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From:

Date: 2006/11/28 Tue PM 03:04:59 CST

To: &lt;pa-consultation@cab.gov.hk&gt;

Subject: Re: Comments on Further Development of the Political Appointment System

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Dear Sir/Madam,

I refer to the "Consultation Document on Further Development of the Political Appointment System" published by your Bureau in July 2006. I have to declare my interest as a member of the Administrative Officers grade. Nevertheless, in commenting on the document, I have tried to see things beyond the interests of my grade and consider the public interest of Hong Kong as a whole. I would prefer my identity be kept confidential although I would have no objection to my views being made public if deemed necessary.

My comments on the Consultation Document are set out in the file attached.

I would like to add that the document is **not** very reader-friendly as it tends to lump many of the issues relating to Deputy Directors of Bureau and Assistants to Directors of Bureau together. While both are political appointees, their roles are rather different in nature and should better be discussed separately.

Yours sincerely,

(Name provided)

(Editor's Note: The sender requested anonymity.)

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

I believe there is a convincing case for creating Deputy Directors of Bureau (“DDofB”) and Assistants to Directors of Bureau (“A to DofB”) in most bureaux (with the exception of the Civil Service Bureau, see below). Hong Kong has gone down the route of establishing a political accountability system in the past few years. Despite some initial hiccups, this is an essential (though not sufficient) step for the eventual establishment of a democratic political system in Hong Kong. The experience in the past four years indicates that, it is very difficult, if not impossible, for the accountability system to operate smoothly and effectively if the layer of political appointees remains very thin. To introduce additional layer(s) of political appointees equivalent to junior ministers and political advisers/assistants in other jurisdictions is a logical and inevitable step.

The successful implementation of the proposal would depend on a lot of factors such as whether there are a sufficient number of persons with political aspirations to take up the newly created jobs and whether they share similar basic values and can work as a team in the absence of such “bonds” like common membership of a political party. These are legitimate concerns but they should not prevent the Government from implementing the proposal in the beginning of the third term of the Chief Executive while conducting a review one or two years afterwards and making refinements, if necessary.

2. Nevertheless, there are a few systemic issues that require more thorough and careful consideration before the proposal is implemented. These issues are set out below.

- (a) **The relationship between DDofB and civil servants should be clarified and more detailed guidelines should be developed.** While both DDofB and A to DofB are political appointees under the proposed system, their roles are different in many aspects. One of the key differences is the degree of political responsibility or accountability. DDofB are equivalent to “junior ministers” in other

jurisdictions and should bear political responsibility individually and collectively (i.e. answering to the Legislative Council and the public and resignation in extremis). On the other hand, A to DofB are equivalent to political advisers or assistants to the DofB/DDofB and should not shoulder political responsibility.<sup>1</sup> The Consultation Document has not spelt this out clearly and even occasionally mixes the two positions together and causes some confusion. One example is paragraph 4.13 of the Consultation Document which describes the relationship between the new political appointees and the civil service. The proposed arrangements (such as not exercising executive responsibilities, conveying to civil servants the views and work priorities of the DofB) is reasonable and acceptable if the description is just confined to A to DofB. However, it is not practical to apply the same to DDofB.

As politically accountable officials, DDofB should not be considered simply as agents of the DofB who “convey the views and work priorities” of the latter. DDofB are expected to play a key role in the policy making process. It would be overly restrictive to require them “not to exercise any executive responsibilities except when deputising as DofB” (*see paragraph 4.13 of the Consultation Document*). One can imagine a situation where a DDofB chairs an internal working group or committee for formulating or reviewing a certain politically controversial policy. Is the DDofB exercising “executive responsibilities” in that capacity or is he/she “discussing the advice being put to the Principal Officials”? There is no clear-cut answer. The Government should encourage team work and close cooperation between the new political appointees and the civil service through a more streamlined and task-based system. There is no need to create artificial and unnecessary barrier between them, particularly between the DDofB and the civil service. While I agree that DDofB should not have any direct line of command over the Permanent Secretary in the same Bureau (on the assumption that the two should be roughly equivalent in ranking), there is no reason why civil servants below the Permanent Secretary level could not work to the DDofB on a task basis where necessary, on the

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<sup>1</sup> A to DofB should nevertheless be bound by the Code of Conduct applicable to political appointees and relevant law and regulations such as those concerning prevention of bribery.

understanding that the appraisal reports of civil servants would not be written by the DDofB. This would avoid routing everything to DofB/DDofB through the Permanent Secretary that may create unnecessary bottlenecks in the workflow.

- (b) **The roles of A to DofB and the existing Administrative Assistant (“AA”) and their relationship should be further clarified.** With the former providing political support to the DofB and taking up part of the work of the AA, can the Government justify keeping AAs at the Directorate level across the board? One option that may be worth considering is to make the AA post a “flexible ranking” post that can be filled by either a “Senior Administrative Officer” or an “Administrative Officer Staff Grade C” (“AOSGC”). If the A to DofB is relatively less experienced and equivalent to a senior professional in remuneration, an AA at AOSGC level could be justified. On the other hand, if the A to DofB is very experienced and draw a salary equivalent to AOSGC, an AA at SAO rank may be sufficient.
- (c) **Need for more senior political appointees in the Offices of Chief Secretary for Administration and Financial Secretary.** Paragraph 3.09 of the Consultation Document says that there is no immediate functional need for “Deputy Chief Secretary for Administration (“CS”) / Financial Secretary (“FS”) / Secretary for Justice”. I agree that the Government should take a prudent view on the creation of such positions as they are “Principal Officials” positions under the Basic Law and their creation would require endorsement by the Central People’s Government. Nevertheless, with the creation of DDofB in most Bureaux, there is a need to strengthen the CS and FS’ capacity in policy coordination across bureaux to ensure “joined-up governance”. The creation of senior political positions in the Offices of the CS and FS is highly desirable. Their primary functions would be to assist the CS or FS to coordinate policies that cut across bureaux and to resolve differences and disputes among bureaux. They would not deputise for the CS or FS as they are less senior in ranking than the Principal Officials. These two new political appointees could be called the “Director of the CS/FS’ Office” and be pitched at a level equivalent to or slightly

higher than DDofB (but lower than Director of the Chief Executive's Office). Pitching these positions at A to DofB level would be too low for the appointees to perform political coordination functions effectively. As regards additional political support for the Secretary for Justice ("SJ"), the need is less obvious. Unlike the CS and FS, SJ does not play a coordinating role in policy making. His work is also relatively less political in nature. Even if some additional support is needed, a political assistant equivalent to the A to DofB level should suffice.

- (d) **Doubt about the need for DDofB and A to DofB in the Civil Service Bureau (CSB).** There is less political content in the work of the CSB whose principal clients are civil servants. Moreover, any additional political appointees in CSB would face a dilemma similar to that of the Secretary for the Civil Service ("SCS"), i.e. whether to have a revolving door to revert back to the civil service after completion of tour. The Consultation Document rightly rejects the idea of a revolving door for the new political appointees (*paragraph 4.22*). The revolving door for the SCS is an exceptional and just bearable feature.<sup>2</sup> I would have reservation against extending it to the DDofB or A to DofB in the CSB. On the other hand, any political appointees recruited from outside the civil service and who have no or little knowledge about the internal operations of the service may cause widespread suspicions among the civil servants. In view of the nature of the job, the SCS should have no difficulty in continuing to rely on civil servants for assistance. The lack of a DDofB to deputise for her/him during temporary absence would just be a slight inconvenience.

3. As the issues faced by the Government are fairly complex, I look forward to the Government issuing the consultation conclusions after considering all the comments received. The Government should provide further opportunities for the public to comment on those conclusions before implementing the proposal.

28 November 2006

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<sup>2</sup> Incidentally I agree with paragraph 4.25 of the Consultation Document that the SCS should refrain from taking part in election politics and other electioneering activities if the current arrangement remains.