

LC Paper No. CB(2)1111/99-00(03)**Adopting a Ministerial System in Hong Kong: Arguments, Issues and Prospects**

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The Major Arguments for the Establishment of a Ministerial System

There are four popular arguments in favor of the establishment of a ministerial system. Firstly, it enhances executive leadership. By being able to hand pick his/her own top executive officials, the chief executive can ensure that they are sympathetic to his political cause. The chief executive and his/her ministers would also form a cohesive policymaking team, usually in the form of a cabinet. The politically appointed ministers can provide policy leadership and innovations to civil servants, thus overcoming bureaucratic inertia. Secondly, the ministerial system is said to enhance political accountability. As political officials, ministers would have to assume political responsibility for any major administrative or policy mistakes committed by their ministries, and they might have to resign from their posts for such political mistakes. Thirdly, the political neutrality of the civil servants is preserved. Since ministers will be responsible for interacting with the legislators, and for explaining, promoting, and lobbying support for government policies, civil servants can be effectively insulated from politics and remained as neutral technocrats. Fourthly, a ministerial system is an indispensable element in a liberal democratic system. If Hong Kong is to further democratize, then ministerialization is a necessary step.

Of these four arguments, I would say that strictly speaking, only the fourth argument has general validity. The first three arguments are possible merits under some circumstances but not the essential characteristics of a ministerial system. First of all, political loyalty is just one of the criteria that a chief executive would consider in appointing ministers. Political compromise (with other political parties, or factions within a party) can be another reason. The chief executive may or may not see the cabinet as the most important source of policy advice, while the cabinet is not necessarily the site of collective decisionmaking. While in the British parliamentary system the cabinet is the site of collective decisionmaking and policy advice to the prime minister, in the case of the U.S., the cabinet functions quite differently. The U.S. president relies more on his personal advisors (the Executive Office of the President) for policy advice and his cabinet is not a collective decisionmaking body. Regarding political accountability, it is the general norm in liberal democracies only that ministers resign when their ministries have committed major policy mistakes under their leadership. The norm does not usually apply to authoritarian regimes, even though their ministers might step down for other political reasons. Political neutrality is not the norm for the civil service in many liberal democracies. It is true

that the Whitehall model (in Britain) is the exemplar of political neutrality. Under this model, political neutrality is maintained through several related practices. The higher civil servants are the major policy advisors of ministers. They are expected to give policy advice in an impartial manner no matter which party is in power. The government party has no say in the promotion of civil servants (which is the exclusive jurisdiction of the Civil Service Commission). Lacking in policy advisors of their own, the ministers have to rely on the higher civil servants as the major if not the sole policy advisors. Under the doctrine of ministerial responsibility, ministers are solely responsible for promoting policies and civil servants hardly interact with members of the parliaments. However, many other liberal democracies do not adopt this Whitehall model. In the U.S., there are substantial layers of political appointees between the department secretaries and the civil servants. Essentially, it means that the jobs of the higher civil servants are taken up by political appointees. The civil servants, on the other hand, interact actively with congressmen and interest groups in lobbying activities. In France, the ministers have the power to appoint higher civil servants as the *directeurs* of their own ministries and also the personal staff of their respective *cabinets*, and the selection is at least partly based on political consideration. In Germany, below the ministers are political officials (*Politische Beamte*) which are appointed by the ministers from among civil servants. Even in the case of Britain, some recent studies have indicated that political neutrality has been eroded under the Thatcher administration. What these cases illustrate is that a ministerial system does not necessarily bring about the political neutrality of the civil servants.

Thus if Hong Kong hopes to achieve all the possible merits associated with the ministerial system, it really cannot be considered in isolation from the broader issues of institution building. Whether ministerialization can enhance executive leadership, political accountability and political neutrality, and whether some of these qualities are desirable really depends on what kind of political institutions the ministerial system is operating under. For instance, would enhancing executive leadership under an authoritarian system mean the consolidation of power in the hands of an unelected ruler? Can political accountability be much enhanced if the system is authoritarian? Is maintaining the political neutrality of civil servants always necessary and possible?

If Hong Kong adopts a ministerial system now, say under Chief Executive Tung Choc-hwa's administration, executive power may be strengthened if there is appropriate selection of ministerial personnel and the successful construction of working relationship between the ministers and the civil servants. Whether political accountability can be enhanced depends largely on Tung's personal style. From past experience, for instance, the case of the Hon. Ms. Margaret Ng's motion of no confidence against the Secretary for Justice Ms. Elsie Leung, Tung sees any popular demand for political accountability of public officials as a challenge toward the authority of his administration. It is doubtful that he will allow any of his ministers to step down under political pressure. Holding public officials politically accountable is also not essential for him to stay in office. There is no guarantee that civil servants will be effectively shielded from politics under a ministerial system. On the contrary, they might be politicized if the ministers distrust the political loyalty of the civil servants in giving policy advice, or try to interfere with the promotion of the civil servants (which was reported to have happened even in Britain under the Thatcher administration.)

Choice of Personnel

There are three common sources of ministers: from political parties, from the private sector, and from the civil service. The choice of ministers from political parties often occurs in the case a parliamentary system, where a major party or a coalition of parties is in charge of governing. The U.S. is a typical case of choosing from the private sector; its secretaries are largely professionals, business executives, and academics. The ministers in France, Japan and Singapore are often former civil servants.

In the case of Hong Kong, if a ministerial system is to be adopted now, a ministerial team in the form of a ruling party is largely precluded. There is a problem of legitimacy in choosing from among politicians. If Tung chooses politicians that he considers sympathetic to his cause but do not enjoy popular mandates (or vice versa, exclude politicians with popular mandates), he might further lose public acceptance. The ministerial positions might also become objects of political struggle among political camps. On the other hand, while choosing from the private sector is apparently a viable option, it is doubtful that there will be a sufficient pool of candidates with the political skills to lead a ministry. The third option, appointing from among civil servants, seems the most practicable, as the civil servants already possess the skill of policy leadership and management, and have the highest chance of developing a successful working relationship with the civil service, and are acceptable to various sectors of society. However, the appointment of civil servants as ministers may also perpetuate their influence.

In the long run, the choice of personnel is related to the kind of representative system that will be adopted in Hong Kong. Thus again, the discussion of the issue cannot be detached from the issue of democratization.

Some Concluding Remarks

In principle, the adoption of a ministerial system is an indispensable part of the further development of a democratic system. For the future, it is hard to recommend a particular type of ministerial system for Hong Kong without knowing what type of political/democratic system we want. Should some sort of ministerial system then be adopted now? My judgment is that adopting a ministerial system now will not bring about much improvement in the quality of governance immediately. Instead, things might actually get worse before it gets any better. The worst scenario is that a working relationship between the ministers and the civil servants cannot be successfully developed, and that the civil service will be politicized as a result. On the other hand, if a working relationship does develop, it might strengthen the power of the chief executive but not enhance political accountability. Will adopting a ministerial system now better prepare Hong Kong for democratization? It might help train future ministers and governing talents, but might also create a situation of unfair advantage to certain political parties or political camps as they have a head start in acquiring the experience and skills of governing.

