

**Summary of the views expressed at the Workshop
for the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 25 September 2006**

(Translation)

The Head of Central Policy Unit welcomed Members and guest speakers to the workshop. The purpose of the workshop was to provide a platform for Members to exchange views on the Consultation Document on Further Development of the Political Appointment System.

Presentations by Guest Speakers

2. Three guest speakers, viz. Mr Kevin Lau, Dr Sung Lap Kung and Dr Ray Yep, expressed their views on the Consultation Document:

Mr Kevin Lau of Ming Pao

3. Mr Kevin Lau of Ming Pao expressed the following views:

- (a) He considered that further development of the political appointment system was a step in the right direction. Nevertheless, a mechanism for selecting candidates should be established to ensure that appointment was made through open and objective procedures and was based on the principle of merit;
- (b) He considered that the absence of a clear selection mechanism and procedures might give rise to the following issues:
 - (i) If the Legislative Council (LegCo) had doubts about the mandate of the political appointees, political appointees might find it more difficult to handle LegCo-related business in future;

- (ii) The integrity checking system currently applied to principal officials could not reflect fully the appointees' connection with the business and other sectors, and fell short of upholding confidence in its effectiveness to safeguard against conflict of interest; and
- (iii) Administrative Officers were subject to stringent selection procedures. If the political appointees were not required to go through any open selection procedures, resulting in intakes of varied qualities, the new appointees might not be accepted by some of the Administrative Officers and this would hamper future operation.

Dr Sung Lap-kung of the City University of Hong Kong

4. Dr Sung Lap-kung briefed Members of his powerpoint presentation at Annex 1. He opined that the new system could not be put in place overnight. Hence, while a democratic political system was being developed, there was a need to start developing the political appointment system at the same time.

Dr Yep Kin-man of the SynergyNet

5. Dr Yep Kin-man briefed Members of his views as set out in his powerpoint presentation (Annex 2).

Discussion Session

Proposed Arrangements for Appointment of Deputy Directors of Bureau and Assistants to Director of Bureau

6. Members generally agreed that further development of Political Appointment System would enable the Chief Executive to have greater room for forming his governing team, and that the creation of Deputy

Directors of Bureau and Assistants to Director of Bureau would strengthen support for the Principal Officials and the Chief Executive in carrying out political work.

7. Dr Sung proposed that an open recruitment board be formed, and that it should be chaired by the Chief Secretary for Administration, to recruit political talents for appointment to the positions of Deputy Director of Bureau and Assistant to Director of Bureau. The proposed recruitment board should comprise members who were credible and could represent different sectors of the community. However, Dr Sung had no objection that the Chief Executive should have the final say on the selection of suitable candidates.

8. Dr Yep proposed that the political appointees should be nominated by the Directors of Bureau, and appointed by the Chief Executive after consulting LegCo. Dr Yep further explained that his proposal aimed at providing LegCo Members and the general public an opportunity to raise questions to the candidates at LegCo public hearings. Nevertheless, the ultimate appointment authority should rest with the Chief Executive.

9. Mr Kevin Lau proposed that an objective selection mechanism should be established, as the Government extended the political appointment system. For example, a selection board should be appointed by the Chief Executive to uphold the principle of merit and enhance public acceptance of the political appointment system. Given that the number of nominees might outnumber the positions of the Deputy Directors of Bureau and Assistants to Director of Bureau, it would be imperative for the Government to establish a mechanism for selecting suitable political talents to enhance fairness, impartiality and objectiveness of the selection process. He suggested that the Government should examine the possibility of establishing a committee similar to that of the Judicial Service Commission to invite members of political parties to engage in the selection process.

10. In summary, Members held different views regarding the selection mechanism:

- (a) a Member opined that making public the list of candidates for the positions of Deputy Director of Bureau and Assistant to Director of Bureau would help enhance transparency and public acceptance of the Political Appointment System;
- (b) a Member considered it not appropriate to make reference to the mode of operation of the Judicial Service Commission as the legal sector had dissenting views on it;
- (c) a Member proposed that candidates should disclose their political party or business background to avoid conflict of interest;
- (d) some Members held the view that it would be inappropriate and unnecessary for appointments to be made through an open selection, or recruitment process, or by a selection board. According to the principle of an "executive-led" system under the Basic Law, the Chief Executive had the responsibility and power to form his own team by enlisting competent candidates from different sectors who shared his vision. A member pointed out that if the candidates were selected by a selection board, the question as to whether such a selection board or the Chief Executive should have the final decision on the appointments would arise;
- (e) a Member did not agree to the suggestion of consulting LegCo on the appointment as the Basic Law did not grant LegCo such a power; and some members considered that this would politicize the appointment; and
- (f) regarding Dr Yep's proposal of requesting the candidates to respond to questions raised by the LegCo, some Members considered that potential candidates should not be required to do so before their appointment. Some Members considered that in the open and transparent environment of Hong Kong, public discussions would provide the necessary

checks and balance even in the absence of LegCo's involvement.

11. A Member opined that in theory it would be difficult to object to this proposal as it did not seem to contravene the Basic Law. However, before election of the Chief Executive by universal suffrage was implemented, any proposal to expand the political appointment system would not genuinely enhance accountability. Therefore, he could not support the proposal at this stage. Another member considered that the fact that universal suffrage had not yet been implemented should not be a reason for not making any improvement to the existing system.

The Civil Service under the Political Appointment System

12. Mr Kevin Lau held that given the close working relationship between civil servants and political appointees, the Government had to secure the support of the civil service, as it further developed the political appointment system.

13. Dr Sung opined that the Government should pay attention to the problems arising from the interface between political appointees and civil servants, and to ensure that the political neutrality of the civil service was maintained. Regarding the future roles to be played by the civil servants, in particular the Administrative Officers, he proposed that the Government might make arrangements to enhance exchanges between middle to senior ranking civil servants and the business and academic sectors, so as to strengthen the civil service and bring in fresh ideas. This would also enable civil servants to bring themselves up-to-date. He considered that the Government should formulate detailed framework and guidelines regarding the working relationship between civil servants and the new political appointees.

14. Dr Yep was of the view that the strength of civil servants was their acquaintance with government operations, which would be conducive to the continuity of policies and stability of public services. At the same time, the appointment of political appointees could provide fresh policy

thinking. These appointees and civil servants could complement each other.

15. It was mentioned in the Consultation Document that the Secretary for the Civil Service might choose to revert to the civil service if he or she had not yet reached the retirement age specified for civil servants upon completion of the term of appointment. In this connection, Dr Yep opined that such a unique arrangement was incompatible with the principle of political neutrality of the civil service. He proposed that policies in relation to civil service matters should be put under the purview of the Chief Secretary for Administration, while the post of Deputy Chief Secretary for Administration pitched at a level equivalent to Director of Bureau should be created to handle policy matters on the civil service. As the head of the civil service, the Permanent Secretary for the Civil Service should be in charge of staff management of civil servants; he could also serve as Clerk to the Executive Council and provide advice on civil service matters to the Executive Council. In response to the proposal of creating the position of Deputy Chief Secretary for Administration, a Member opined that the proposal was not feasible because it would lead to overlapping of duties. The Secretary for Constitutional Affairs (SCA) remarked that the unique arrangement for the position of the Secretary for the Civil Service mentioned in the Consultation Document was put in place having regard to a number of considerations. One of the key considerations was that the person filling the position should have civil service background.

16. A Member raised the point that we should consider carefully the issues concerning the division of responsibilities between Deputy Directors of Bureau and Permanent Secretaries, as well as coordination of the "seven-layer structure" operating under the new system, i.e. three layers of political appointees with four layers of civil servants in the Administrative Officer grade in the bureaux.

Other Views

17. A Member proposed that the Government might consider reorganizing the existing structure of the government which comprised

three Departments and 11 Bureaux. For example, bureaux with extensive portfolios should hive off part of their business, or an additional Deputy Director of Bureau should be created to handle the respective policy areas.

Conclusion

18. SCA made the following concluding remarks.

- (a) In respect of the delineation of duties and cooperation between the four layers of civil servants (i.e. Permanent Secretaries, Deputy Secretaries, Principal Assistant Secretaries and Assistant Secretaries) and the three layers of political appointees (i.e. Directors of Bureau, Deputy Directors of Bureau and Assistants to Director of Bureau), SCA said that the proposal was formulated with reference to the systems of the United Kingdom and Canada. In future, civil servants would continue to be responsible primarily for policy research and putting forward policy proposals, while Deputy Directors of Bureau and Assistants to Director of Bureau would provide advice from the political perspective. Directors of Bureau would consider fully analyses provided by civil servants and political appointees before formulating policies, and would be held politically responsible for decisions taken. Deputy Directors of Bureau would also assist the Directors of Bureau in maintaining political liaison and explaining policies to the Legislative Council and the public. Both the politically appointed Deputy Directors of Bureau and the Permanent Secretaries of the civil service would report direct to the Directors of Bureau;
- (b) SCA agreed that in implementing the political appointment system, it would take time for the political tier and civil servants to adapt to the new mode of operation. SCA believed that the third term Chief Executive, after choosing his Secretaries of Department and Directors of Bureau, would discuss with this top tier of political appointees the selection of political appointees in the second and third tiers.

The Chief Executive would, no doubt, consult widely to select candidates who were competent, committed, willing to serve the public and support his policy agenda. SCA added that under the political appointment system, the political team could comprise people with different backgrounds such as political parties, civil servants, academics, professionals, the business community and the media etc. This would broaden the overall policy thinking of the Government and would better meet the aspirations of the different sectors of the community; and

- (c) In response to a Member's question on whether the 11 policy bureaux would be reorganized, SCA pointed out that this would be a matter for the third term SAR Government to decide. Further, there would be a lot of political work to handle even after the reorganization. It was, therefore, necessary to have additional politically appointed officials to assist the Directors of Bureau.

19. SCA emphasised that creation of more room for participation in political affairs would pave the way for a more open electoral system in Hong Kong in future. Regardless of whether the Chief Executive would be returned by the Election Committee or by universal suffrage, the Chief Executive had to be accountable to the public to implement his election manifesto. It was, therefore, necessary to have a political team to assist the Chief Executive in policy implementation.

20. The Head of Central Policy Unit expressed gratitude to the guest speakers and Members for their invaluable views. The Secretariat would prepare a summary of the views expressed at the workshop for Members' reference.

21. The attendance list of participants is at Annex 3.

Secretariat to the Commission on Strategic Development
November 2006

策略發展委員會 管治及政治發展委員會工作坊

題目： 發展政治委任制面對的挑戰

講者： 宋立功博士

日期： 二零零六年九月二十五日

(一) 社會各界對諮詢文件的反應

- 1) 特首掌握人事權，吸納社會精英，為「我」所用
- 2) 為親政府黨度身訂做，通過政治酬庸加以拉攏
- 3) 新制度令架構臃腫，架床疊屋，降低施政效率
- 4) 沒有政黨政治發展的配合，對培養政治人才的助益不大
- 5) 應重視政治官員與常任公務員之間的磨合問題
- 6) 新制度不能保證公務員體制的政治中立
- 7) 誰主導人士挑選？是特首還是局長？
- 8) 新制度有利商界在政府高層「插旗」，令政策向商界利益傾斜
- 9) AO 進一步EO 化

(二) 新制度之下局長幕僚（副局、局助、政助及新聞秘書等）的職能

- 1) 局長的政治顧問與政策顧問
- 2) 聯絡與溝通立法會
- 3) 尋求文官的協助
- 4) 督導文官按局長的旨意行事
- 5) 與其他局/部門的官員聯絡
- 6) 與特首辦保持緊密溝通
- 7) 向公眾解釋政策與聯絡民間團體

(三) 需重點處理的問題

- 1) 用何種方式招聘政治人才
- 2) 政治官員與常任公務員的磨合問題
- 3) 疏理政務官的情緒

(四) 大膽實行制度創新 - 公開招聘政治人才

- 1) 成立由政務司司長領導的公開招聘委員會
- 2) 用人標準：
 - (i) 與特首施政理念相近
 - (ii) 對政策過程的了解
 - (iii) 新思維與新觀念
 - (iv) 學歷
 - (v) 經驗與閱歷
 - (vi) 年齡
 - (vii) 政治能力 - 溝通、游說、敏感度、分析、組織等
- 3) 公開遴選程序

《發展政策網絡 提高管治問責：
完善政治委任制度的初步意見》



前提

- 只有真正的民主制度，才能孕育真正的政治問責文化
- 在缺乏整體政改的大前提下，「主要官員問責制」不能根治特區政府整體的管治缺陷
- 假如有關制度設計能夠深思熟慮，制度上配套得宜，能取得市民大眾的信心和支持，「問責制」仍可以對特區管治作出貢獻，有所裨益

【討論議題】

- 如何提高問責官員的政策創議功能
- 問責官員與行政會議非官守議員的分工與關係
- 政策局的分工與重組
- 公務員事務局局長的特別安排

【(一) 問責官員的創議能力】

- 政府焦點：問責制有利釐清政治任命官員與公務員的責任與分工/ 加強問責性/ 保持公務員的中立與專業性/ 加強政治工作
- 民間焦點：有助特首建立個人班子/ 會否將公務員的角色邊緣化

【創新思維】

- 透過問責制可引入政策新思維
- 政府構想：
 - 問責官員（特別是 副局長、局長助理）
專注「政治」工作：聯絡、公關
 - 公務員：政策分析、專業意見
- 策略上，強調公務員的決策地位，有利向公務員推銷有關建議
- 現實上，公務員政策意見亦有不足之處

【公務員的強項與不足】

- 優勢：
 - 長期參與政策討論與執行，熟悉情況，包括現行政策空間，改革的困難，財政後果，相關政策制度配套要求
 - 有利於保持政策連貫性，善於維持制度穩定
- 不足：
 - 政務官多終生任職政府，未必能緊跟時代變化，弱於開創局面，政治任命官員正好彌補有關不足

[建立政策團隊]

- 問責制—引入新思維的契機
- 考慮如何建立政策團隊：
 - 強化司/局長如幕僚體系
 - 人選任命的發言權

[發展政策網絡]

- 同意增設副局長及局長助理，但工作非單是請客吃飯，政治公關，同時亦要協助局長開拓及發展政策網絡（Policy Network）

政策顧問

- 委任非受薪政策顧問
- 與諮詢委員會任命相比：
 - 更早介入政策討論
 - 與問責官員聯繫更密切
 - 保證一定的索閱官方文件資訊權，更專業深入的分析，強化政策持分者 (Stake-holder) 的角色/ 進一步拉近政府與相關專業，利益團體的討論對話與聯繫
- 與策發會/ 中央政策組相比：長期對個別政策聚焦，固定的關注議題

任命過程

- 局長提名，諮詢立法會，特首任命
- 局長的提名權必須受到充份照顧，否則無法共事
- 立法會必須有參與角色，使公眾在特首確認任命前有機會了解有關人仕的政見與立場

【(二) 問責局長與行會非官守議員 聯繫與分工】

- 政治問責官員（不同於政務官）一定程度上取代了非官守議員的反饋功能
- 司長主持的政策委員會使非官守議員祇能參與較後期的政策討論

【影響】

- 非官守議員的個人投入感及角色迷惘
- 如何建立政策共識，落實集體負責
- 減低政策認同，難以投入政策推銷及解說工作

【更提高決策參與程度】

- 在政策委員會討論後，按政策範圍和行會分工設立小組，小組討論後再交由政策局再作研究，最後提交行更會議全體討論

【(三) 公務員事務局的特別安排】

- 目前安排：該人員在擔任局長期間脫離公務員隊伍，任期屆滿時尚未達退休年齡，可返回公務員隊伍
- 不足之處：
 - 有違公務員中立原則
 - 雙重效忠矛盾，尤其難以取信於公務員隊伍

【相關考慮】

- 公務員事務局局長要熟悉公務員運作
- 局長亦須承擔政治責任，以貫徹政府所強調的問責原則
- 公務員隊伍期望局長亦同時作為員工代表，維護公務員權益
- 公務員亦不希望其代表被摒諸於最高決策過程之外，期望意見可於行政會議中得到表達機會

【建議】

- 由一名常務秘書長職級的公務員作為十六萬公務員之首，對公務員隊伍作行政管理，及執行相關的政策與決定
- 將有關公務員政策及事務改為政務司職務範圍
- 增設相當於局長級別的副政務司一名，專責處理有關公務員政策事務
- 作為公務員之首的常務秘書長同時兼任行政會議秘書，可就與有關公務員事務宜提供意見

[(四) 重組政策局]

- 三司十一局負荷太重
- 衛生福利及食物局一零五/零六年修訂預算六百八十億，佔總預算25%以上（未計算食物安全部份）
- 環境運輸及工務局預算亦估計接近三百億，佔總預算10%
- 教育及人力統籌局預算為五百五十億，佔總預算20%以上
- 民政事務局的職能亦十分廣泛，包括社區發展、諮詢委員會、區議會、文化、藝術及體育團體發展、康樂設施管理等
- 有必要分拆為多個政策局/或多設一名副局長處理各個政策範疇

策略發展委員會
管治及政治發展委員會工作坊
2006年9月25日

Workshop for
the Committee on Governance and Political Development
of the Commission on Strategic Development
25 September 2006

召集人

Convenor

Head, Central Policy Unit

中央政策組首席顧問

列席 :

In Attendance

Mr LAM Sui-lung, Stephen, J.P.
Secretary for Constitutional Affairs
Mr LAI Yee-tak, Joseph
Deputy Secretary for Constitutional Affairs (1)
Mr LAU Chun-to, Ming Pao Daily News
Dr SUNG Lap-kung, City University of Hong Kong
Dr Ray YEP, SynergyNet

政制事務局局長
林瑞麟先生, J.P.
政制事務局副秘書長 (1)
黎以德先生
明報劉進圖先生
香港城市大學宋立功博士
新力量網絡葉建民博士

委員

Members

Mr CHAU How-chen, G.B.S., J.P.
Mr CHEUNG Chi-kong
Ms FONG, Janie
Mr LAU Nai-keung
The Hon LEE Wing-tat
Dr LEUNG Mei-fun, Priscilla
Mr LUI Tim-leung, Tim, J.P.
Dr ZHOU Ba-jun

周厚澄先生, G.B.S., J.P.
張志剛先生
方文靜女士
劉迺強先生
李永達議員
梁美芬博士
雷添良先生, J.P.
周八駿博士

因事未能出席

Apologies

Mr CHAN Chung-hun, Bunny, B.B.S., J.P.
Mr CHAN Tak-lam, Norman, S.B.S., J.P.
Prof CHEN Hung-yec, Albert, J.P.
Mr CHEN Nan-lok, Philip, S.B.S., J.P.
Prof CHENG Kwok-hon, Leonard
The Hon CHEUNG Hok-ming, S.B.S., J.P.
Mr CHOW Charn-ki, Kenneth
Ms CHOW, Wendy
Mr CHOW Yick-hay, B.B.S., J.P.
Mr CHOW Yung, Robert, B.B.S.
Mr FUNG, Daniel R., S.B.S., J.P.
Mr HOO, Alan, S.B.S., J.P.
Ms KO Po-ling, M.H.
Prof KUAN Hsin-chi
Prof LEE Chack-fan, S.B.S., J.P.
The Hon LEE Cheuk-yan
Mr LIE-A-CHEONG Tai-chong, David, J.P.
Dr LO Chi-kin, J.P.
The Hon MA Lik, G.B.S., J.P.
Mr MOK Hon-fai
Mr NG Sze-fuk, George, S.B.S., J.P.
The Hon SHEK Lai-him, Abraham, J.P.
Mr SZE Chin-hung, Jerome, J.P.
Mr TAM Kwok-kiu, M.H., J.P.
Miss TAM Wai-chu, Maria, G.B.S., J.P.
The Hon TIEN Pei-chun, James, G.B.S., J.P.
Dr WANG Xiao-qiang
Mr WONG Kong-hon, S.B.S., J.P.
Mr WONG Wai-yin, Zachary
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.
Mr YU Kwok-chun, G.B.S., J.P.

陳振彬先生, B.B.S., J.P.
陳德霖先生, S.B.S., J.P.
陳弘毅教授, J.P.
陳南祿先生, S.B.S., J.P.
鄭國漢教授
張學明議員, S.B.S., J.P.
鄒燦基先生
周君倩女士
周奕希先生, B.B.S., J.P.
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胡漢清先生, S.B.S., J.P.
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李卓人議員
李大壯先生, J.P.
盧子健博士, J.P.
馬力議員, G.B.S., J.P.
莫漢輝先生
吳仕福先生, S.B.S., J.P.
石禮謙議員, J.P.
施展熊先生, J.P.
譚國僑先生, M.H., J.P.
譚惠珠女士, G.B.S., J.P.
田北俊議員, G.B.S., J.P.
王小強博士
黃光漢先生, S.B.S., J.P.
黃偉賢先生
黃英豪先生, B.B.S., J.P.
佘國春先生, G.B.S., J.P.