

Anson Chan

The Hon. Donald TSANG, GBM
Chief Executive
Office of the Chief Executive
Hong Kong Special Administrative Region, People's Republic of China
Government House
Hong Kong

Dear Donald,

I refer to the Consultation Document on Further Development of the Political Appointment System.

With the benefit of a full discussion in my Core Group, I attach herewith my response to the proposals contained in the Consultation Document, in the hope that it will assist in formulating far-sighted proposals that will take us a step closer to our ultimate goal of a democratically elected government, based on universal suffrage.

I believe that you and I share a common aim – to achieve good governance that will help secure not only Hong Kong's stability and prosperity, but also our unique contribution to the growth and modernisation of our country, under the concept of "one country, two systems". In this context, the structure of government is crucial. We must ensure that we build on a strong foundation. That is why I am suggesting that a thorough and open review of the existing Accountability System be conducted first as a basis for deciding what the next steps should be. It may be that such a review has already been carried out. I invite you to share this review with the public. If one has not been conducted, it should not take long to carry out such a review. It should then be clear how the existing system can be improved in order to deliver the good governance which our community aspire to.

Yours sincerely,

(Signed)

Anson Chan

CC: The Hon Stephen LAM Sui-lung, JP, Secretary for Constitutional Affairs



**Response to Consultation Document
on Further Development of
Political Appointment System**

Anson Chan
30 November 2006

Comments on the Consultation Document on Further Development of the Political Appointment System

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Key Principle

As provided for in the Basic Law of the Hong Kong Special Administrative Region, our constitutional goal is to make progress on a “gradual and orderly” basis towards universal suffrage. This principle should guide all constitutional changes, including reforms to the structure of Government. **Thus, any further development of the Political Appointment System should take place within a framework for steady progress towards a long term model of democratic good governance based on universal suffrage.**

Good Governance

All communities aspire to good governance, but not all communities understand fully what is required to achieve it. Our community understands well what is required and knows what it wants, namely, a government that is open and transparent, above cronyism and corruption and completely at the service of the people. Good governance embodies the following attributes:

Vision – the ability to craft and implement policies which are in the best long term interests of the community and are fair to different sectors;

Integrity – politicians and civil servants who are individuals of high moral caliber, intellectual honesty and ability, prepared to develop and implement policies without fear or favour to particular sectors of vested interests;

Responsiveness – a willingness on the part of government policy makers to truly listen to the community and not impose pre-conceived strategies and decisions upon them;

Decisiveness – after appropriate public consultation, the ability to implement policies decisively whilst retaining an open mind to suggestions which may lead to even better outcomes;

Transparency – a willingness to explain fully and openly the reasoning behind government policies and actions;

Accountability – preparedness to be responsible and accountable to the community for their policies and actions.

Proposals in the Consultation Document:

The proposals in the Consultation Document are fundamentally flawed in a number of respects:

- They are piece-meal rather than formulated and justified within a framework for steady and orderly progress towards developing a

sustainable, long term model of democratic good governance, based on universal suffrage.

- There is no comprehensive assessment of how well the current Accountability System has performed, since its introduction in 2002. The litmus test is not simply whether some Principals Officials have stepped down to take accountability for failed policies. A more important test is whether the introduction of the Accountability System has led to improved governance in the shape of better crafted policies which are responsive to public opinion and concerns and which are implemented effectively.
- There is no analysis of the role of the “political tier” in the context either of the current or a future system of executive-led government in Hong Kong. Hong Kong needs a government structure where the roles and responsibilities of political appointees and civil servants are clear and unequivocal. There should be a clear statement of what it is that “politicians” do and how their role is intrinsically different from that of the senior levels of the civil service.
- It is not clear how the proposals can successfully “groom” political talent. In the long term, the only sure way of grooming political talent

is to build on and strengthen the existing institutions of representative government and provide more pathways by which able individuals, who aspire to political office, can gain experience of how government operates. Examples of such institutions are our wide network of advisory boards and committees, the District Councils, the Legislative Council and the emerging political parties which are truly representative of public opinion.

- Attempting to create artificially a political tier which owes its allegiance to the Chief Executive, and which will cease to hold office at the end of the Chief Executive's term, is not a recipe for stability and continuity. The current proposals will not, in practice offer a pathway to a long term career for aspiring politicians. Whilst political appointees from business, professional or academic sectors may have the option to return to their previous careers, there is potentially no long term future for the "professional" politician. This is likely to be a disincentive to some able (particularly younger) candidates for political appointment.
- The proposals that civil servants be eligible to join the political tier has serious implications for the long term neutrality of the civil service and is bound to have an impact on both efficiency and morale. In the

short term, the field of candidates for the proposed new posts is likely to be limited, so it is possible that a significant number of new political appointees will be drawn from the senior ranks of the civil service, in particular the key Administrative Officer (AO) grade. This will deplete the pool of talent in the AO grade and call into question whether there are meaningful career prospects for those who remain in the civil service. Of deeper concern is that drawing on the ranks of the civil service for political appointees will lead to increasing cronyism at the senior levels of the Administration and compromise the impartiality of those civil servants who have set their sights on a future transfer to the political tier. Rightly or wrongly there will be a perception that they may be tempted, prior to leaving the service, to ally themselves with the policies of particular principal officials in order to help secure their future political advancement.

- The proposed posts of Deputy and Assistant Directors have no clear functional responsibilities. As the roles and lines of responsibility between political appointees and senior civil servants are not clearly defined, there will inevitably be overlaps, confusion and a consequent lowering of overall efficiency at the senior levels of government.

- There is no indication as to how the process of political appointment will be legitimized in such a way as to ensure that political appointees have a mandate and are appropriately qualified to hold office. As the next Chief Executive will not be elected on the basis of universal suffrage, a process of validation is essential, to assure the public that political appointees will have the qualities necessary for good governance (as outlined above) and will ultimately be accountable to the public and to the legislature.

Conclusion

Before further development of the Political Appointment System takes place, there should be a thorough and open assessment of the performance of the Accountability System since its establishment in 2002. Amongst other things, the performance of the System should be measured against the progress so far achieved towards attainment of the longer term goal of universal suffrage. The proposals in the Consultation Document purport to provide a formula for strengthening the political tier and grooming political talent within Government but this approach is fundamentally flawed. Further changes to the structure of Government must convince the public that they are positive steps forward towards achieving democratic good governance, based on universal suffrage.