

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

**July 2006**

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# **CHAPTER 1: A System of Political Appointment: Development since July 2002**

## **Background**

1.01 In his inaugural Policy Address delivered in October 2005, while considering that implementation of the Accountability System represented an important step forward in the constitutional development of the Hong Kong Special Administrative Region (HKSAR), the Chief Executive acknowledged that the new system of governance was in need of further improvement. He believed that the most pressing need was to strengthen support for the Principal Officials to undertake growing political work related to the formulation and implementation of policies, to reach out to the community in a pro-active manner, and to broaden and consolidate public support for the Government.

1.02 Against the above background, the Chief Executive proposed that consideration should be given to creating within the Government a small number of positions dedicated to political affairs. Their main duty would be to support the Chief Executive and the Principal Officials in their political work. The proposal would provide those with political aspirations to hone their skills through participating in government work, and progressively widen the system for political participation. The

proposal would also allow civil servants aspiring to a political career to leave the civil service to take part in politics.

- 1.03 At the same time, the Chief Executive reaffirmed that the civil service remained the backbone of the Government and reiterated the importance of upholding the integrity and interests of the civil service in considering how best to take forward the above proposal.

### **Development since July 2002**

- 1.04 A political appointment system for Principal Officials was introduced in July 2002 to create a political tier at the top echelon of the Government, comprising individuals from the academia, business and professional sectors, as well as the civil service. The arrangement has the following objectives :

- (a) to enhance the accountability of Principal Officials for their respective policy portfolios;
- (b) to maintain a permanent, professional, meritocratic, honest and politically neutral civil service;
- (c) to select the most suitable persons to take up Principal Official positions to serve the community and to enhance governance;

- (d) to better coordinate the formulation of policies to ensure their effective implementation and provision of quality services to the public;
- (e) to enhance cooperation between the Executive and the Legislature; and
- (f) to enable the Government to better appreciate the aspirations of the community and better respond to the needs of the community.

## **Enhanced Accountability**

### *Accountability to the Chief Executive*

1.05 The Political Appointment System allows the Chief Executive to form his own governing team with individuals who share his vision and mission, and who are prepared to promote the policy and political agenda of the Government under his leadership. Principal Officials enjoy no security of tenure; their employment may end prematurely in accordance with the terms of their contracts. This replaces the system that existed prior to July 2002 under which Principal Official positions were filled mainly by career civil servants who were appointed and promoted according to the established civil service system. Strengthening the accountability of Principal Officials to the Chief Executive through turning these posts into politically appointed positions is an important development in the evolution of Hong Kong's political process. Although the

Chief Executive is yet to be returned by universal suffrage, in reality he and his Principal Officials are already expected to perform their duties and to respond to public demands in a manner which meets the standards of Hong Kong as an open and transparent community. The Chief Executive needs to be supported by a group of like-minded and committed people to help him deliver his policy and political agenda in an increasingly complicated environment.

*Accountability to the community*

1.06 Concerns have been expressed at the inception of the Political Appointment System on how, in practice, the system would enhance the accountability of Principal Officials to the people of Hong Kong. Experience in the past four years has demonstrated that the Political Appointment System has strengthened accountability of Principal Officials to the Chief Executive, as well as to the community at large.

1.07 In Hong Kong, various institutions operate effectively to keep the Government in check. Our elected legislature and the free press hold the Government to account. The Chief Executive and Principal Officials appear regularly before the Legislative Council to answer Members' questions. They also reach out proactively to the community to explain policies to enable a better understanding of the intention, rationale and implications of government policies and decisions. Public opinions on many issues, including the performance of Principal Officials, are widely and vigorously expressed through the print and

electronic media. Principal Officials have to remain highly sensitive to public opinions, and are expected to respond accordingly. A number of events, which occurred in the past four years, have shown the full force of public and media scrutiny.

### **The Politically Neutral Civil Service**

1.08 The Political Appointment System has created a new system of government in Hong Kong comprising two tiers — the political tier and the civil service. Principal Officials are responsible for providing leadership, making political decisions and canvassing community support, while civil servants focus on assisting Principal Officials in policy formulation, policy explanation, policy implementation and delivery of services to the public.

1.09 Separating the political tier from the civil service helps uphold the integrity and political neutrality of the civil service. This was achieved by addressing two anomalies arising from the pre-July 2002 arrangement whereby top government positions were mainly occupied by civil servants. Firstly, during the first five-year term of the HKSAR Government, there were increasing calls for these civil service post-holders to be held politically accountable. However, holding them so responsible and expecting them to step down in case of political responsibility for policy failures was incompatible with the underlying philosophy of a permanent civil service and its



established appointment and removal system. Secondly, with the political environment becoming increasingly complicated, effective governance called for a more strategic approach in dealing with public affairs and a greater emphasis on political work. However, placing such demands on civil servants might at times be in conflict with the notion of a politically neutral civil service.

1.10 The Political Appointment System has addressed the two anomalies. The system was designed in such a way so that the politically appointed Principal Officials were in a position to assume political responsibility. In a number of incidents, the Principal Officials concerned had borne the brunt of political responsibility.

1.11 As for the second anomaly, the introduction of political appointments for Principal Officials has provided an institutional basis for safeguarding the integrity and political neutrality of the civil service. The term “political work” covers a wide spectrum of activities. Whilst civil servants must not engage in certain political work such as electioneering activities under the principle of political neutrality, traditionally senior civil servants have been involved in other work with political content, such as explaining and defending government policies and decisions, and lobbying for support for them. Under the Political Appointment System, the civil service is loyal to the Government of the day. Permanent Secretaries and other civil servants put forward full and frank advice on policy options formulated to their best abilities. Once decisions are

taken by the political tier, civil servants will support the decisions without question regardless of their own personal convictions, and will implement the decisions taken fully and faithfully. They will not make known their personal views in public, nor will they give any indication that they hold different views. At the same time, senior civil servants will assist Principal Officials in explaining the decisions in public and in the Legislative Council.

*Greater clarity on division of responsibility*

1.12 Notwithstanding the institutional framework outlined in paragraph 1.11 above, concerns have been raised in some quarters over the precise role of the civil service under the Political Appointment System in practice, in particular the extent to which civil servants should continue to engage in political work without undermining the impartiality of the civil service. Sometimes, there is an expectation gap between Principal Officials and senior civil servants regarding their respective responsibilities for the full range of political work. This has led to calls for greater clarity on the division of responsibility between political appointees and civil servants. The interface between the politically appointed officials and the civil service is a crucial issue to good governance, and will be further examined in Chapter 4.

## **Better Coordination**

- 1.13 Experience in the last few years shows that requiring the 14 politically appointed Principal Officials to report direct to the Chief Executive had made his direct span of control too wide. Accordingly, the Chief Executive announced in his inaugural Policy Address in October 2005 a series of measures to strengthen further the coordinating functions of the Chief Secretary for Administration and the Financial Secretary, so that he could focus his personal attention on key issues. These measures include requiring the 11 Directors of Bureau to report to the Chief Secretary for Administration and the Financial Secretary on the day-to-day operations of the Government, and reinforcing the functions of the Policy Committee co-chaired by the two Secretaries of Department as the platform for policy coordination and initial clearance. Through this forum, the two Secretaries of Department ensure that government policies are thoroughly considered, public resources efficiently used, and cross-bureaux issues well coordinated.

## **Enhanced Cooperation between the Executive and the Legislature**

- 1.14 The Political Appointment System has been complemented by certain elements which are designed to improve the working relationship between the Government and the Legislative Council. These include the appointment of legislators from like-minded political parties/groups to the Executive Council. The arrangement provides a formalised channel through which Members of the Legislative Council can have direct

participation in the policy making process in accordance with Articles 54 and 56 of the Basic Law<sup>1</sup>. It also strengthens the linkage between the executive authorities and the legislature.

- 1.15 It has been suggested that more Principal Officials should be drawn from political parties/groups within the legislature. It is argued that by becoming members of the governing team, the political parties/groups will have an obligation to defend the Government in the legislature and vote for government proposals. They will strengthen the capability of the Government in carrying forward its agenda. We can see the force of these arguments. As a matter of fact, individuals with political party background can be appointed as Principal Officials. It is, therefore, up to the Chief Executive to decide the extent to which this arrangement should be used to enhance the governing capability of his political team in nominating candidates for appointment as Principal Officials.

## **An Evolving System of Governance**

### **New System Taking Root in Hong Kong**

- 1.16 Hong Kong is going through a process of political evolution. The implementation of the Political Appointment System in July 2002 was part of this process. The working of the System was

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1 Article 54 of the Basic Law provides that the Executive Council shall be an organ for assisting the Chief Executive in policy making and Article 56 provides that the Chief Executive shall consult the Executive Council before making important policy decisions.

not entirely smooth in its initial period. However, after four years of operation, the Political Appointment System has started to run in. The new system has placed the Government in a better position to respond to the modern demands of governance in three respects :

- (a) Principal Officials are to be held accountable in the open and transparent setting of our society;
- (b) it has strengthened the foundation of a professional and politically neutral civil service; and
- (c) it has opened up the top government positions to individuals outside and within the civil service, thereby enabling Hong Kong to draw from a wider pool of political talents.

### **Need for Further Improvements**

1.17 The most significant long term implication of adopting the Political Appointment System is that it has brought about a new system of government whereby there is a political tier at the top underpinned by the civil service as the backbone of the Government. Henceforth, any future Chief Executive can count on these two groups of officials to deliver effective governance. Such an arrangement combines the demands of political leadership and the virtues of a professional and permanent civil service. Political appointees sharing a common agenda with the Chief Executive make decisions on

policy and political priorities, orientate government activities to promote the agreed political objectives, and canvass public support for decided programmes. They provide leadership, connecting Hong Kong people with the Government and making the Government politically responsible. Career civil servants, driven by established core values such as political neutrality and professionalism, tender honest advice to the political tier in formulating, explaining and implementing policies. They uphold our long-held reputation as a clean, efficient and impartial public administration which makes Hong Kong an attractive place for business and investment.

1.18 Therefore, in contemplating further development of the Political Appointment System, our priorities should be to strengthen the existing institutional arrangement to ensure that political appointees and civil servants can better perform their respective roles to deliver good governance collectively. In other words, we need to enhance the political capacity of Principal Officials while upholding the integrity of the civil service.

1.19 Elections and development of political parties are relatively new phenomena in Hong Kong. Elections to the legislature only started in 1985. Political parties only began to take shape in the 1990's. As a community, Hong Kong is still shaping its electoral systems, political traditions and development of political talent. Within this overall context, one of the most important considerations is that we should continue to open up the political system, so as to create more room for participation, and thereby enable public spirited individuals to come forth and

serve the community.

1.20 The Chief Executive and the HKSAR Government can play a unique role in this particular sphere. By extending the system of political appointments, we hope to enable people from a variety of backgrounds to have the opportunity to pursue a broader political career. Hitherto, people who have political aspirations normally contemplate standing for elections in the District Councils or the Legislative Council. Henceforth, by extending the possibilities for people with political party, academic, professional, business, civil service and other backgrounds to serve as Principal Officials and political appointees, we would be able to enrich and broaden the opportunities for political participation. Those aspiring to pursue a political career and to serve the community can join the Government as political appointees at a junior level at a relative young age, apart from taking part in elections either to the District Councils or the Legislative Council. They can also, if selected by the Chief Executive of the day, join the Government as political appointees at a more senior level. Such a career path will be closer to the opportunities available to politicians in overseas jurisdictions. It will also complement the further development of Hong Kong's electoral systems.

1.21 In Chapter 2 of this consultation document, we will examine the case for providing Principal Officials with stronger political support, while Chapter 3 provides a detailed account of the proposals to meet this objective. Chapter 4 examines the working relationship between political appointees and civil

servants. Chapter 5 sets out the timetable for implementing the recommendations in this Consultation Document. Chapter 6 contains a summary of recommendations.



## **CHAPTER 2: The Case for Further Development of Political Appointment System**

### **Background**

2.01 In this Chapter, we will give a detailed account of why further development of the Political Appointment System is necessary. We will also look at the principles to be observed in pursuing such development.

### **The Case for Further Development**

2.02 We consider that there is a case for further development of the Political Appointment system by creating new positions in the political tier at different levels because of the following three reasons.

- (a) Principal Officials need additional support to meet the demands of people-based governance

The scope of government business has been growing rapidly in terms of both volume and complexity. On a daily basis, Principal Officials have to deal with official duties, paperwork, make policy decisions, and attend public and internal meetings. These commitments

alone have already taken up much of the time of Principal Officials. However, people-based governance means more than desk-bound commitments. Policy proposals have to be complemented by continuous efforts to garner public support in order to secure community acceptance and to ensure smooth implementation. Apart from reaching out to the public, Principal Officials are also required to engage in liaison with the media, Members of the Legislative Council and political parties in order to secure the requisite support for government initiatives. This on-going process of public communication and liaison work calls for sustained and conscientious efforts by Principal Officials. The existing political layer of 14 people is too thin to cater for the complexities of this task. There are also other practical considerations. For example, Principal Officials have no deputies to help them cover their business in the Legislative Council, if they are absent from Hong Kong. Principal Officials need stronger support for carrying out political work, so that they will be in a better position to meet the demands of people-based governance.

- (b) Additional political appointments will be conducive to maintaining the political neutrality of the civil service

As mentioned in paragraph 1.11, traditionally, senior civil servants are involved in certain political work such as explaining and defending Government policies and

decisions, and lobbying for support in these regard. Indeed, for civil servants in the Administrative Officer grade in particular, these elements have been a core part of their jobs. After the introduction of the Political Appointment System, Principal Officials have taken up such political work, with senior civil servants playing a supporting role. At times, however, the small team of Principal Officials cannot effectively cope with the full range of political work, even with the support of civil servants. Additional political appointments are necessary to enhance the capacity of the political team to take on political work with the support of civil servants. This, in turn, will further safeguard the integrity and neutrality of the civil service.

- (c) Political positions at different levels of the Government can provide a more comprehensive career path for political talents to pursue

Our constitutional goal as stipulated in the Basic Law is to move steadily towards universal suffrage. It is, therefore, essential for Hong Kong to build up a critical mass of political talents at different political tiers.

At present, the main avenue for those who wish to pursue a political career is to stand for election and join the District Councils and the Legislative Council. To enable Hong Kong's political talents to gain more complete experience in governance and to complement

Hong Kong's long-term constitutional development, we should provide a new channel for publicly-spirited individuals to acquire practical knowledge of government operations and nurture their political skills.

In future, an option open to young aspirants would be for them to join the Government as political appointees at a junior level, and acquire administrative and political experience. Exposure of this kind will be beneficial to the individuals concerned, if they are interested in seeking election to the District Councils or Legislative Council, or rejoining the Government to assume more senior political positions at a later stage of their political life. This will present a more comprehensive career path, and provide a greater incentive, for individuals who want to serve Hong Kong by entering politics.

2.03 On the basis of the above considerations, we consider that a limited number of new political positions at different levels of the Government should be created to strengthen the governing capacity of the political team.

2.04 Some have suggested that as an alternative to creating additional political layers, senior civil servants could share out the political workload of the Principal Officials. It is true that some senior members of the civil service possess sharp political acumen and are good candidates for political appointment. Our system should provide opportunities for these individuals to realise their potential, but we should do so by allowing them to join the

political team after leaving the civil service, not requiring them to undertake the full range of political work while retaining their civil service status. The latter proposition runs the risk of compromising the neutrality of the civil service by confusing the function of political appointees and civil servants. Four years ago, we took the first step to rationalise our system, in institutional terms, by creating a political appointment system. What needs to be done for the future is to build on the existing basis to provide a clearer delineation of the roles of the political tier and the civil service, not to backtrack on our original path.

## **Principles for Further Development**

2.05 In contemplating further development of the Political Appointment System, we should be guided by the following principles.

- (a) The number of additional political appointments will be small

Traditionally, the civil service represents the core foundation of the Government and provides stability and continuity within the Administration. This should continue to be the case. The political structure as set out in the Basic Law is that the Chief Executive and the Legislative Council are returned through different electoral routes. To this extent, our system of government is more akin to the presidential system.

However, we do not think that our political appointment system should be modelled on, for example, that of the United States in which, reportedly, some several thousand political appointments are made whenever there is a change of government. Widespread staffing changes following changes in political leadership may have an impact on the continuity of governance. Reference could better be drawn from, for example, the United Kingdom and Canada where a limited, multi-layer political appointment system exists alongside a full-fledged civil service establishment. For example, in the United Kingdom, there are three levels of political ministers, namely Secretary of State, Minister of State and Parliamentary Under Secretary. All civil service posts in ministries, up to the rank of Permanent Secretary, are required to be politically neutral.

- (b) Senior civil servants will continue to provide support to Principal Officials

Some people consider that with the creation of the political tier, civil servants should steer clear of political work. Others see merit for senior civil servants, in particular those in the Administrative Officer grade, to continue to be involved in political work.

The Chief Executive and his Principal Officials will continue to shoulder the main responsibility of explaining government policies and gaining public

support. However, in practical terms, even with the creation of additional political layers, the political team cannot meet the full demands of governance without the support of the civil service.

Indeed, it is the obligation of the civil service to assist the political leadership in delivering its agenda. The concept of a politically neutral civil service does not mean that it does not engage in any work with political content. It means that the civil service must give full support and commitment to the Government of the day in carrying out their duties. This includes assisting the Principal Officials to develop their agenda into government policies, and to deliver on these policies.

While civil servants must not engage in certain political work such as electioneering activities, we see no incompatibility with political neutrality for them to take on some work with political content, which may include supporting Principal Officials in attending public meetings, explaining policies in the Legislative Council, and dealing with the media.

In view of the foregoing considerations, we believe that senior civil servants should continue to provide support in political work, in addition to policy advice, to political appointees. Subject to a clear division of role and responsibility between the civil service and the political team (which will be discussed in detail in Chapter 4), the

principle of political neutrality of the former can be preserved, without affecting the development of the latter.

- (c) Additional political layers will not be created at the expense of the civil service

In spite of growing workload, the establishment of the civil service will be reduced to around 160,000 by March 2007. Further rationalisation would run the risk of undermining the morale and efficiency of the civil service. The additional positions to be filled by politically appointed officials will not be created at the expense of the existing civil service establishment. Furthermore, the current Permanent Secretary structure and positions will be maintained. Civil servants will continue to have a direct reporting line to Principal Officials through the Permanent Secretaries. The working relationship between the new political appointees and the civil service will have to be clearly defined.

- (d) Rules will be put in place to prevent conflict of interests of the new political appointees, both during and after office

Like Principal Officials, the new political appointees will have an appointment system different from that of the civil service. While in office, the political



appointees will have access to sensitive information and take part in the policy-making process. After leaving office, they may take up jobs outside the Government. To uphold public confidence in public offices, rules similar to those applicable to Principal Officials should be formulated to forestall the risk of real or perceived conflict of interests. This will be discussed in greater detail in Chapter 3.

## **Summary of Overall Justifications and Principles**

2.06 In terms of overall justifications for the creation of additional layers of political appointees, the key considerations are :

- (a) the existing political team comprising 14 Principal Officials is too thin to deal effectively with the demands of governance and political work; and
- (b) we need additional layers of political appointees :
  - (i) to undertake the full range of political work and to cover liaison and dealings with political parties and other stakeholders on legislative and other policy issues;
  - (ii) to underpin Principal Officials and, where appropriate, deputise for them; and

- (iii) to present a more comprehensive career path to individuals who want to serve Hong Kong by entering politics.

2.07 In pursuing the proposal, the key principles are :

- (a) the number of additional political appointment should be small. In the interest of stability and continuity, we prefer a more limited political appointment system, complemented by a fully-fledged administrative civil service system from Permanent Secretary down to officers at entry level. The present institution of a permanent civil service structure should continue to provide Hong Kong with continuity of public service and to be available always to serve the Government of the day;
- (b) senior civil servants will continue to provide support to Principal Officials. In particular, civil servants in the Administrative Officer grade will remain the lynchpin of the civil service and will continue to play an important role in governance. Administrative Officers of different ranks will continue to play a central role in policy formulation and handle work with political content in terms of policy explanation, justification and winning over public support;

- (c) additional positions of political appointees will not be created at the expense of the civil service establishment;  
and
- (d) rules will be put in place to prevent conflict of interests of the new political appointees, both during and after office.

## **CHAPTER 3: Proposed Arrangements for Appointment of Deputy Directors of Bureau and Assistants to Directors of Bureau**

### **Overview**

3.01 Having regard to the considerations in Chapter 2 above, we propose that new positions dedicated to political work, namely Deputy Directors of Bureau<sup>2</sup> and Assistants to Directors of Bureau, should be created with the aim of strengthening support for Principal Officials in undertaking political work. In this Chapter, we will address a range of issues in respect of these new appointees, including who they are, what they do, how they are to be appointed, and how they are to be accountable. Their relationship to civil servants will be looked at in Chapter 4.

### **Who They Are**

3.02 In principle, each Director of Bureau should be assisted by one Deputy Director of Bureau and one Assistant to Director of Bureau.

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<sup>2</sup> “Deputy Director of Bureau” is the rank title. One possible option of the post title for the new political appointee is “Under Secretary”.

3.03 The primary functions of Deputy Directors of Bureau and Assistants to Directors of Bureau are different from those of civil servants. Broadly speaking, together with Principal Officials, they constitute the political team, while civil servants carry out the administrative and executive tasks of the Government. Like Principal Officials, the Deputy Directors of Bureau and Assistants to Directors of Bureau are not civil servants. They will not be subject to the civil service rule of political neutrality. They can enter the Government by direct appointments, and will leave the Government in accordance with the terms in their contracts which are different from those applicable to civil servants.

3.04 As in the case of Principal Officials, potential candidates for the new positions will be drawn from within or outside the civil service. Consideration has been given to whether a civil servant, if offered such a post, can retain his links with the civil service in that he does not have to retire or resign from the civil service before taking up the political appointment. Arguments in support of this include that this will encourage more civil servants with an aptitude for politics, particularly those of a younger age, to consider joining the political stream. However, in Hong Kong, the public attaches great importance to safeguarding the political neutrality of the civil service. We, therefore, recommend that serving civil servants should sever their ties with the civil service once appointed to the political positions. This is consistent with the current practice in respect

of Principal Officials<sup>3</sup>.

3.05 In line with the arrangement for Principal Officials, individuals with political party background can also be considered for appointment to the new positions. However, the appointees will have to declare to the Government whether they are in any way affiliated with any political party. The declaration will be made available for public inspection. When taking part in activities organised by political parties, the appointees should ensure that their participation in such activities is not in conflict with the business of the Government or their official duties, and that it will not cause any embarrassment to the Government.

3.06 The new appointees will fall within the definition of “prescribed public officers” in local electoral legislation. Thus, while in office, they cannot stand in the elections of the Chief Executive, Legislative Council and District Councils.

## **What They Do**

3.07 The Deputy Directors of Bureau are responsible principally for assisting Principal Officials in undertaking the full range of political work and deputising for Principal Officials during the latter’s temporary absence. They are subordinates of Directors

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3 The only exception is the Secretary for the Civil Service who does not have to leave the civil service before taking up the appointment. He or she may return to the civil service at his or her original rank after leaving the office of the Secretary for the Civil Service if he or she has not yet reached the retirement age specified for civil servants.

of Bureau and work under the latter's direction. Specifically, they are responsible for :

- (a) providing political input to Directors of Bureau in setting policy objectives and priorities, formulating policy and legislative initiatives to achieve agreed objectives and priorities, scheduling the roll-out of these policies and legislation, and mapping out overall strategies to secure public support for these initiatives;
- (b) coordinating with other bureaux/departments on cross-bureau issues;
- (c) assisting Directors of Bureau in strengthening the working relationship with the Legislative Council by :
  - (i) attending committee, subcommittee and panel meetings of the Legislative Council as assigned by Directors of Bureau to explain and defend the Government's policy decisions and exchange views with Members;
  - (ii) deputising for Principals Officials in their absence and attending the main meetings of Legislative Council to respond to motion debates, responding to Legislative Council questions, and handling legislative work;

- (iii) maintaining regular liaison with Members of the Legislative Council to ensure that the process of policy formulation and implementation benefits from Members' ideas and input, and that Members acquire a fuller understanding of the position taken by the Government; and
- (iv) timetabling and securing the passage of bills, motions and subsidiary legislation as well as public expenditure proposals through the Legislative Council, and delivering the Government's legislative and budgetary programme;
- (d) maintaining close contact with the media for the purpose of enabling the media to be aware of the policy thinking of the Government; and
- (e) maintaining contact with other stakeholders, such as District Councils, political parties/groups, community organisations as well as business, professional and other bodies, and assisting the Directors of Bureau in gauging public sentiment and establishing community-wide rapport on government policies and decisions.

3.08 The Assistants to Directors of Bureau report to the Directors of Bureau through the Deputy Directors of Bureau. They are mainly to assist their Directors of Bureau and Deputy Directors of Bureau in carrying out the more routine political work, which



includes:

- (a) lining up suitable public and social appointments to assist Directors of Bureau and Deputy Directors of Bureau in reaching out to the community;
- (b) helping out in the networking with various stakeholders and community liaison; and
- (c) preparing political statements and speeches for Directors of Bureau and Deputy Directors of Bureau.

3.09 We have considered whether the positions of “Deputy Chief Secretary for Administration/Financial Secretary/Secretary for Justice” should be created. Our view is that with the current organizational set up of the Administration, there is no immediate functional need for such positions. However, there is a practical need to provide additional support for the three Secretaries of Department for carrying out work with political content. As to the number of positions to be created and whether they should be pitched at a level equivalent to the Assistant to Director of Bureau, we will need to keep the matter under review. We will take a view on this aspect after the consultation period.

### **How They Are Appointed**

3.10 The new political positions will be filled by individuals appointed on non-civil service contract terms. The Deputy

Directors of Bureau will be appointed and removed by the Chief Executive on the recommendation of the Directors of Bureau, while the Assistants to Directors of Bureau will be appointed and removed by the Directors of Bureau with the consent of the Chief Executive. Their term of appointment will not exceed that of the Chief Executive or Directors of Bureau who appoint them.

3.11 There should be some flexibility in making the appointments on terms commensurate with the background of candidates in respect of their skills and experience. Given the hierarchical importance of the positions of Deputy Directors of Bureau and their responsibilities, and in order to recruit talents of good calibre, we propose that the remuneration should be pitched within a range equivalent to 65% to 75% of the remuneration package approved by the Finance Committee in 2002 for a Director of Bureau<sup>4</sup>. This is broadly equivalent to the remuneration of a D4 to D6 civil servant on agreement terms with all allowances encashed.

3.12 As for Assistants to Directors of Bureau, having regard to the suggested responsibilities, we propose that the remuneration should be pitched within a range equivalent to 35% to 50% of

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<sup>4</sup> In June 2002, the Finance Committee approved \$311,900 per month as the remuneration for a Director of Bureau, with adjustment in accordance with the reduction in civil service pay on 1 October 2002 if implemented. The reduction in civil service pay was implemented. Therefore, in October 2002, the remuneration for a Director of Bureau was reduced by 4.42% to \$298,115 per month. This latter figure is adopted as the basis for calculating the remuneration for Deputy Directors of Bureau and Assistants to Directors of Bureau.

the remuneration package approved by the Finance Committee in 2002 for a Director of Bureau<sup>4</sup> to cater for candidates with different skills and experience. This is broadly equivalent to the remuneration of a senior professional to D2 civil servant on agreement terms with all allowances encashed.

- 3.13 In addition to cash remuneration, the Deputy Directors of Bureau and Assistants to Directors of Bureau will also be eligible for annual leave of 22 days per annum (subject to a maximum accumulation limit of 22 days), medical and dental benefits on the same basis as those provided to civil servants, and MPF contribution by the Government. A government car with driver will also be made available to Deputy Directors of Bureau for official use.

### **How They Are to be Accountable**

- 3.14 The Deputy Directors of Bureau will be accountable to the Chief Executive through their respective Principal Officials. They will stand in for Principal Officials during temporary absence of the latter to exercise their powers and to perform their duties, including the duty to attend meetings of the Legislative Council. Like Principal Officials, they are political appointees and are expected to shoulder political responsibility for the success or failure of matters falling within their respective portfolios. In extremis, they may have to step down for serious failures in policy formulation or implementation, or for grave personal misconduct.

3.15 The principle of public accountability requires that there should be a document against which the public can measure the conduct of the political appointees. We propose that the existing Code for Principal Officials under the Accountability System should, with any necessary modifications, apply to the performance and behaviour of Deputy Directors of Bureau and Assistants to Directors of Bureau. In particular, they should observe the following broad principles in carrying out their duties:

- (a) they shall be dedicated to their duties and be responsible to the Government of the HKSAR;
- (b) they shall uphold the rule of law, abide by the law, and protect the integrity of the public office;
- (c) they shall act in the best interests of Hong Kong;
- (d) they shall be as open as possible about the decisions that they make and the actions that they take. They shall be accountable for their decisions;
- (e) they shall observe the highest standards of personal conduct and integrity at all times;
- (f) they shall ensure that no actual or potential conflict arises between their public duties and their private duties;

- (g) they shall at all times actively uphold and promote a permanent, honest, meritocratic, professional and politically neutral civil service; and
- (h) they shall not use any public resources for non-government purposes (including purposes relating to any political party or body).

3.16 In addition to the above principles, the Deputy Directors of Bureau and Assistants to Directors of Bureau should also be subject to requirements on declaration of interests, disclosure of official information and acceptance of employment after leaving office. Details will be worked out after the public consultation.

3.17 The Deputy Directors of Bureau and Assistants to Directors of Bureau should abide by the provisions in the Prevention of Bribery Ordinance (Cap. 201) and the Official Secrets Ordinance (Cap. 521) applicable to “prescribed officer” and “public servant” respectively. Integrity checking and medical examination on prospective candidates would be conducted before they are nominated for appointment.

### **Political Appointments in the Chief Executive’s Office**

3.18 The opportunity will also be taken to put on par the political support for the Chief Executive. At the moment, the Chief Executive is assisted by a Senior Special Assistant and a Special Assistant, both drawn from outside the civil service. It is

considered that the positions of Senior Special Assistant and Special Assistant should come under the political stream and be subject to the same appointment, remuneration and other arrangements as Assistants to Directors of Bureau. Given the position of Director of the Chief Executive's Office is a political appointment, the opportunity will also be taken to put his appointment, remuneration and other arrangements on par with other Directors of Bureau<sup>5</sup>.

### **Administrative Assistant and Press Secretary to Directors of Bureau**

3.19 At present, each Director of Bureau is provided with an Administrative Assistant and a Press Secretary. These positions can be filled by civil servants on postings or by recruitment from outside by direct recruitment. Having regard to the proposals to broaden the political teams for Directors of Bureau as set out in this Chapter, it is considered appropriate to refine the present arrangements in two aspects. First, all Administrative Assistant posts will continue to come under the civil service stream, and the post holders will be required to adhere to the principle of political neutrality. Second, all Administrative Assistant posts can only be filled by civil servants on posting. This would have the additional benefit of

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<sup>5</sup> In 2002, it was decided that the position of Director of the Chief Executive's Office would be a political appointment and that the Director should also comply with the Code for Principal Officials under the Accountability System. The Director's post is pitched at D8 rank. In terms of overall cash value of the package, it is broadly equivalent to that of a Director of Bureau.

distinguishing clearly between the roles of the Administrative Assistants and the proposed Assistants to Directors of Bureau. As for the positions of Press Secretaries, in view of their functions, it is considered that they can continue to be filled by civil servants on posting or by recruitment from outside by direct recruitment.

- 3.20 The Administrative Assistant will be responsible for coordinating inter-departmental work and acting as a bridge between the private office and the bureau concerned. The Press Secretary will be responsible for scheduling the public statements of Principal Official and dealing with media relations.

## **CHAPTER 4: The Civil Service under the Political Appointment System**

### **The Role of the Civil Service**

4.01 The civil service has always been one of the institutions contributing to the effective governance of the HKSAR. It remains the case after the introduction of the Political Appointment System in 2002. The Chief Executive, in his October 2005 Policy Address, reaffirmed that the civil service remains the backbone of the Government. The further development of the Political Appointment System will have an effect on the civil service, but it will not diminish or change the fundamental importance of the civil service.

4.02 The constitutional role of the civil service is to support the serving Chief Executive and his Government. The introduction of the Political Appointment System in July 2002 has created a new system of governance in Hong Kong, which separates the political leadership or the political tier from the civil service. Since then, the political tier is made up of Principal Officials who are not part of the civil service. They make policy and political decisions, and shoulder political responsibility. The civil service assists Principal Officials in the formulation, explanation and implementation of policies, and the delivery of services.



- 4.03 Two features of the civil service – namely permanency and political impartiality – enable it to perform its constitutional role and separate it from the political tier.
- 4.04 The permanent nature of the civil service provides stability and continuity to the governance of Hong Kong through changing times and changing political leadership. It gives the Government of the day an immediately functioning body of experienced, loyal and objective advisers and executors. It reduces leadership-transition costs for the public. It gives the assurance to people and businesses that changes of government do not mean uncertainty in everyday matters. Furthermore, it provides the institutional record of past discussion on public policy, decision and action. It maintains a framework of consistent procedures to assist current decision-making and to put policy decisions into effect reliably in accordance with enacted law.
- 4.05 Permanency of the civil service does not imply resistance to change. While maintaining its permanency, the civil service must continue to have the capacity to develop and reform itself, in order to adapt to further constitutional and political development in Hong Kong, and to meet the demands of an increasingly diverse community.
- 4.06 The permanency of the civil service goes hand-in-hand with its political impartiality. Under the Political Appointment System, the civil service must be politically impartial in order to serve the Chief Executive, the Principal Officials and the Government

of the day – whatever their political persuasion – with total loyalty on the one hand; and to retain the confidence of – and serve with equal loyalty – a future Chief Executive, future Principal Officials and future Government of perhaps a different political persuasion on the other.

- 4.07 The permanency and political impartiality of the civil service are directly dependent on the way the civil service is constituted and operated. The terms on which civil servants are recruited, the arrangements for their posting and promotion, their conduct, their division of responsibilities and work with the political tier all have effect on the character, capacity and the functioning of the civil service.

### **The Core Values of the Civil Service**

- 4.08 Certain established values, which have endured the test of the Political Appointment System and contributed to effective governance, are central to the civil service in Hong Kong. They include -

- (a) commitment to the rule of law, discharging public functions in compliance with the law and upholding the administration of justice;
- (b) honesty and integrity, being truthful, acting solely in terms of the public interest;

- (c) accountability, being accountable for the use of public funds and the process of administration, a level of accountability separate from the political accountability of Principal Officials;
- (d) political neutrality or impartiality, giving honest and impartial advice and discharging public functions without fear or favour, refraining from taking part in election politics, individual/party electioneering, etc.;
- (e) impartiality in the execution of public functions, acting objectively and solely on the merits of the case and without any bias; and
- (f) dedication, professionalism and diligence, serving the community efficiently, promptly and conscientiously; and upholding good administration.

4.09 These values are enshrined and elucidated in various civil service rules and guidelines governing the conduct of civil servants, covering subjects as avoidance of conflict of interest; acceptance of advantages and entertainment; declaration of private investments; participation in political activities; use of information obtained in one's official capacity; and outside work, etc. Civil servants are required to uphold and follow these rules and guidelines when performing their public functions.

4.10 The concept of a politically impartial civil service does not mean that civil servants do not or should not engage in political work. The test is the nature of political work. Certain political work (for example, explaining policies decided by the Government of the day to political parties and the media, and helping to secure the support of the community and the Legislative Council on government policies) is being, and should continue to be, undertaken by civil servants in support of the Principal Officials, as this work is not in conflict with the politically impartial role of civil servants. On the other hand, civil servants should refrain from taking part in election politics and other electioneering activities.

### **The Civil Service in the Further Development of the Political Appointment System**

4.11 As stated in paragraph 4.02 above, under the Political Appointment System, Principal Officials are politically accountable. They are also held accountable before the Legislative Council and the wider public for the success or failure of policy outcomes within their respective portfolios. On the other hand, civil servants assist Principal Officials in formulating their policies, in carrying out their decisions and in administering public services for which they are responsible. Civil servants are also responsible to Principal Officials for the management of the bureaux and departments under their purview. They are required to exercise effective control of human as well as financial resources within the Government.

4.12 The proposals set out in Chapter 3 of this Document would introduce two additional political layers within the Government, namely Deputy Directors of Bureau and Assistants to Directors of Bureau. They would assist Principal Officials to perform the whole range of political work. They would need to interact and work closely with civil servants. To preserve the political impartiality of the civil service, it is necessary to establish greater clarity in the relationship between the civil service and the enhanced political tier.

4.13 The line of command between the political tier and the civil service has to be clearly set out to avoid confusion and to safeguard against less efficient governance. After the creation of Deputy Directors and Assistants to Directors of Bureau, civil servants should continue to report direct, and enjoy direct access, to the Principal Officials through their Permanent Secretaries. In other words, the Deputy Directors and Assistants to Directors of Bureau should not exercise executive responsibilities (except when a Deputy Director of Bureau is deputising as Director), and they should have no direct line of command vis-à-vis Permanent Secretaries who will, for the purpose of organisational structure and performance appraisal, continue to report to Principal Officials. On behalf of their Directors of Bureau, the political appointees may convey to civil servants the views and work priorities of the Directors of Bureau, request civil servants to prepare and provide information and data, including internal analyses and paper and hold meetings with civil servants to discuss the advice being put to Principal Officials.

- 4.14 The additional political appointees and civil servants should establish relationships of confidence and trust. In their working with civil servants, the proposed political appointees – as with Principal Officials – should, at all times, uphold and promote a clean, permanent, professional, meritocratic, and politically impartial civil service. They should give fair consideration and due weight to the advice from civil servants and due regard to rules and regulations which are applicable to civil servants or otherwise regulate the operation of the Government.
- 4.15 Where a civil servant has any concern about a request coming from a Deputy Director of Bureau or an Assistant to the Director of Bureau, he should discuss that concern, in the first instance, with his supervisor and escalating to his Permanent Secretary as necessary. The Permanent Secretary should discuss the matter with the concerned Principal Official. If the matter remains unresolved, the Permanent Secretary should bring it to the personal attention of the Secretary for the Civil Service for resolution. The Secretary for the Civil Service may, as necessary, bring the matter to the attention of the Chief Secretary for Administration, or the Financial Secretary or the Secretary for Justice and ultimately the Chief Executive.
- 4.16 The delineation of role and responsibilities between the political tier and the civil service should be clearly spelt out under the further development of the Political Appointment System. In the area of policy formulation, civil servants should continue to develop proposals on policy initiatives; assess their full

implication; and offer frank and objective advice and analysis on policy options. They should continue to comment on the political realities within which the policy options will operate, and advise Principal Officials on the possible political consequences of adopting or not adopting a particular course of action. In short, they should continue to assist in policy development based on intellectual rigour, objective research, professional knowledge and expertise and to give full and frank views. They should attend Executive Council meetings on a need basis to assist their Principal Officials in explaining policy and legislative proposals.

4.17 Principal Officials should continue to initiate policies, decide what policy and legislative proposals to take forward to achieve the serving Government's objectives and priorities, and map out overall strategies to secure public support. They should continue to present policy and legislative proposals to the Executive Council and participate in the decision-making process.

4.18 Once policy decisions are taken, Principal Officials and Deputy Directors of Bureau should take the lead to explain and defend policies and concerned resource implications in public occasions and to the media, canvass for community support, steer policy and legislative initiatives through the Legislative Council, and obtain the approval of the Legislative Council to the required funding and other resources as necessary. They should attend regular meetings of the Legislative Council panels and committees. Civil servants, in particular those at the senior level,

should assume a supportive role in these areas of work within the limits of political impartiality.

4.19 In terms of securing, controlling and managing of resources, Principal Officials and Deputy Directors of Bureau should be responsible for ensuring there are adequate resources to carry out agreed policies and allocating the resources within their financial envelope to meet their policy objectives. Civil servants should provide advice on resources requirement; assist Principal Officials and Deputy Directors of Bureau to help justify and explain use of resources at relevant Legislative Council committees; serve as controlling officers and be responsible for the effective use of resources in bureaux and departments under their purview.

4.20 The further development of the Political Appointment System would not reduce the responsibilities or workload of civil servants. We, therefore, do not see a case for a reduction of civil service posts to offset for the creation of the additional political appointee positions. Indeed, we believe the strengthening of the political tier would increase the demands placed on the civil service for information, advice and support.

4.21 With the further development of the Political Appointment System, we need to preserve the well-established system of appointment, promotion and discipline within the civil service; and to ensure it would not be affected by change in political leadership in the Government or come under the influence of the



political tier<sup>6</sup>. Civil servants should continue to be appointed through an open, transparent and competitive process based on merit. The political tier should not be involved in issues affecting civil servants' career such as appointment, promotion, discipline, though their views will be sought as an input to performance appraisals where appropriate. The Public Service Commission – an independent statutory body responsible for advising the Chief Executive on civil service appointment, promotion and disciplinary matters – will continue to ensure the impartiality and fairness in the management of the civil service.

4.22 Civil servants aspiring to a political career can leave the civil service to take part in politics. We consider it important that that such civil servants should resign or retire from the civil service before taking up the political appointment. In other words, a political appointee who was an ex-civil servant would not be permitted to return to his former civil service rank and position automatically upon completion or termination of his political appointment. Should he wish to serve in the civil service again, he would have to go through an open and competitive recruitment process in the usual way. We consider this mechanism strikes the right balance between developing political leadership for Hong Kong on the one hand, and safeguarding against the risk of confusion of roles and the undermining of the impartiality of the civil service.

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<sup>6</sup> As Principal Officials are the supervisors of Permanent Secretaries and those civil servants in their private offices, e.g. Administrative Assistant, Press Secretary, Personal Assistant and Driver, they will be consulted over the posting plans of these civil servants.

## **The Position of the Secretary for the Civil Service**

4.23 We have taken the opportunity to review the rather unique position of the Secretary for the Civil Service. Under the current Political Appointment System, the Secretary for the Civil Service (SCS) is one of the Principal Officials nominated for appointment by the Chief Executive. The person filling the SCS position is drawn from the body of serving civil servants and not obligated to resign or retire from the civil service before taking up the position. He may choose to do so during his terms as the SCS, or he may choose to revert to the civil service immediately upon termination or completion of his term of appointment as the SCS if he has not yet reached the retirement age specified for civil servants.

4.24 This unique arrangement for the position of SCS has been put in place having regard to a number of considerations, namely the need for a Principal Official to be accountable for the success or failure of civil service-related policies and matters, the desirability of ensuring the civil service is managed by someone who is familiar with how it operates, and the encouragement of suitable serving civil servants to take up the appointment. This unique arrangement also has the advantage of permitting the SCS, as a Principal Official, to serve as a Member of the Executive Council.

4.25 This unique arrangement has been criticized by some as not in keeping with the principle of a politically impartial civil service and has called into question the ability of a SCS, upon returning

to the civil service, to serve a future government of perhaps a different political persuasion. While recognizing the force of this argument, the considerations in making the SCS a member of the political tier, on par with other Principal Officials and be accountable for matters within his/her portfolio, remain valid. To address the concern raised, there is a case for the SCS to refrain from taking part in election politics and other electioneering activities.

## **CHAPTER 5: Timetable for Implementation**

5.01 The recommendations in this Consultation Document have been drawn up after careful consideration within the Administration. Nonetheless, we fully acknowledge the need to consult widely, both within and outside the civil service. We also need to canvass the views of the Legislative Council, political groups and parties, and the community at large. We, therefore, intend to take things forward in a measured manner. In particular, we consider it important for adequate time to be given to public consultation and analysis of public submissions, so that the views expressed by the civil service, the Legislative Council and the community can be properly addressed in the finalised package. Therefore, there will be a consultation which will last about four months, during which we would welcome feedback on the proposals set out in this consultation document. At the end of the consultation period, we will analyse the views collected, with a view to announcing the Government's decision on the way forward some time during the first half of 2007.

5.02 Our present thinking is that implementation will not take place before the third term Chief Executive assumes office. The actual timing and pace of implementation will be subject to the views collected during public consultation, resource availability, and availability of individuals of the right calibre to fill the new positions.

## **CHAPTER 6: Summary of Recommendations**

6.01 We welcome views from the public on the Government proposals set out in this document relating to the further development of the Political Appointment System. These proposals are summarised below.

- (a) New positions dedicated to political work, namely Deputy Directors of Bureau and Assistants to Directors of Bureau, should be created with the aim of strengthening support for Principal Officials in carrying out political work. In principle, each Director of Bureau should be assisted by one Deputy Director of Bureau and one Assistant to Director of Bureau. (Paragraph 3.02)
- (b) The Deputy Directors of Bureau and Assistants to Directors of Bureau should not be civil servants. They should not be subject to the civil service rule of political neutrality. (Paragraph 3.03)
- (c) Potential candidates for the new positions should be drawn from within or outside the civil service. A civil servant, if offered the position of Deputy Director of Bureau or Assistant to Director of Bureau, should resign or retire from the civil service before taking up the

political appointment. (Paragraph 3.04)

- (d) In line with the arrangement for Principal Officials, individuals with political party background can be considered for appointment to the new positions. Apart from individuals with political party background, those with other backgrounds such as academic, professional, business and civil service can also be considered. (Paragraphs 1.20 and 3.05)
  
- (e) The Deputy Directors of Bureau should be appointed and removed by the Chief Executive, while the Assistant to Director of Bureau by the Directors of Bureau. Their term of appointment should not exceed that of the Chief Executive or Directors of Bureau who appoint them. (Paragraph 3.10)
  
- (f) The Deputy Directors of Bureau should be responsible principally for assisting Principal Officials in undertaking the full range of political work and deputising for Principal Officials during the latter's temporary absence. They should be subordinates of Directors of Bureau and work under the latter's direction. The Assistants to Directors of Bureau should report to the Directors of Bureau through the Deputy Directors of Bureau. They should mainly assist their Directors of Bureau and Deputy Directors of Bureau in carrying out the more routine political work. Their specific duties

are set out in paragraphs 3.07 to 3.08.

- (g) For the proposed positions of Deputy Director of Bureau, the remuneration should be pitched within a range equivalent to 65% to 75% of the remuneration package approved by the Finance Committee in 2002 for a Director of Bureau to cater for candidates with different skills and experience. This is broadly equivalent to the remuneration of a D4 to D6 civil servant on agreement terms with all allowances encashed. (Paragraph 3.11)
  
- (h) For Assistants to Directors of Bureau, the remuneration should be pitched within a range equivalent to 35% to 50% of the remuneration package approved by the Finance Committee in 2002 for a Director of Bureau to cater for candidates with different skills and experience. This is broadly equivalent to the remuneration of a senior professional to D2 civil servant on agreement terms with all allowances encashed. (Paragraph 3.12)
  
- (i) In addition to cash remuneration, the Deputy Directors of Bureau and Assistants to Directors of Bureau should also be eligible for annual leave of 22 days per annum (subject to a maximum accumulation limit of 22 days), medical and dental benefits on the same basis as those provided to civil servants, and MPF contribution by the Government. (Paragraph 3.13)

- (j) The Deputy Directors of Bureau should be accountable to the Chief Executive through their respective Principal Officials. They should shoulder political responsibility for the success or failure of matters falling within their respective portfolios. (Paragraph 3.14)
- (k) The existing Code for Principal Officials under the Accountability System should, with any necessary modifications, apply to the performance and behaviour of Deputy Directors of Bureau and Assistants to Directors of Bureau. Specifically they should be subject to certain requirements similar to those applicable to Principal Officials on conduct and behaviour, declaration of interests, disclosure of official information, and acceptance of employment after leaving office. (Paragraphs 3.15 to 3.16)
- (l) The new appointees should be subject to the relevant local legislation that applies to prescribed public officers, including the Prevention of Bribery Ordinance (Cap. 201) and the Official Secrets Ordinance (Cap. 521). (Paragraph 3.17)
- (m) The positions of Senior Special Assistant and Special Assistant in the Chief Executive's Office should come under the political stream and be subject to same appointment, remuneration and other arrangements as Assistants to Directors of Bureau. The appointment, remuneration and other arrangements of Director of the



Chief Executive's Office will also be put on par with that of Directors of Bureau. (Paragraph 3.18)

- (n) The existing Administrative Assistant posts to Directors of Bureau should continue to come under the civil service stream, and the post holders should continue to be required to adhere to the principle of political neutrality. These posts should only be filled by civil servants on posting. (Paragraph 3.19)
- (o) The existing positions of Press Secretaries to Directors of Bureau should continue to be filled by civil servants on posting or by recruitment from outside by direct recruitment. (Paragraph 3.19)
- (p) The additional positions to be filled by politically appointed officials should not be created at the expense of the existing civil service establishment. The current Permanent Secretary structure and positions should be maintained. (Paragraph 2.05(c))
- (q) With the further development of the Political Appointment System, civil servants should continue to report direct, and enjoy direct access, to the Principal Officials through their Permanent Secretaries. Deputy Directors and Assistants to Directors of Bureau should have no direct line of command vis-à-vis Permanent Secretaries who, for the purpose of organizational structure and performance appraisal, should continue to

report to Principal Officials. (Paragraph 4.13)

- (r) The well-established system of appointment, promotion and discipline within the civil service should be preserved and should not be affected by change in political leadership in the Government or come under the influence of the political tier<sup>7</sup>. (Paragraph 4.21)
  
- (s) The person filling the SCS position should continue to be drawn from the body of serving civil servants and not be obligated to sever his ties with the civil service before taking up the position. He should continue to have the discretion of leaving the civil service during his term as the SCS or to revert to the civil service immediately upon termination or completion of his term of appointment if he has not yet reached the retirement age specified for civil servants. He should refrain from taking part in election politics and other electioneering activities during his term of appointment as the SCS. (Paragraphs 4.23 to 4.25)

6.02 Please send us your views and comments by mail, facsimile or e-mail on or before 30 November 2006:

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<sup>7</sup> As Principal Officials are the supervisors of Permanent Secretaries and those civil servants in their private offices, e.g. Administrative Assistant, Press Secretary, Personal Assistant and Driver, they will be consulted over the posting plans of these civil servants.

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6.03 Views and comments received may be published in their entirety for public information. Please state your request clearly in your submission if you prefer your identity or views to remain confidential. All responses will be treated as public information unless otherwise specified.