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From: "Dennis Mui"

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To: <pa-consultation@cab.gov.hk>

Subject: Consultation Document on Further Development of the Political
Appointment System Move To:

Dear Sirs

Further to the focus group held on 17 November 2006, I would like to submit my comments in writing as attached for your consideration.

Regards

Dennis Mui

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20 November 2006

Constitutional Affairs Bureau
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Dear Sirs

Consultation Document on Further Development of the Political Appointment System

Further to the focus group held on 17 November 2006, I would like to put in writing and the elaboration of my views on the Consultation Document in the ensuing paragraphs for your consideration.

Candidates available for political appointment

For political appointment, it is inevitable that when a new Chief Executive (CE) is elected, the Principal Officials in the new CE term will have to be re-appointed and the incumbents inevitably might have to step down. The Deputy Directors and Assistant to Directors would likely to follow because the new CE and Principal Officials will try to find candidates who are "like-minded" with them.

It is frequently reported by media that the livelihood of politicians becomes difficult after they have stepped down from the Legislative Council or District Boards. The Deputy Directors and the Assistant Directors could face the same situation. It is mentioned in the consultation document that they could seek election to District Councils or Legislative Council or re-joining the Government. However, I could see the following predicaments:

1. The remuneration of a District Councilor is much less than that of their original package and might not be able to sustain their living style during the term of the political appointment especially if they have housing mortgage.
2. The available seats in the Legislative Council are limited and in fact, unless they are affiliated to political parties or groups with common interest/political inclination, their chance of getting a seat is remote.
3. Re-joining the government will affect the political impartiality of the civil servant team and should not be allowed.

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Owing to the uncertainty for the “life after the political appointment term”, bright young aspirants who could find better career in commercial business sectors or civil service may be hesitated to enter politics. Only those who are already successful in the professional careers or business and have no worries about their livelihood after the political appointment terms or otherwise mediocrities could be available for appointment. Another possible source could be the retired civil servants. As such, the variety of representation would be limited and the aim of training young aspirants could not be achieved.

Another possible pitfall is that those appointed might be trying to build up relationship with business consortiums so that they might be able to secure a job after the term. The accountability of these officials might be seriously affected and the agenda of the system in serving Hong Kong SAR for betterment becomes fading.

Line of command

In Section 4.13, it is mentioned that the Deputy Directors and Assistant to Directors will not have direct line of command vis-à-vis Permanent Secretaries but could convey to civil servants the views and work priorities of the Directors. It is obvious that if commands need to be always channeled through the Directors and the Permanent Secretaries, inefficiencies will occur because they will become the bottleneck. On the contrary, by-passing the two heads would create problem. So, in order to maintain the hierarchical structure of the civil servants and “staff” relationship between the political appointed officials and the civil servants without creating inefficiencies, it is necessary that the “dos and don’ts” should be carefully worked out for the authoritative powers of the political appointed officials over the different levels of civil servants.

If the political appointed officials do not have authoritative power over the civil servants, they would only be of advisory role, which could be substituted by a think tank and the intent of the political appointment system could not be achieved.

The position of the Secretary for the Civil Service

The unique arrangement proposed does have impact on the principle of politically impartial civil servant, especially when the incumbent returns to the civil service to serve a future government of perhaps a different political persuasion. It is skeptical that whether trust could be built up between the team of the new Directors and the then Principal Official who has done something which is not like-minded with the new political team. Though there is a case for the Secretary of Civil Service to refrain from taking part in election politics and other electioneering activities, his/her team’s past performance would cast doubt over the willingness to executive the new team’s policy. It is suggested

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that the political appointment for such position and its team from the civil service should be re-considered and whether the Permanent Secretary could be sufficient to execute the policies set forth by the CE.

Age limit for the proposed appointments

In the document, there is no mention of any age limit for the appointment. Given the nature of work, experience required and remuneration, it is expected that the candidates are at least over 35 of age for the post of Assistant to Director and even over the age of 40 for the post of Deputy Secretary. They have to be well experienced and have built up network in the appropriate sector. Young people of not much working experience are unlikely to meet the criteria. As mentioned above, it might be difficult to attract suitable young aspirants, who should be fairly successful either in the civil service or commercial business sector at the ages mentioned above and who are uncertain their future after the term of appointment. Capable civil servants might be reluctant to give up the pension and job stability. It might end up that most of the candidates would be from retired civil servants or those civil servants planning to have early retired from the service. If the political appointment system composes of mainly ex-civil servants, the implementation of the Accountability System might be questioned as the public at large would consider it as an extension of the civil service. The opportunities for young aspirations to enter into politics will be very limited especially for the post of Assistant to Secretary. It is therefore suggested that upper age limited should be considered.

In sum, the widening of the system for political participation is supported. However, the present proposal could only provide limited opportunities for training young aspirants to acquire administrative and political experience. A longer term plan to train up and develop political aspirants is required. The proposal could only be considered as a first step. Having said this, the details should be carefully worked out taking into consideration of the comments mentioned above so that the system could be more practical and is able to fulfil its intent.

Yours truly

(Signed)

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