

CHAPTER 1: A System of Political Appointment: Development since July 2002

Background

1.01 In his inaugural Policy Address delivered in October 2005, while considering that implementation of the Accountability System represented an important step forward in the constitutional development of the Hong Kong Special Administrative Region (HKSAR), the Chief Executive acknowledged that the new system of governance was in need of further improvement. He believed that the most pressing need was to strengthen support for the Principal Officials to undertake growing political work related to the formulation and implementation of policies, to reach out to the community in a pro-active manner, and to broaden and consolidate public support for the Government.

1.02 Against the above background, the Chief Executive proposed that consideration should be given to creating within the Government a small number of positions dedicated to political affairs. Their main duty would be to support the Chief Executive and the Principal Officials in their political work. The proposal would provide those with political aspirations to hone their skills through participating in government work, and progressively widen the system for political participation. The

proposal would also allow civil servants aspiring to a political career to leave the civil service to take part in politics.

- 1.03 At the same time, the Chief Executive reaffirmed that the civil service remained the backbone of the Government and reiterated the importance of upholding the integrity and interests of the civil service in considering how best to take forward the above proposal.

Development since July 2002

- 1.04 A political appointment system for Principal Officials was introduced in July 2002 to create a political tier at the top echelon of the Government, comprising individuals from the academia, business and professional sectors, as well as the civil service. The arrangement has the following objectives :

- (a) to enhance the accountability of Principal Officials for their respective policy portfolios;
- (b) to maintain a permanent, professional, meritocratic, honest and politically neutral civil service;
- (c) to select the most suitable persons to take up Principal Official positions to serve the community and to enhance governance;

- (d) to better coordinate the formulation of policies to ensure their effective implementation and provision of quality services to the public;
- (e) to enhance cooperation between the Executive and the Legislature; and
- (f) to enable the Government to better appreciate the aspirations of the community and better respond to the needs of the community.

Enhanced Accountability

Accountability to the Chief Executive

1.05 The Political Appointment System allows the Chief Executive to form his own governing team with individuals who share his vision and mission, and who are prepared to promote the policy and political agenda of the Government under his leadership. Principal Officials enjoy no security of tenure; their employment may end prematurely in accordance with the terms of their contracts. This replaces the system that existed prior to July 2002 under which Principal Official positions were filled mainly by career civil servants who were appointed and promoted according to the established civil service system. Strengthening the accountability of Principal Officials to the Chief Executive through turning these posts into politically appointed positions is an important development in the evolution of Hong Kong's political process. Although the

Chief Executive is yet to be returned by universal suffrage, in reality he and his Principal Officials are already expected to perform their duties and to respond to public demands in a manner which meets the standards of Hong Kong as an open and transparent community. The Chief Executive needs to be supported by a group of like-minded and committed people to help him deliver his policy and political agenda in an increasingly complicated environment.

Accountability to the community

- 1.06 Concerns have been expressed at the inception of the Political Appointment System on how, in practice, the system would enhance the accountability of Principal Officials to the people of Hong Kong. Experience in the past four years has demonstrated that the Political Appointment System has strengthened accountability of Principal Officials to the Chief Executive, as well as to the community at large.
- 1.07 In Hong Kong, various institutions operate effectively to keep the Government in check. Our elected legislature and the free press hold the Government to account. The Chief Executive and Principal Officials appear regularly before the Legislative Council to answer Members' questions. They also reach out proactively to the community to explain policies to enable a better understanding of the intention, rationale and implications of government policies and decisions. Public opinions on many issues, including the performance of Principal Officials, are widely and vigorously expressed through the print and

electronic media. Principal Officials have to remain highly sensitive to public opinions, and are expected to respond accordingly. A number of events, which occurred in the past four years, have shown the full force of public and media scrutiny.

The Politically Neutral Civil Service

1.08 The Political Appointment System has created a new system of government in Hong Kong comprising two tiers — the political tier and the civil service. Principal Officials are responsible for providing leadership, making political decisions and canvassing community support, while civil servants focus on assisting Principal Officials in policy formulation, policy explanation, policy implementation and delivery of services to the public.

1.09 Separating the political tier from the civil service helps uphold the integrity and political neutrality of the civil service. This was achieved by addressing two anomalies arising from the pre-July 2002 arrangement whereby top government positions were mainly occupied by civil servants. Firstly, during the first five-year term of the HKSAR Government, there were increasing calls for these civil service post-holders to be held politically accountable. However, holding them so responsible and expecting them to step down in case of political responsibility for policy failures was incompatible with the underlying philosophy of a permanent civil service and its

established appointment and removal system. Secondly, with the political environment becoming increasingly complicated, effective governance called for a more strategic approach in dealing with public affairs and a greater emphasis on political work. However, placing such demands on civil servants might at times be in conflict with the notion of a politically neutral civil service.

1.10 The Political Appointment System has addressed the two anomalies. The system was designed in such a way so that the politically appointed Principal Officials were in a position to assume political responsibility. In a number of incidents, the Principal Officials concerned had borne the brunt of political responsibility.

1.11 As for the second anomaly, the introduction of political appointments for Principal Officials has provided an institutional basis for safeguarding the integrity and political neutrality of the civil service. The term “political work” covers a wide spectrum of activities. Whilst civil servants must not engage in certain political work such as electioneering activities under the principle of political neutrality, traditionally senior civil servants have been involved in other work with political content, such as explaining and defending government policies and decisions, and lobbying for support for them. Under the Political Appointment System, the civil service is loyal to the Government of the day. Permanent Secretaries and other civil servants put forward full and frank advice on policy options formulated to their best abilities. Once decisions are

taken by the political tier, civil servants will support the decisions without question regardless of their own personal convictions, and will implement the decisions taken fully and faithfully. They will not make known their personal views in public, nor will they give any indication that they hold different views. At the same time, senior civil servants will assist Principal Officials in explaining the decisions in public and in the Legislative Council.

Greater clarity on division of responsibility

1.12 Notwithstanding the institutional framework outlined in paragraph 1.11 above, concerns have been raised in some quarters over the precise role of the civil service under the Political Appointment System in practice, in particular the extent to which civil servants should continue to engage in political work without undermining the impartiality of the civil service. Sometimes, there is an expectation gap between Principal Officials and senior civil servants regarding their respective responsibilities for the full range of political work. This has led to calls for greater clarity on the division of responsibility between political appointees and civil servants. The interface between the politically appointed officials and the civil service is a crucial issue to good governance, and will be further examined in Chapter 4.

Better Coordination

- 1.13 Experience in the last few years shows that requiring the 14 politically appointed Principal Officials to report direct to the Chief Executive had made his direct span of control too wide. Accordingly, the Chief Executive announced in his inaugural Policy Address in October 2005 a series of measures to strengthen further the coordinating functions of the Chief Secretary for Administration and the Financial Secretary, so that he could focus his personal attention on key issues. These measures include requiring the 11 Directors of Bureau to report to the Chief Secretary for Administration and the Financial Secretary on the day-to-day operations of the Government, and reinforcing the functions of the Policy Committee co-chaired by the two Secretaries of Department as the platform for policy coordination and initial clearance. Through this forum, the two Secretaries of Department ensure that government policies are thoroughly considered, public resources efficiently used, and cross-bureaux issues well coordinated.

Enhanced Cooperation between the Executive and the Legislature

- 1.14 The Political Appointment System has been complemented by certain elements which are designed to improve the working relationship between the Government and the Legislative Council. These include the appointment of legislators from like-minded political parties/groups to the Executive Council. The arrangement provides a formalised channel through which Members of the Legislative Council can have direct

participation in the policy making process in accordance with Articles 54 and 56 of the Basic Law¹. It also strengthens the linkage between the executive authorities and the legislature.

- 1.15 It has been suggested that more Principal Officials should be drawn from political parties/groups within the legislature. It is argued that by becoming members of the governing team, the political parties/groups will have an obligation to defend the Government in the legislature and vote for government proposals. They will strengthen the capability of the Government in carrying forward its agenda. We can see the force of these arguments. As a matter of fact, individuals with political party background can be appointed as Principal Officials. It is, therefore, up to the Chief Executive to decide the extent to which this arrangement should be used to enhance the governing capability of his political team in nominating candidates for appointment as Principal Officials.

An Evolving System of Governance

New System Taking Root in Hong Kong

- 1.16 Hong Kong is going through a process of political evolution. The implementation of the Political Appointment System in July 2002 was part of this process. The working of the System was

1 Article 54 of the Basic Law provides that the Executive Council shall be an organ for assisting the Chief Executive in policy making and Article 56 provides that the Chief Executive shall consult the Executive Council before making important policy decisions.

not entirely smooth in its initial period. However, after four years of operation, the Political Appointment System has started to run in. The new system has placed the Government in a better position to respond to the modern demands of governance in three respects :

- (a) Principal Officials are to be held accountable in the open and transparent setting of our society;
- (b) it has strengthened the foundation of a professional and politically neutral civil service; and
- (c) it has opened up the top government positions to individuals outside and within the civil service, thereby enabling Hong Kong to draw from a wider pool of political talents.

Need for Further Improvements

1.17 The most significant long term implication of adopting the Political Appointment System is that it has brought about a new system of government whereby there is a political tier at the top underpinned by the civil service as the backbone of the Government. Henceforth, any future Chief Executive can count on these two groups of officials to deliver effective governance. Such an arrangement combines the demands of political leadership and the virtues of a professional and permanent civil service. Political appointees sharing a common agenda with the Chief Executive make decisions on

policy and political priorities, orientate government activities to promote the agreed political objectives, and canvass public support for decided programmes. They provide leadership, connecting Hong Kong people with the Government and making the Government politically responsible. Career civil servants, driven by established core values such as political neutrality and professionalism, tender honest advice to the political tier in formulating, explaining and implementing policies. They uphold our long-held reputation as a clean, efficient and impartial public administration which makes Hong Kong an attractive place for business and investment.

1.18 Therefore, in contemplating further development of the Political Appointment System, our priorities should be to strengthen the existing institutional arrangement to ensure that political appointees and civil servants can better perform their respective roles to deliver good governance collectively. In other words, we need to enhance the political capacity of Principal Officials while upholding the integrity of the civil service.

1.19 Elections and development of political parties are relatively new phenomena in Hong Kong. Elections to the legislature only started in 1985. Political parties only began to take shape in the 1990's. As a community, Hong Kong is still shaping its electoral systems, political traditions and development of political talent. Within this overall context, one of the most important considerations is that we should continue to open up the political system, so as to create more room for participation, and thereby enable public spirited individuals to come forth and

serve the community.

1.20 The Chief Executive and the HKSAR Government can play a unique role in this particular sphere. By extending the system of political appointments, we hope to enable people from a variety of backgrounds to have the opportunity to pursue a broader political career. Hitherto, people who have political aspirations normally contemplate standing for elections in the District Councils or the Legislative Council. Henceforth, by extending the possibilities for people with political party, academic, professional, business, civil service and other backgrounds to serve as Principal Officials and political appointees, we would be able to enrich and broaden the opportunities for political participation. Those aspiring to pursue a political career and to serve the community can join the Government as political appointees at a junior level at a relative young age, apart from taking part in elections either to the District Councils or the Legislative Council. They can also, if selected by the Chief Executive of the day, join the Government as political appointees at a more senior level. Such a career path will be closer to the opportunities available to politicians in overseas jurisdictions. It will also complement the further development of Hong Kong's electoral systems.

1.21 In Chapter 2 of this consultation document, we will examine the case for providing Principal Officials with stronger political support, while Chapter 3 provides a detailed account of the proposals to meet this objective. Chapter 4 examines the working relationship between political appointees and civil

servants. Chapter 5 sets out the timetable for implementing the recommendations in this Consultation Document. Chapter 6 contains a summary of recommendations.