



1 November 2006

Mr. Stephen Lam  
Secretary for Constitutional Affairs  
Constitutional Affairs Bureau  
Government Secretariat  
Lower Albert Road  
Hong Kong

Dear Stephen,

Public Consultation on Further Development of the Political Appointment System

Thank you for your letters dated 26 July 2006 and 18 October 2006.

We generally support the consultation as we notice that, even in some parliamentary systems (e.g. Canada), some deputy ministers are appointed rather than elected MPs. We stand-by what was stated in Section 5. of "The Hong Kong We Want". However, we wish to point out Principal Officials Accountability System (POAS) was also discussed under Section 7. Civil Servants (please see attached extract from the Executive Summary).

We are, however:

1. Somewhat disappointed that the consultation did not state the final destination of the proposed reform clearly, such as getting from the current position A) to the desired position B) of separating the Principal Official's Office (Political Office) from the Government Department (i.e. Civil Service).

香港民主促進會

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2. "The Hong Kong We Want" did not discuss the proper relationships between the Permanent Secretary (civil servant) and the Deputy Secretary (political appointee). However, we felt that clearly stating the Permanent Secretary does not subordinate to the Deputy Secretary is somewhat counter productive to the final goals of the POAS. The argument stated in the consultation document is also somewhat convoluted and unnecessarily guarded against the appointees. Contrary to the document's thinking, we felt that any possible dispute between the Deputy Secretary and the Permanent Secretary could follow the normal and openly accepted escalation procedures practiced in government and in the private sector. We would also assume that both the Permanent Secretaries and the Deputy Secretaries are experienced and matured individuals who could handle difference in opinion constructively.
  
3. In "The Hong Kong We Want", we also raised the possibility of retaining the revolving door policy. We felt that the existing civil servants, particularly the Administrative Officers, may have strong views on either option and should be consulted on:
  - i) Line of command and dispute resolutions between the "Political Office" and "Civil Service" and
  - ii) Option to retain the "Revolving Door" for civil servants to join the POAS.

Such an approach will help to resolve the issue we raised in point 2 above.

We hope our comments are useful to you. We wish HKSAR Government every success in this effort and hope to see some future political leaders or even future Chief Executives could emerge from these new POAS appointments.

Sincerely yours,

(Signed)

Alan LUNG Ka-lun  
Chairman, Hong Kong Democratic Foundation

## **From the Executive Summary of “The Hong Kong We Want: The Political System You Design from Today to 2047”**

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### **5. The Principal Officials Accountability System**

#### **Process Enhancements**

- (a) Establishing the post of Deputy Secretaries will alleviate the workload of the Secretaries and increase the opportunities for political talents to exercise leadership.
- (b) Creating and expanding Political Assistants under the leadership of Principal Officials will create a batch of political talents for Hong Kong’s future developments.
- (c) Educating Deputy Secretaries and Political Assistants on ethical governance by the Independent Commission Against Corruption will help the government establish good governance amidst a gradual process of democratization.
- (d) Allowing some Principal Officials, Political Assistants and Deputy Secretaries to retain political party affiliation will encourage the growth of political parties in a healthy and partnership manner.
- (e) Disallowing Principal Officials, Political Assistants and Deputy Secretaries to have any political party background will create a more politically neutral ruling stratum.

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### **7. Civil Servants**

#### **Structural Reforms**

- (a) Option 1: Abandoning the revolving door for civil servants to join the POAS will mean that once civil servants opt for political careers, their neutrality will be affected and they should not return to work in the bureaucracy for fear of having obvious political orientations.
- (b) Option 2: Maintaining the revolving door for civil servants to join the POAS will continue to allow those who are interested in a political career to join the ruling stratum at the top. The expertise of many senior civil servants will also contribute much to the governance of the HKSAR at the top political level. But those civil

servants who have political experience will be welcome to return to the bureaucracy and contribute to the work of the civil service.

**Process Enhancements**

(a) Enhancing the training of political tolerance of civil servants toward public criticisms will help entrench a more democratic governing culture that views public criticisms as positive and healthy.

(b) Strengthening the sense of political neutrality of civil servants will prevent the street-level bureaucrats from forging hidden links with politicians outside the purview of both the public and their bureaucratic superiors.

Arguably, the above suggestions seek to democratize and judicialize the process of interpreting the Basic Law, this achieving the harmonious operations of the two different legal systems and traditions.