

Legislative Council Panel on Constitutional Affairs

**Further Development of the Political Appointment System :
Responses to the views and questions raised by Members**

The Administration previously provided a paper to the Legislative Council Panel on Constitutional Affairs to set out our policies on matters concerning nationality and remuneration of Deputy Directors of Bureau¹ and Political Assistants. Subsequently, two Members wrote to the Chairman of the Panel, on 10 and 12 June respectively, to express their views and raise questions. The Panel Secretariat has referred both letters to us.

The Administration's responses to these two letters are set out in Annex A and Annex B respectively.

Constitutional and Mainland Affairs Bureau
June 2008

GP146

¹ "Deputy Director of Bureau" is the rank title. The position title is "Under Secretary".

**The Administration's response to the letter of
10 June 2008 from Hon Emily Lau**

The Administration would like to make the following three points as its response :

- (a) With the Finance Committee of the Legislative Council approving the creation of the Under Secretary and Political Assistant posts in December 2007, the Government indicated immediately that all interested parties could put forward their nominations.
- (b) The appointment procedures for Under Secretaries and Political Assistants have been set out in Annex A to the paper provided by the Administration to the Legislative Council Panel on Constitutional Affairs. Upon making the appointments, the Government released their names, biographical notes, personal photos, and the positions they would take up, by means of press releases.
- (c) The Government provided a paper to the relevant committee of the Legislative Council in 2002 to set out the content of the main provisions in the employment contract for Principal Officials under the Political Appointment System. The main provisions in the current employment contract for Under Secretaries and Political Assistants are drawn up by making reference to the employment contract for Principal Officials.

Annex B

The Administration's response to the letter of 12 June 2008 from Hon Lee Wing-tat

The Administration's response to the 12 questions raised in the letter is set out below, in accordance with the numbering order of the questions :

Question The Administration's Response

- (1) The Appointment Committee (AC) is chaired by the Chief Executive (CE), and comprises the three Secretaries of Departments, the Secretary for Constitutional and Mainland Affairs (SCMA), and the Director of the Chief Executive's Office (D/CEO).

As regards the interviewing panels, the one for Under Secretaries was chaired by the Chief Secretary for Administration, typically with a number of Directors of Bureaux and D/CEO as members; and the one for Political Assistants is chaired by D/CEO or SCMA with one to two other Directors of Bureaux as members. The interviewing panels would compile assessments at the end of each interview and these were presented to the AC for consideration.

All key decisions on the appointment procedures were made by the AC on a collective basis.

Moreover, the relevant Principal Officials would be consulted and their agreement would be secured over the proposed match, before the AC ruled on the exact "posting" for each Under Secretary or Political Assistant.

- (2) The nominations or referrals received by the Government came from political parties, think tanks, government sources (Secretaries of Departments, Directors of Bureaux and Head

of the Central Policy Unit). By January 2008, the Government had received over 100 nominations or referrals and self-nominations.

As regards the number of nominations or referrals received from different sources, the Government will not comment on the details.

- (3) to (6) All along, the Government has made public the salary scales for Under Secretary and Political Assistant, which were approved by the Finance Committee of the Legislative Council. Such scales were also set out in the Report on Further Development of the Political Appointment System issued by the Government in October 2007 and in the Government's paper put to the Establishment Sub-committee subsequent to the Report.

On the provisions of the employment contract, both contracting parties have agreed to keep them confidential. However, on 10 June 2008, the Under Secretaries and Political Assistants disclosed their personal remuneration. On this, the Government has no dissenting views.

From now on, the Government will make clear to any newly-appointed Under Secretaries and Political Assistants that their personal remuneration will be disclosed. We believe that this arrangement can maintain the transparency of the remuneration of the relevant officials.

- (7) to (8) As far as remuneration is concerned, there are three pay points for Under Secretaries and five for Political Assistants within the ranges approved by the Finance Committee. As set out in the Administration's paper to the Panel on Constitutional Affairs, since the Administration is developing a new system and the public has considerable expectation of the new political appointees, the Administration has set relatively high standards for these appointments and has adopted the mid-point within the salary

ranges as the anchor when considering whether to screen in a candidate. For those meeting the benchmark, their remuneration would be set at the mid-point within the approved ranges. In case particular individuals would suffer pay cuts upon taking up the assignment, we would adopt relatively higher salary points for these appointments.

All key decisions on the appointment procedures, including the decisions on the remuneration of individual appointees, were made by the AC on a collective basis.

- (9) We consider that the remuneration packages for the positions of Under Secretaries and Political Assistants have to be competitive and should reflect the level of responsibility for these positions. The current remuneration packages for Under Secretaries and Political Assistants were approved by the Finance Committee of the Legislative Council in December 2007. Under Secretaries and Political Assistants are not civil servants and their remuneration packages are not linked to those of the civil service. It is not appropriate to compare the level of their remuneration directly with that of civil servants.

In fact, Under Secretaries and Political Assistants are remunerated on the basis of a total cash package, and there are no housing allowance, no passage allowance and no gratuity benefits for them.

Based on the remuneration ranges approved by the Finance Committee, the remuneration for Under Secretaries is pitched at a range equivalent to 65% to 75% of the remuneration for a Director of Bureau. For ease of reference, the above remuneration range for Under Secretaries 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. As regards Political Assistants, their remuneration is pitched at a range equivalent to 35% to 55% of the remuneration for a Director of Bureau. For ease of

reference, the above remuneration range 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.

- (10) In future, the Government will continue to appoint candidates most fitting for the jobs under the principle of meritocracy, when identifying and appointing suitable candidates as Under Secretaries. Since Under Secretaries are not Principal Officials, the Government will not require them to have no right of abode in any foreign country, as required in the case of Principal Officials. This is in compliance with the Basic Law.

As to whether any Under Secretary with a foreign right of abode decides to renounce such a right, this is a personal decision which the Government respects. The Government will maintain the same position when appointing Under Secretaries in future.

- (11) As with other Under Secretaries and Political Assistants, the Political Assistant to Secretary for Security has to be a permanent resident of the HKSAR. As in the case of other public officers, he has to abide by the provisions in the Official Secrets Ordinance.

- (12) The Government will continue to make appointments of Under Secretaries and Political Assistants, in accordance with the provisions in the Basic Law, the arrangements set out in the Report on Further Development of the Political Appointment System issued in October 2007, and the remuneration packages approved by the Finance Committee of the Legislative Council in December 2007.