kong Sinfonietta Board of Governors.

Ms Florence Hui Hiu-fai

Aged 34. Ms Hui holds a Bachelor Degree in Business Administration from the Chinese University of Hong Kong and a Master Degree in Business Administration from Cambridge University. She has pursued executive training programmes at the Tsing Hua University and the Harvard University.

Ms Hui joined the Standard Chartered Bank in 2002 and was promoted in 2007 to her present position as Head of Business Planning and Development (North East Asia). She was the Secretary to the Hong Kong Association of Banks and served on the Hong Kong General Chamber of Commerce Financial Services Committee. She is at present a convenor of the Chamber's China Committee.

She is also a part-time member of the Central Policy Unit.

Mr Yau Shing-mu

Aged 48. Mr Yau holds a Bachelor of Science Degree from the Chinese University of Hong Kong and a Bachelor of Laws Degree from the London School of Economics and Political Sciences of the University of London.


Mr Yau joined the Hong Kong Economic Times in 1992 and was promoted in 2000 to the current post of Executive Chief Editor.

Mr Yau was the Best Hong Kong Newspaper Reporter (General News) in 1986 and has written a few books on social issues. He has served on the Hong Kong Journalists Association and the Hong Kong Press Council.

Ends/Tuesday, May 20, 2008
Issued at HKT 11:25

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Appendix III

Press Releases

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CE appoints Political Assistants (with photos)

The Chief Executive, Mr Donald Tsang, today (May 22) appointed the first batch of nine Political Assistants of the HKSAR Government.

The Chief Executive praised the new appointees for their passion and commitment. He said he was confident that they would be able to assist the Secretaries and Under Secretaries of Bureaux and work closely with the highly professional civil service to better serve Hong Kong.

The Political Assistants are appointed under the expanded political appointment system on non-civil service terms for the term ending June 30, 2012. The Government will make further announcements on the remaining positions of Under Secretaries and Political Assistants in due course.

The nine appointees are -

- * Political Assistant to the Financial Secretary, Mr Frankie Yip Kan-chuen;
- * Political Assistant to the Secretary for Development, Mr Raymond Cheung Man-to;
- * Political Assistant to the Secretary for Education, Mr Jeremy Young Chit-on;
- * Political Assistant to the Secretary for the Environment, Miss Linda Choy Siu-min;
- * Political Assistant to the Secretary for Financial Services and the Treasury, Ms Katherine Ng Kit-shuen;
- * Political Assistant to the Secretary for Food and Health, Mr Paul Chan Chi-yuen;
- * Political Assistant to the Secretary for Home Affairs, Mr Caspar Tsui Ying-wai;
- * Political Assistant to the Secretary for Labour and Welfare, Ms Zandra Mok Yee-tuen; and
- * Political Assistant to the Secretary for Security, Mr Victor Lo Yik-kee.

Their biographical notes are as follows:

Mr Frankie Yip Kan-chuen

Aged 38. Mr Yip holds a Bachelor of Social Sciences Degree from the University of Hong Kong.

Mr Yip joined the Hong Kong Jockey Club in 2007 and is currently the Public Affairs Manager (External Relations). He is active in media commentary. Between 1992 and 2007, Mr Yip served as editor and editorial writer at a number of major newspapers in Hong Kong. He has also written a few books on politics and the media.

Mr Raymond Cheung Man-to

Aged 46. Mr Cheung holds a Bachelor of Arts Degree from the

ATTACHMENTS

- Mr Frankie Yip Kan-chuen
- Mr Raymond Cheung Man-to
- Mr Jeremy Young Chit-on
- Miss Linda Choy Siu-min
- Ms Katherine Ng Kit-shuen
- Mr Paul Chan Chi-yuen
- Mr Caspar Tsui Ying-wai
- Ms Zandra Mok Yee-tuen
- Mr Victor Lo Yik-kee

University of Western Ontario and a Postgraduate Diploma in Laws from Staffordshire University. He is a barrister-at-law.

Mr Cheung joined the Democratic Alliance for the Betterment & Progress of Hong Kong (DAB) in 2002 and is now the Chairman of the Sham Shui Po District of the DAB. He served as a Sham Shui Po District Councillor in 2000-2003 and 2005-2007. He is a member of the Antiquities Advisory Board, Sham Shui Po District Fight Crime Committee and a number of appeal boards.

Mr Jeremy Young Chit-on

Aged 32. Mr Young holds a Bachelor of Arts Degree from Oxford University and a Master of Science Degree from the London School of Economics and Political Science of the University of London.

Mr Young is currently a senior manager at a logistics company. He has been a member of the Liberal Party since 2003. In 2006, he became a member of the Liberal Party's Hong Kong Island Regional Office Transportation Affairs Concern Group and the Youth & Women's Affairs Concern Group.

Miss Linda Choy Siu-min

Aged 37. Miss Choy holds a Bachelor of Social Sciences Degree in Communications from the Baptist University and a Master Degree of Science in International Relations from the London School of Economics and Political Science of the University of London.

Miss Choy joined the Hong Kong Disneyland Management Limited in 2007 and is currently the Director of Government Relations. She was a member of the Administrative Service between 1998 and 2004 and has twice served in the South China Morning Post. She was the News Editor of the Post before joining the Hong Kong Disneyland Management Ltd.

Ms Katherine Ng Kit-shuen

Aged 34. Ms Ng holds a Bachelor of Arts Degree in Law from the University of Cambridge, a Postgraduate Diploma in Legal Practice from the College of Law in London, and a Master of Arts Degree in Law from the University of Cambridge. She qualified as a solicitor in the UK and Hong Kong in 1998 and 1999 respectively.

Ms Ng joined Merrill Lynch, Hong Kong, in 2005 and is now the Director of its Legal Department. She has served at Linklaters' offices in London and Hong Kong, and was a Compliance Officer in Donald Tsang's election campaign for the Chief Executive of HKSAR.

Mr Paul Chan Chi-yuen

Aged 28. Mr Chan holds a Bachelor of Laws Degree and a Postgraduate Certificate in Laws from the University of Hong Kong, a Master of Philosophy from the Chinese University of Hong Kong (CUHK), and a Master of Science Degree in Comparative Politics from the London School of Economics and Political

Science of the University of London.

Mr Chan is a Senior Research Assistant at the Governance in Asia Research Centre of the City University of Hong Kong. He is also a part-time lecturer at the Department of Politics and Public Administration at CUHK, and a presenter and commentator at RTHK.

Mr Chan is a founding member of the Roundtable group.

Mr Caspar Tsui Ying-wai

Aged 31. Mr Tsui holds a Bachelor of Social Sciences Degree from the University of Ottawa and is pursuing a Master Degree in Business Administration at the University of Manchester.

Mr Tsui is an Investment Services Manager at Hang Seng Bank. He has worked at HSBC in Canada, Bank of Montreal, Merrill Lynch and the American Express Bank.

He joined the DAB in 2006 and was elected in 2007 to his current position as Vice Chairman of the Young DAB.

Ms Zandra Mok Yee-tuen

Aged 35. Ms Mok holds a Bachelor of Science Degree in International Relations from the London School of Economics and Political Science of the University of London and a Master of Arts Degree from the School of Oriental & African Studies of the University of London. She is pursuing a PhD course at Tsinghua University.

Ms Mok is a Senior Manager of the Bauhinia Foundation Research Centre and writes articles on social issues on a free-lance basis. She has served as a senior reporter at TVB, a news producer at RTHK, a research manager of the Hong Kong Policy Research Institute and a policy assistant of Anthony Cheung. She is a core organiser of the 30s Group Limited and councillor of the Hong Kong People's Council on Sustainable Development.


Mr Victor Lo Yik-kee

Aged 55. Mr Lo holds a Master Degree in Business Administration from the Asia International Open University (Macau) and a Master Degree in Applied Criminology and Police Studies from the University of Cambridge.

Mr Lo joined the Police Force in 1976 as a Probationary Inspector. When he retired in February this year, he was Assistant Commissioner of Police and served as Regional Commander, Kowloon West Region.

Ends/Thursday, May 22, 2008
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CHAPTER 9: REMUNERATION PACKAGE

9.01 In this Chapter, we set out our recommendations on the remuneration package for the Deputy Directors of Bureau and Political Assistants.

Level of remuneration

9.02 The following sets out our **recommendations**.

- (a) For the proposed positions of Deputy Director of Bureau, the remuneration should be pitched within a range equivalent to 65% to 75% of the remuneration package approved by the LegCo Finance Committee in 2002 for a Director of Bureau⁵⁰.
- (b) For Political Assistants, according to the latest calculations, the remuneration should be pitched within a range equivalent to 35% to 55% of the remuneration package approved by the LegCo Finance Committee in 2002 for a Director of Bureau (instead of the range of 35% to 50% as originally proposed in the consultation document).

⁵⁰ In accordance with the employment package approved by the Finance Committee of the Legislative Council in June 2002, the cash remuneration for each Director of Bureau is \$311,900 per month subject to adjustment according to the 2002 civil service pay cut (-4.42%) i.e. \$298,115 per month. In January 2003, pursuant to the then CE's announcement in the Policy Address, all Directors of Bureau voluntarily accepted a 10% reduction of their remuneration from April 2003 to share the hard times with the community. The 10% cut no longer applies for the new term of government from 1 July 2007. Accordingly, the approved cash remuneration for Director of Bureau is \$298,115 per month. This latter figure is adopted as a basis for calculating the remuneration for Deputy Directors of Bureau and Political Assistants.

- (c) In addition to cash remuneration, the Deputy Directors of Bureau and Political Assistants should also be eligible for annual leave of 22 days per annum (subject to a maximum accumulation limit of 22 days), medical and dental benefits and Mandatory Provident Fund contribution by the Government, on the same basis as those provided to Principal Officials.

9.03 It should be made clear that, as with the Secretaries of Department and Directors of Bureau, officials under the Political Appointment System are not civil servants and their remuneration packages are not linked to those of the civil service. However, for ease of reference, the remuneration for Deputy Directors of Bureau is broadly equivalent to the remuneration of a D4 to D6 civil servant on agreement terms with all allowances and end-of-contract gratuity encashed, whereas that for Political Assistants is broadly equivalent to the remuneration of a senior professional to D2 civil servant on agreement terms with all allowances and end-of-contract gratuity encashed.

Need for a competitive package

9.04 We can understand the concern raised in some of the views received that creation of the proposed positions would entail additional costs. We need to ensure that public money is well spent. At the same time, the remuneration package offered has to be competitive and should reflect the level of responsibility for these positions. We consider that the proposed ranges of remuneration are about right for potential candidates who can meet the stringent requirements set out in Chapter 7. The scale will also maintain reasonable relativity between different tiers of political appointees. We therefore consider it appropriate to set the remuneration at the respective ranges as proposed in paragraph 9.02 above for Deputy Directors of Bureau and Political Assistants. It will enable the Government to offer remuneration commensurate with the experience of the candidates concerned.

Scales of remuneration for politically appointed officials

9.05 Upon joining the Government, the Deputy Directors of Bureau and Political Assistants may be offered remuneration at the following points:

Deputy Directors of Bureau

- | | | | |
|--------------------------|-----|---|--|
| <input type="checkbox"/> | 65% | } | of the remuneration package for a Director of Bureau |
| <input type="checkbox"/> | 70% | | |
| <input type="checkbox"/> | 75% | | |

Political Assistants

- | | | | |
|--------------------------|-----|---|--|
| <input type="checkbox"/> | 35% | } | of the remuneration package for a Director of Bureau |
| <input type="checkbox"/> | 40% | | |
| <input type="checkbox"/> | 45% | | |
| <input type="checkbox"/> | 50% | | |
| <input type="checkbox"/> | 55% | | |

9.06 The remuneration for individual appointee will be determined by the CE on the advice of the Appointment Committee, having regard to the recommendation of the Principal Official to whom these appointees will report. In the middle of each term of government, the remuneration for the Deputy Directors of Bureau and Political Assistants will be reviewed (“mid-term review”) and may be adjusted within the above-mentioned ranges⁵¹. The Appointment Committee will conduct the review and may recommend a revision to the CE for approval.

⁵¹ For the Deputy Directors of Bureau and Political Assistants serving the third term HKSAR Government, the mid-term review will take place around December 2009.

Appendix V

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Remuneration package for Under Secretaries and Political Assistants

In response to media enquiries concerning the remuneration package for Under Secretaries and Political Assistants, a Government spokesman today (May 31) gave the following:

"The Government has disclosed the information about the remuneration package for Under Secretaries and Political Assistants, in accordance with the normal practice. In a funding application for the creation of and remuneration package for the positions of Under Secretaries and Political Assistants to the Finance Committee of the Legislative Council in December last year, the Administration has stated clearly the salary ranges for Under Secretaries (from \$193,775 to \$223,585 per month) and Political Assistants (from \$104,340 to \$163,963 per month), as well as the specified salary points.

The salary ranges for Under Secretaries and Political Assistants is public information. However, the actual salaries of individual appointees are personal data, and we cannot randomly disclose the information. There are some variations in the salaries for individual Under Secretaries and Political Assistants with reference to their working experience, qualifications and past remuneration levels. Unnecessary comparisons and personnel management problems could arise if the private data were to be disclosed.


The arrangement now is in line with the way the Administration deals with the civil service - the Government will not disclose the actual salaries of individual colleagues if there are different salary points within the same rank. This is also in line with the practices adopted by many large private institutions, government organisations and overseas governments.

However, after considering the views of some Legislative Council members, we will provide the information on the distribution of Under Secretaries and Political Assistants at each of the specified salary points (details at Annex).

On this issue, the Government has strived to disclose relevant information as far as possible in order to strike a good balance between safeguarding the above-mentioned principles and protecting the public's right to know. We also appeal to the public to show their understanding on the matter."

Ends/Saturday, May 31, 2008
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**Remuneration package for
Under Secretaries and Political Assistants**

The Appointment Committee has set the remuneration for the eight designate Under Secretaries and nine designate Political Assistants as follows:

Under Secretaries	Remuneration	
	As a % of the remuneration for a Director of Bureau	Present remuneration
0	65%	\$193,775
4	70%	\$208,680
4	75%	\$223,585

Political Assistants	Remuneration	
	As a % of the remuneration for a Director of Bureau	Present remuneration
0	35%	\$104,340
0	40%	\$119,245
7	45%	\$134,150
1	50%	\$149,055
1	55%	\$163,960

May 31, 2008

委任副局長及局長政治助理

Appointment of Under Secretaries at Rank of Deputy Director of Bureau and Political Assistants to Directors of Bureaux

5. **李柱銘議員**：主席女士，最近，行政長官委任了首批 8 位副局長和 9 位局長政治助理。就此，政府可否告知本會：

- (一) 每位副局長和政治助理的每月薪酬及附帶福利是甚麼，以及各副局長的附帶福利是否不同；
- (二) 該等副局長和政治助理中，哪幾位現時持有外國護照；鑒於《基本法》第六十一條規定，主要官員由在外國無居留權的香港特別行政區永久性居民中的中國公民擔任，當局有沒有評估當持有外國護照的副局長署任屬主要官員的局長時，會不會違反該項規定；及
- (三) 鑒於《基本法》第十五條規定，主要官員由中央人民政府任命，當局有沒有評估該等副局長日後署任屬主要官員的局長前，須否先由中央人民政府予以任命；如果評估為無此需要，理據是甚麼？

政制及內地事務局局長：主席女士，

- (一) 當局在去年 10 月發表的“進一步發展政治委任制度報告書”（“報告書”）已表明，副局長的薪酬訂於局長薪酬 65%至 75%的範圍（當中包括 3 個薪點），政治助理的薪酬則訂於局長薪酬 35%至 55%的範圍（當中包括 5 個薪點）。

政府至今已委任 8 位副局長和 9 位政治助理。下列兩表開列各有關薪點的人員數目：

副局長

相等於局長薪酬的百分比	現時月薪	人數
70%	208,680 元	4 位
75%	223,585 元	4 位

政治助理

相等於局長薪酬的百分比	現時月薪	人數
45%	134,150 元	7 位
50%	149,055 元	1 位
55%	163,960 元	1 位

除現金薪酬外，副局長及政治助理亦可享有每年 22 天年假、醫療及牙科福利，以及政府的強積金供款。

由於副局長及政治助理的薪酬和福利均以現金支付，他們並不享有任何房屋津貼、旅費津貼及約滿酬金。

上述薪酬條款已於去年 12 月獲得立法會財務委員會（“財委會”）正式通過。

- (二) 當局在去年 10 月發表的報告書已表明，按照《基本法》的規定，副局長及政治助理必須是香港永久性居民。我們新委任的副局長和政治助理，全部都符合這項要求。

至於《基本法》第六十一條對主要官員的額外規定，即主要官員由在香港通常居住連續滿 15 年，並在外國無居留權的香港特別行政區永久性居民中的中國公民擔任，由於副局長和政治助理並非主要官員，所以並無這方面的限制。

事實上，在去年 10 月所發表的報告書內，當局已表明副局長並非主要官員，無須由中央人民政府委任。由此可見，他們無須一如主要官員般不可擁有外國居留權。當局的立場是明確的。

1988 年的“基本法（草案）徵求意見稿”規定：“下列各職位必須由香港特別行政區永久性居民中的中國公民擔任：各司司長、副司長、各局局長、廉政專員、審計署署長、保安局副局長、銓敘局副局長、警務處長、副處長、外事處長、副處長、入境事務處長、海關總監”。

由此可見，當年在制定《基本法》時，曾經考慮要求“保安局副局長”及“銓敘局副局長”必須遵守適用於主要官

員的要求，但在 1990 年頒布的《基本法》，已把上述“副局長”職位從有關係文中刪除。所以，《基本法》的立法原意是清楚的，即只有各司司長、副司長、各局局長，以及其他幾位部門首長，才必須由在外國無居留權的香港特別行政區永久性居民中的中國公民擔任。

在剛被委任的官員中，8 位副局長已各自公開了他們是否擁有外國居留權，當中共有 5 位表示擁有外國居留權。

至於政治助理，我們知道有幾位已公開了他們是否擁有外國居留權。

我們尊重副局長及政治助理的個人決定是否公開他們所擁有的外國居留權，以及如何處理。

- (三) 雖然副局長有機會在局長缺席期間署任局長的職務，但副局長本身並非“主要官員”，署任亦只屬行政安排，不會抵觸《基本法》。

事實上，有兩種署任情況可表明當中的道理。在 1997 年至 2002 年期間，即在推行政治委任制度前，副局長是可以署任局長的，並且自回歸以來，由公務員出任的主要官員(包括廉政專員、審計署署長、警務處處長、入境事務處處長及海關關長)，他們的副手也無須一如主要官員般，由中央人民政府委任，或須在外國無居留權。這些副手均有機會在有關主要官員缺席期間署任他們的職務。

以上安排對《基本法》沒有抵觸。

李柱銘議員：主席女士，現時，香港的特首和每一位司長、局長、各級公職人員、立法會議員和職員，每人每月得到多少公帑，市民是完全可以知道的，唯獨是這 17 位特首寵兒卻有不同的待遇。舉例來說，局長，你之下的副局長，究竟是薪酬較少的 4 位副局長的其中一人，還是薪酬較高的 4 位副局長的其中一人呢？此外，你的政治助理，是薪酬較少的 7 位政治助理的其中一人，還是薪酬較高的一位，抑或是薪酬更高的那一位呢？這是市民無從得知的。我想問政府一個問題：市民的知情權重要，還是特首和他的領導班子的面子重要呢？

政制及內地事務局局長：主席女士，在處理薪酬事宜時，我們一方面當然會照顧公眾的知情權，因為作為特區政府，我們要向公眾交代如何動用公帑，但另一方面，特區政府多年來已確立了一套辦事原則。所以，我們在去年 12 月獲財委會批准，在編制中增設了這二十多個職位後，我們便按照當時向立法會提交的建議，為副局長設 3 個薪點，為政治助理設 5 個薪點。我們便是按照這些上下限來聘請這羣同事的。

此外，特首在上星期六已公開表示總體而言，有多少位同事是位於哪一個薪點。所以，我們總共動用的公帑數額，是有向立法會和公眾交代，大家亦可以監察得到。然而，特區政府多年來的一貫做法是，如果某個職級是設有薪點的上下限，我們是不會公開個別同事位於哪一個薪點的。舉例來說，首長級公務員的 D1、D2、D3 和 D4 均有數個薪點，但我們不會公開個別首長級同事是位於哪一個薪點。

李柱銘議員：主席女士，我的補充質詢是，政府覺得市民的知情權較重要，還是政府的面子較重要？這是我的補充質詢。

政制及內地事務局局長：主席女士，我們是按照財委會所批准的原則辦事。

陳方安生議員：局長的答覆顯示，目前所聘請的這羣副局長和政治助理，薪酬方面並不劃一。我想請局長解釋，在釐定薪酬時，在諸如資歷、學歷、經驗等方面，政府或特首是採用甚麼準則的呢？

政制及內地事務局局長：主席女士，由特首主持的聘任委員會是會在考慮了個別人士的學歷、工作經驗和能力後，才作出相關的合約安排的。

張文光議員：主席，政府的答案其實只有 4 個字，便是“拒絕公布”。當前，副局長和政治助理的事件，反映了整個委任的過程是黑箱作業，委任的標準是亂點鴛鴦。有人支取了超級高薪，但卻不肯放棄雙重國籍，這其實已經嚴重影響了曾蔭權政府的公信力。我想請問局長，特

區政府是否已變成了私人俱樂部，把納稅人的公帑當成是私己錢，私相授受，拒絕公布？此舉令人質疑這些問責高官對香港究竟是否有政治上的忠誠和承擔？為甚麼香港人在回歸 10 年後，仍然要被一羣疑似聯合國的高官管治呢？

政制及內地事務局局長：主席女士，我認為張文光議員的立論和用詞確實對這羣同事不公道，亦不能反映事實。如果大家看看我們現時所聘請的十多位新同事，便知道他們的學歷和工作經驗均很廣闊，有來自傳媒、學術界、專業界的人士，也有前公務員同事。至於學歷，他們當中有畢業自劍橋、牛津，也有從美國較高層的學府學成歸來。如果張文光議員認為這羣同事的學歷和資歷並不恰當，他便是走漏眼，因為在香港的中產和專業人士階層中，便有很多這種人士。我們今次是採用了用人唯才的挑選過程，曾獲考慮的人選遠超過 100 名。

至於外國居留權的問題，大家其實應該明白，自 1984 年簽訂《聯合聲明》以來，在這二十多年中，不論中央政府或特區政府，也是按《基本法》採取一個比較寬鬆、彈性的方法處理這個問題。大家也會記得，在回歸前數年，我們就移居外國的香港人回到香港當如何處理進行了很多討論。所以，在 1996 年，中央透過人大常委會作出了解釋，說明如何在香港回歸後落實中國國籍法，容許香港中國籍的永久居民在回歸後仍可領取特區護照，並保持他們在外國取得的證件作為旅遊證件。我們今次聘請這羣同事，是廣泛吸納了在香港的精英、專才，而他們在決定加入政府後，他們個人可以決定如何公開和處理他們的外國居留權。如果大家因為這羣同事個別擁有外國居留權便質疑他們的誠信和承擔，則我認為這是不公道的。

大家看看，根據《基本法》，除了行政機關獲准有比較彈性的處理外，即規定只有最高層的司長、局長和數個部門首長不能擁有外國居留權外，這個議會亦獲准有同樣的彈性處理。在 60 位的議員中，有 20% 即 12 個議席是容許由有外國居留權的非中國籍永久居民擔任議員，例如法律界功能界別的議席。如果我們今天質疑這些官員的誠信和承擔，大家是否會同樣質疑這些多年來為香港服務的立法會議員的承擔呢？

張文光議員：我的補充質詢並非問這些高官的學歷，我是問政治。我是問如果他出任了香港的問題高官，但卻仍然不願意放棄他的外國國籍，會否令人質疑他對香港的政治忠誠和承擔？此外，回歸 10 年了，香港還應否讓一些疑似聯合國的官員管治呢？這是關乎政治，不是學歷。

政制及內地事務局局長：主席女士，我當然知道張文光議員所問的補充質詢和他的立場是關乎政治。其實，在過去兩個星期，他們是多談政治，少談《基本法》。

在香港，有兩項原則是很重要的：第一，我們的核心價值是要依法辦事，而依照《基本法》聘用主要官員及其副手是完全恰當，完全符合香港的核心價值。第二，香港是亞洲區內首屈一指的國際城市，我們有這麼多香港人是中國籍的，他們在外國完成學業或移民後回歸香港，為香港服務、建設香港，有何不可？

田北俊議員：主席，政府的建議當然是用人唯才，獲委任的人要有經驗、有學歷。我想問，對於獲政府聘請的那 7 位月薪為 134,000 元的政治助理，他們原來的薪酬是否也有十多萬元，還是像某些報道所述般，原來的薪酬只有三四萬元？如果是從三四萬元升至 13 萬元，政府是怎樣定出這樣的準則呢？此外，很簡單，在他們面試時，有否問他們是否擁有外國居留權呢？

主席：你提出了兩項補充質詢，但不要緊……

田北俊議員：主席，我想稍為“打茅波”，我希望你沒有聽到。

主席：可是，我就是聽到了。（眾笑）局長，請你先回答第一項補充質詢。田議員，官員有時候會決定回答全部補充質詢，但我的職責是指出你提問了兩項補充質詢。

政制及內地事務局局長：主席女士，我們在聘用這些同事前，當然知悉他們的學歷、工作經驗、能力、現任職位及薪酬情況。此外，我們亦對每一名新進入政府的同事進行品格檢查。對於他們的個人背景，包括多年來曾在哪裏居住，我們當然也是理解的。

田北俊議員：主席，他沒有回答我的補充質詢，連第一項也沒有回答。我問他是否有人本來的月薪只有四五萬元，但政府現在給他的月薪卻達到 13 萬元？

主席：我記得你是問他按照甚麼準則的。

政制及內地事務局局長：我們是考慮了他們在現任職位有甚麼薪津，然後再作出最後的合約安排。

詹培忠議員：主席，局長主體答覆第(二)部分和第(三)部分均涉及解釋《基本法》，原則是涉及第六十一條和第一百零一條。我的補充質詢是，特區政府是否有資格和權力解釋《基本法》，特別是有關剩餘權力方面？

政制及內地事務局局長：主席女士，我們按照《基本法》在香港施政，這是我們的責任。當然，如果涉及《基本法》的實施，在有需要時，我們會向律政司尋求法律意見。不過，《基本法》的解釋權屬於人大常委會，香港法院在得到授權的情況下，也可以應用《基本法》審議相關的案件。不過，我要說清楚，今次我們是按照《基本法》聘用這些副局長和政治助理，並不涉及詹培忠議員所懷疑的特區政府有否動用剩餘權力的問題。

詹培忠議員：主席，我是問局長特區政府是否有權解釋，他只須很簡單地回答“有”還是“沒有”。如果答案是沒有，特區政府便不應該解釋；如果有，他便回答說解釋是對的。

主席：局長，你是否還有補充？

政制及內地事務局局長：主席女士，我是向議會說明我們對《基本法》的理解和如何實施。

劉慧卿議員：主席，當局發展政治委任制度，就是說要為香港培養政治人才。現時，政治助理的薪酬最低也有十三萬多元，當局更不肯公開個別官員的薪酬，為此，市民已感到很憤怒了。不過，主席，十三萬多元的薪酬，已經多於一名議員每月聘請 10 名助理和開設 3 個辦事處所花費的開支。我們也有為香港培養政治人才，為甚麼政府要親疏有別，厚此薄彼？這做法是否非常無恥，亦不能幫助香港呢？

政制及內地事務局局長：主席女士，劉慧卿議員是比較激動，但我可以告訴各位議員，我和政府內的其他同事均非常關心，要讓立法機關有恰當的薪津和其他資源，讓各位議員可以做好他們的工作，服務香港市民。所以，在過去數個月我們提出了建議，而財委會亦已作出決定，從下一屆起，提升薪津等各方面的資源。

劉慧卿議員：主席，他沒有回答我的補充質詢。我是說一名政治助理的最低薪酬也有十三萬多元，我們議員.....不是薪津，而是在聘請助理方面，主席，你和我在開設辦事處和聘請助理方面每月的開支也只有十二萬多元，但我們已是聘請了七八名助理和開設三四個辦事處，如何跟政府比較呢？我們怎麼可以聘請從牛津、劍橋畢業的人呢？這是否親疏有別，厚此薄彼呢？

政制及內地事務局局長：主席女士，由我觀察所得，不論議員本身或其助理，不同的政黨均有大量有興趣發展香港政治的人才加入，所以，我們今次開設副局長和政治助理這兩層政治委任制度，便是要擴闊參政渠道。我們相信，來自不同黨派和背景的人士，將來也有機會參政、議政、從政、當議員、當助理，或加入行政機關，渠道是很廣闊的。

主席：本會就這項質詢已用了超過 22 分鐘。雖然還有多位議員在輪候，但我相信議員可循其他渠道繼續跟進這個問題。最後一項口頭質詢。

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CE's transcript at meet-the-media session

Following is the transcript (English portion) of remarks by the Chief Executive, Mr Donald Tsang, at a meet-the-media session at Conference Hall, Central Government Offices New Annex, today (June 10):

Chief Executive: Good afternoon.

On May 31, I spoke about the issues of the right of abode and salary of Under Secretaries and Political Assistants.

Given the sustained public interest, I would like to elaborate on the Government's position. My elaboration comes in four parts. The first deals with the question of nationality, then the question on recruitment procedure. The third part is dealing with salary determination, and the fourth, on the method of releasing or announcing the appointments.

Different people have different views on whether Under Secretaries and Political Assistants may have the right of abode in a foreign country.

The Government has made clear its position, that is, we must act according to the provisions of the Basic Law and the Central Government's policy towards Hong Kong.

Five Under Secretaries with foreign right of abode have already renounced their rights in this regard. They did so to demonstrate their commitment to Hong Kong, and to put this matter to rest. These were personal decisions, and I respect them.

Regardless of this, the nationality question remains important and does deserve deeper thought by the community.

As an international city, Hong Kong is known for its openness and ability to attract talent from around the world. This includes many overseas Hong Kong people who emigrated before the Reunification but who have since returned home and are now serving Hong Kong in different capacities. Together, they have helped make Hong Kong the success it is today.

In the same way, the Government also has to attract talent from different backgrounds to help us provide an efficient and stable government as well as the best services to the public. For this, we need to nurture new blood in the leadership of this and succeeding Administrations.

The appointment of Under Secretaries and Political Assistants has gone through a rigorous process.

This process began after legislators approved in December last year the creation of the posts of Under Secretary and Political Assistant.

We made it clear that all interested parties could put forward nominations. We then formed interviewing panels to interview the candidates. The interviewing panels would then make assessments of individual candidates for the Appointment Committee, which I chaired. All appointment decisions were made by the Appointment Committee on a collective basis, and centred around the principle of meritocracy, personal integrity and a need to appoint candidates most fitting for the jobs.

On the question of salary, some have argued that the Government should disclose the specific salaries of individual appointees. We have already disclosed the salary ranges of Under Secretaries and Political Assistants, as well as a breakdown of the number of appointees for each salary point. This is consistent with what we are doing regarding the salary information of civil servants, and this is an important point of principle.

In response to public expectations, the Under Secretaries and Political Assistants have now decided to disclose their own salaries, and we do not disagree with their decisions.

I appreciate that Under Secretaries and Political Assistants are new political posts, and the public has a greater expectation on the transparency of their salaries.

When we announced their appointment, our original intention was to wait until they assumed their positions before they met the press to talk about their new roles. Most of them were still working in different organisations. However, the public expected them to share their thoughts and visions as soon as the Government announced the appointments. With hindsight, I admit the arrangements in this regard did not fully meet public expectations, and I apologise for the controversy this has caused.

We have arranged for the 17 appointees to meet you shortly, and to take your questions.

The political appointment system is still relatively new to Hong Kong. The events of the past few weeks have given the Government a better understanding of what the public expects as far as political appointments are concerned. We will build on this experience and seek improvement as we move forward.

Finally, I appeal to you and to the public to give the Under Secretaries and Political Assistants an opportunity to prove their worth, and to show that, with them, the Government can do a better job in serving the public.

I can now take a few questions.

Reporter: You apologised for the lateness in having these people come before us, but do you think this is the only thing on which, in this whole saga, has failed to meet public expectations? If so, how did the Government get it wrong? Second point is do you think that in terms of the Basic Law, some damages may have been done to Hong Kong's autonomy because under the Basic Law these people don't have to, for example, give up their foreign passports?

Chief Executive: This is exactly my point as regards nationality. There are very clear provisions in the Basic Law, and not only the law itself, it's the rationale behind the law.


Why we are allowing people, who are having right of abode elsewhere, to work in the public sector but not in a very senior position of secretaries or Chief Executive and very few positions which are clearly designated in the Basic Law? So having gone through the whole episode and tried to analyse it in the four different aspects which I have just done, I believe there are things in which I could improve. For instance the way in which we announce them, which would give you the opportunity to interview them as quickly as possible, to dispel any doubts as regards recruitment procedures, salaries, etc. But there are fundamental provisions in the Basic Law and there are important points of principle as regards salary we must safeguard. So what we have done is, I believe, to be correct. There are areas in which I believe I could have done better with the benefit of hindsight. I will learn from this lesson.

About our autonomy. I regard the compliance with the Basic Law as fundamental. Our ability to appoint people to the public sector, having foreign nationality, is an important provision that we will continue to safeguard.

(Please also refer to the Chinese portion of the transcript.)

Ends/Tuesday, June 10, 2008
Issued at HKT 17:07

NNNN

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新聞公報

簡體版 | 寄給朋友 | 政府新聞網

相關連結

- 行政長官談話內容（一）
（附短片）

行政長官談話內容（二）

記者：曾先生，其實整件事政府遲遲才肯從善如流公開那些資料，是否多少顯示政府處理事件時，好像覺得聘用這些人才的時候，當作是一個私人公司的practice（做法）呢？

行政長官：剛才我向各位解釋，就是我們用的方法和程序是完全根據公務員的聘用守則。我們招聘的程序是很嚴謹，我們的要求亦是相當嚴格，亦經過各方有關的局長參與。程序是公開的，程序是清楚的，我亦是跟着以往承之有效的公務員體制的方法招聘而辦事的，我亦很滿意我們最後招聘到的人才。

記者：曾先生，我想問一問，你剛才就人選的公布方面表示歉意，但你會不會就處理整件事情的手法上公開道歉呢？因為在處理這件事，無論在國籍或是薪酬方面的問題，你都叫十七位副局長和政治助理出來自己作公布，決定是否放棄或是公布薪酬，這種處理手法好像給人的感覺是推卸責任或是將責任全部交給他們，你會否公開道歉呢？

行政長官：關於剛才四個方向的事情我已經向各位交代。對於國籍問題，我已經說得清清楚楚，這方面一定要跟着我們的原則辦事，亦是有歷史和社會背景的。有關薪酬問題，我們是根據一貫的成規辦事，我覺得這是重要的原則性問題，不是單純影響副局長，會影響其他公職的任命。有關我們公布的方式，是否可以在我們公布人選後一起與各個（副局長、政治助理）立即和傳媒見面，向各位談談他們的感受、談談他們的新角色。這方面我剛才說過，回頭來看，我們是有很多可以改善的地方。

記者：其實這件事上，政府似乎被弄致措手不及，外間批評政府反應不夠快，其實曾生你的領導班子於今次這件事上，似乎是首次出現這樣大的失誤，由此事你總結到有何借鑑、經驗？

行政長官：我認為有些問題可以快點處理，有些問題是關於憲制問題、關於原則問題，你不可以摒除一切、不理會憲制的需要，亦忘記現時基本的原則。我覺得我們今次做事，是每件事情都可做得更加好，但於大問題上，尤其我剛才所說四個方面，我提及我們的立場如何，但我亦清楚知道有關問責制的擴大，社會上有部分人士持不同意見，立法會亦有少數議員對此事持不同意見，他們會繼續反對的，在此方面，我們要持耐心態度說出政府立場，為何我們香港將來要鞏固香港的管治能力，如何能增強我們對社會工作的服務，一定要這樣做。我想這事情我們會繼續維持我們的一貫做法，但如我剛才所說，有些事情可以快，有些事情不可以快。

記者：我想問，整件事情上有很多人批評你們的處理手法，甚至有些前高官說，你們低估了政治問題，說你是「蠢才」，你如何回應這些話？其實這些副局長你在之前沒有叫他們放棄（外國）國籍，現時最後在政治壓力下大家都要放棄，你會否覺得對他們來說是不公平？以及在未來你再聘請一些副局長時，是否一定會要求他們都沒有外國國籍？

行政長官：你問了很多問題，我不知道該先回答那一部分？你想我回答那一樣？

記者：你會否覺得你在整件事的問題上，是否需要以後都要放棄外國國籍？

行政長官：我們關於國籍方面的立場是很清楚的，以往是這樣做，將來亦會這樣做，這是一個原則性，是憲制上的決定。我想每個人有個人的意見，我覺得可能是最「愚蠢」的事，就是我們把政治方便凌駕於法律上、法治上的需要，或是因政治上的方便而摒棄了一些原則性的問題。我想這些才可能是長遠來說最大的政治錯誤和愚蠢。我們要堅持的就是香港本身的價值觀，這方面我覺得是很重要的。

記者：我想了解一下薪酬釐訂方面。為甚麼有些人開始聘用時便給予中級薪金，如果是這樣的話，起薪點的訂立還有甚麼用處？有些人在聘用時便已到達最頂點，兩年後再review時，是否不會加人工？

行政長官：在薪酬釐訂方面，副局長有三個薪金點，政治助理有五個薪金點。最主要是因為這是全新的制度，市民對我們這些新委任人士，有相當大的期望，所以我們招聘物色人手時，我們訂下一個較高的要求，並非最低的要求，這較高要求，大約在薪金的中間點作為基準，用這基準評核候選人能否入圍，所以能夠達到這要求的人士，其薪酬便定在這中間的薪金點為開始，如果有個別人士出現減薪情況，我們會適量以較高的薪金點來聘任。當然，這薪金點和薪酬的範圍是立法會財務委員會批准，我們不可以自行任意調整。

記者：是不是我們以後都不會．．．？

行政長官：我剛才說，今次是我們第一次做這事，一定要增加普羅大眾和我們立法會議員對他們的信心，所以我們要求是比底薪較高一點，所以我們以中間點為起點。以後當問責制擴大、成熟時，我們可以採取更加彈性的態度處理。


記者：連串事件之後是否擔心日後再招聘人才入政府會遇到困難，或會否擔心今次這件事會成為一個先例？

行政長官：我剛才所說，我所做的、堅持的憲制上的安排，我想堅持的聘用原則，都不會更改的，但我很相信參與政府的事大有人在。今次我們經過這件事之後，亦可見到我們今次的副局長與政治助理更加團結、更加堅強起來。我想他們入來參與政府工作，特別是有政治成分的工作，有充分心理上的準備，他們亦完全諒解到我對於國籍和薪金方面的堅持，稍後有機會你可個別問一問他們，好嗎？今次很多謝各位，我們遲些有機會再見面，討論其他更加有趣的問題。

完

2008年6月10日（星期二）

香港時間17時41分

 列印此頁

(Translation)

Q. 3
CB671
(18.6.2008)

Appointment of Under Secretaries and
Political Assistants to Directors of Bureaux

Hon TAM Heung-man (Oral Reply)

The Government announced earlier a list of newly appointed Under Secretaries and Political Assistants to Directors of Bureaux, some of whom have already reported for duty. So far, there is still public opinion which criticizes the political appointment system (including recruitment, selection, remuneration and work arrangement, etc.). In this connection, will the Government inform this Council:

- (a) of the details regarding the criteria adopted by the Appointment Committee for the recruitment and selection of the above posts, and whether the Government will consider reviewing the relevant procedures and criteria to enhance transparency (including re-considering the conduct of open recruitment); if it will, of the relevant details; if not, the reasons for that; and
- (b) as I have learnt that there are civil servants expressing dissatisfaction with the above political appointment system (including level of salaries and work arrangement, etc.), whether the Government has adopted any measures to prevent the system from affecting the morale of civil servants; if it has, of the details of such measures; if not, the reasons for that?

2008年6月25日(星期三)
立法會會議席上
李永達議員就
“索取有關副局長及政治助理
的薪酬及附帶福利的文據、簿冊、紀錄及文件”
提出的議案

議案措辭

“本會根據《立法會(權力及特權)條例》(第382章)第9(1)條，命令香港特別行政區政府行政長官辦公室主任於2008年7月2日到立法會席前，出示所有與副局長及政治助理的薪酬及附帶福利事宜相關的文據、簿冊、紀錄或文件。”

(Translation)

Motion on
“Seeking papers, books, records and documents
regarding the salary and fringe benefits of
Under Secretaries and Political Assistants”
to be moved by Hon LEE Wing-tat
at the Legislative Council meeting
of Wednesday, 25 June 2008

Wording of the Motion

“That, pursuant to section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), this Council orders the Director of Chief Executive’s Office of the Hong Kong Special Administrative Region to attend before the Council on 2 July 2008 to produce any papers, books, records or documents in relation to matters regarding the salary and fringe benefits of Under Secretaries and Political Assistants.”

Further Development of the Political Appointment System

Relevant documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
Legislative Council	6 July 2005	Official Record of Proceedings of 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>
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>Statement by the Secretary for Constitutional and Mainland Affairs on the Report on Further Development of the Political Appointment System at the Council meeting on 17 October 2007</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
		Background Brief on "Further Development of the Political Appointment System" prepared by the LegCo Secretariat [LC Paper No. CB(2)123/07-08(01)] Minutes of meeting [LC Paper No. CB(2)953/07-08]
Establishment Subcommittee	28 November 2007	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] Minutes of meeting [LC Paper No. ESC12/07-08]
Finance Committee	14 December 2007	Recommendations of the Establishment Subcommittee made at its meeting held on 28 November 2007 [FCR(2007-08)37] Minutes of meeting [LC Paper No. FC50/07-08]