

# How Politicised is the Hong Kong Civil Service?

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- This presentation seeks to address some central normative and empirical questions about the relationship between politically appointed officials and senior civil servants in the Hong Kong government:
  1. How politically accountable are senior civil servants?
  2. How much say do senior civil servants have in policy-making?
  3. To what extent are senior civil servants bureaucratically accountable?
  4. How politicised is the Hong Kong civil service?

# Finer-Friedrich Debate

- Analysis of relationship between politicians and senior civil servants have been shaped for many years by a debate that began in 1935 and stretched into the 1940s between Carl Friedrich of Harvard University and Herman Finer of the London School of Economics.
- Finer believed that public servants:
- *'are to be responsible to the elected representatives of the public, and these are to determine the course of action of public servants to the most minute degree that is technically feasible'*
- This is the doctrine of political accountability, sometimes called democratic accountability. In this form, it allows very little latitude for civil servants to exercise judgement. A politics/administration dichotomy applies. Politicians determine values; civil servants implement policies.

# Finer-Friedrich Debate

- Friedrich thought otherwise:
- He rejected the politics/administration dichotomy because he saw policy-making as a continuous process.
- He thought that government was too complex to permit politicians to exercise control over every aspect of government.
- He believed that civil servants could be bureaucratically accountable both to their superiors through the hierarchy and because other organizations within the civil service could hold them accountable (for example, in the Hong Kong context, the Audit Commission or the ICAC).
- Most scholars would accept that Friedrich is probably correct. Politicians, however, possibly out of conviction but also because it increases their power, are still quite enamoured of a Finer-style role for civil servants.

# ‘Politics’

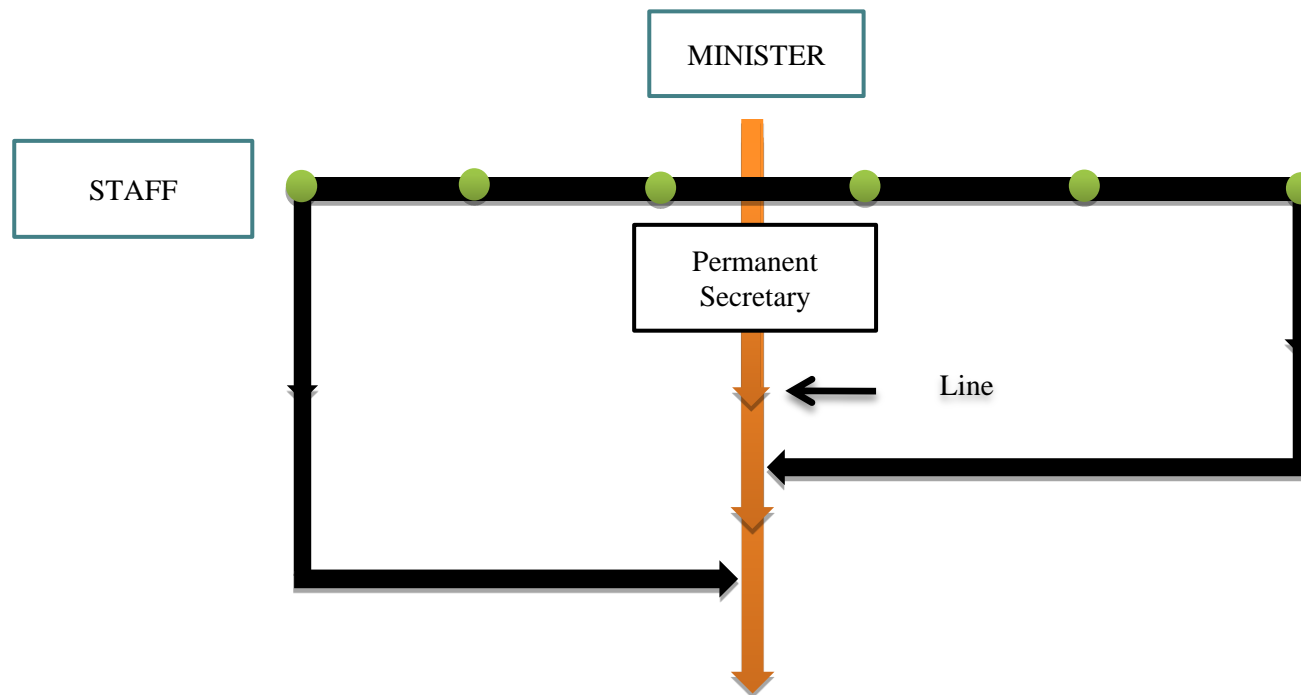
- We use the word ‘politics’ in many different ways. Two ways which are relevant for this discussion are:
  1. Politics as the allocation of values and resources. In this sense, politics is morally neutral. It is simply a necessary function that has to be performed in any system whether it is a democracy, dictatorship or somewhere in between.
  2. Politics in a pejorative sense of bad moral practice. ‘Politicised’ in the sense I use it here implies a perversion of the proper (constitutional) ordering of things. It may also imply non-meritocratic recruitment.

# Politicisation

- Let me illustrate this meaning of ‘politicised’ with reference to the British case.
- O’Toole writes:
  - *‘...the civil service no longer exists in the sense that it existed 25 years ago...while permanent officials are not politicised in the sense of adhering to party political allegiances, the civil service generally has become politicised.’*
- How does that politicisation take place?

# Politicisation

- Two examples:
- *Staff interference with line positions in the civil service*



# Politicised Police?

- A proposal currently before the British parliament would create democratically elected Police Commissioners in each region who would be assisted by a Board. The Board would have significant powers to:
  1. Instruct the Chief Constable on what should be policing priorities
  2. Dismiss the Chief Constable if they felt he or she was not undertaking their work in an appropriate way
- Note that in both cases politicisation takes place in the name of political (democratic) accountability. In the first case, the aide is using the Minister's political mandate to interfere in line functions. In the second case, the Home Secretary has said that democratic accountability is much better than bureaucratic accountability although the Labour Party believes that the process will become politicised.
- In both cases, the civil servant has been reduced to a Finer-style servant of his political master.



# Civil Servants

- Is there an alternative role for the civil servant? How do Hong Kong civil servants see themselves?
- In her farewell speech in 2001, Anson Chan, the head of the Hong Kong Civil Service, said
- *‘And “speak truth unto power”? What does this mean? It means giving your best advice to superiors based on the best information available and objective analysis even when you know it may not be music to their ears. That is what I and my colleagues have been trained to do since the first day of our service. This...builds trust between officials upwards, downwards and sideways... In such a system, currying favour, political correctness, second guessing and shoe-shining will not get you very far. These are, however, the weaknesses inherent in a more politicized system which... tend to encourage lower productivity and less accountability but discourage “speaking truth to power”.’*
- This re-affirms the role of civil-servants in policy-making and implicitly defends notions of bureaucratic accountability.

# Political Accountability in Hong Kong

- After 1997, all civil servants who held the post of Secretary were appointed as Principal Officials.
- In 2002, a new system, which appears to have been the brain-child of Tung Chee Hwa, the Principal Officials Accountability System was introduced.
- Key features:
  1. All Principal Officials who served as Directors of Bureau were appointed on contract (except for the Secretary for the Civil Service).
  2. They served at the pleasure of the Chief Executive.
  3. They could be appointed from outside the civil service.
  4. They were not accountable to the Legislative Council which had no say in either their appointment or dismissal.

# Impact of the New System

- The new system was intended to cut through what Tung saw as paralysis in civil service decision-making. Principal Officials who were Directors of Bureaus were expected to get results quickly.
- To achieve that result they were given greater autonomy in running their bureaus. The financial arrangements were changed so that they were given an 'envelope' of funding which they could allocate at their discretion within the departments under their control.
- This resulted in a lack of co-ordination in policy-making.
- There were also concerns that, even on its own terms, it was not an accountable system. Chief Executives were reluctant to dismiss Principal Officials even when they made serious mistakes.

# Impact of the New System

- One of the principal instances of political interference was the case of the Secretary of Education and the Hong Kong Institute of Education. Reflecting on the broader lessons of the case, Paul Morris, who was present of the Institute at the time, wrote:
- *‘The newly created Principal Officials had a need to personally promote and implement policies quickly; they were increasingly surrounded by advisory and consultative mechanisms that were partisan, whilst less partisan channels of communication were dismantled; the established processes of policy-making were replaced; members of the civil service were accused of disloyalty if they raised concerns about new policies and opposition from bodies such as Legco was readily dismissed as an irrational opposition to all Government policies.’ (Morris, 2010)*

# Impact of the New System

- Civil servants –and this had been a strong theme in Anson Chan’s comments – became concerned about political neutrality.
- The government defined a civil servants’ first priority as loyalty to the government. This could be interpreted as a call for obedience in the face of political demands and a reduction of the civil servants’ ‘space’ to speak truth to power.
- By the time, Tung’s tenure as Chief Executive came to an end in 2005 many of the Principal Officials who ran bureaus were at loggerheads with civil society and sometimes with their own civil servants. Policy was unco-ordinated and subject to political initiatives that were sometimes poorly thought out and insufficiently costed.

# Tsang's Changes

- When Donald Tsang became Chief Executive in 2005, he made several changes that resulted in a rather different pattern of relations between politically appointed officials and civil servants.
- The central co-ordinating committees relating to vetting of policy and financial expenditure were re-established almost immediately, bringing back to the pre-2002 situation.
- Former civil servants - in particular, administrative officers - were appointed as Principal Officials in charge of Bureaus in much greater numbers.

# Principal Officials Who Were (Former) Civil Servants 1997, 2002 and 2007

Year	Chief Executive	Secretaries	Directors of Bureaus
<b>1997</b>	0/1	2/3	17/17
<b>2002</b>	0/1	1/3	6/11
<b>2007</b>	1/1	2/3	9/12

Source: Hong Kong Yearbook 1997, 2002 and 2007;  
 Burns, JP. *Government Capacity and the Hong Kong Civil Service*;  
 Hong Kong Government Website *Press Release*

# *Effects of the Changes*

- Policy-making became more cautious and more civil service in style (better-costed and implemented proposals).
- Policy-making became less radical and less politicised.
- **However:**
  - At the same time, Tsang proposed to introduce more politically appointed officials: Under Secretaries and Political Assistants. These were:
    - To serve as aides to the Principal Official in charge of the bureau (i.e. staff appointments)
    - To engage in political information-gathering and selling policy in the Legislative Council and elsewhere
- **But:**
  - They were to have no line of command to civil servants i.e. they could not tell civil servants what to do.



# *Effects of the Changes*

- By its own admission, the government handled the appointment of Under Secretaries and Political Assistants very badly. There were complaints in the Legislative Council and in the media about:
  1. Their mode of appointment; the Legislative Council had no say
  2. Their passports: some had foreign passports
  3. Their salaries: many thought them to be too high
  4. Their lack of experience: most were initially drawn from people who had no experience in government. However, two later appointees in 2009 were retired senior civil servants which might signal a similar trend to the appointment of Principal Officials under Tsang.
- This criticism has continued unabated since the first appointment of the Under Secretaries and Political Assistants in May 2009. It has been a major point of concern for civil servants who fear further politicisation and interference with the line of command and it has been a particular feature of the Civil Service Code.

# Implications of the Political Appointments System

- Two tasks performed by the government could be affected by politicisation:
  - a) Policy formulation
  - b) Management of administrative subsystems

## Policy formulation

- In considering policy formulation, we need to omit the possible role of the Chinese government which certainly could be highly influential in certain policy areas. My concern here is what happens with relationships further down the chain between politically appointed officials and senior civil servants
- In the political role of allocating resources, three questions have to be answered
  1. Who is entitled to exercise authority?
  2. To what extent are power-holders willing to take advice and to share decision-making?
  3. And with whom are they willing to share power?

## Relationships between Political Appointments and Senior Civil Servants in Post-Handover Hong Kong

	1997-2002	2002-2007	2007-
Source of recruitment of Principal Officials	Principal Officials in charge of bureaus were all civil servants.	Principal Officials in charge of bureaus were on contract. Some were appointed from outside the civil service.	Principal Officials in charge of bureaus are mostly former civil servants on contract.
Policy formulation	Policy was largely formulated by civil servants with some input from the Chief Executive and the Executive Council.	Policy was formulated by Principal Officials, who sometimes acted on their own initiative, with some advice from civil servants, the Chief Executive and the Executive Council	Policy is formulated by Principal Officials with advice from civil servants, the Chief Executive, the Executive Council and Deputy Directors of Bureaus
Policy co-ordination	Centralised	Devolved to bureaus which tended to act autonomously	Centralised
Administrative Sub-systems	Run by civil servants	Run by civil servants with occasional interventions by Principal Officials.	Run by civil servants
Politics	Friction between the Principal Officials (senior civil servants) and the Executive Council	Friction between some Principal Officials and senior civil servants and between Principal officials and civil society	Friction between civil servants and Deputy Directors and Political Assistants of bureaus

# Relationships between Political Appointments and Senior Civil Servants

- The nature of the political relationship under Tung led some civil service associations and former civil servants to bring pressure on the government to clarify relationships with appointed officials in the Civil Service Code. They wanted more on political neutrality and more on the relationship between politically appointed officials, especially that politically appointed officials should not be subordinate to Under Secretaries and Political Assistants.

# Relationships between Political Appointments and Senior Civil Servants

- When the Code was promulgated in September 2009, the draft was amended to reflect some of these views.
  1. ‘Civil servants support politically appointed officials in formulating policy...’
  2. ‘[They]... are responsible for developing policy options or proposals and assessing their full implications, including their financial and manpower implications and the possible consequences of adopting or not adopting a particular policy option or course of action...’
  3. ‘Civil servants who serve as controlling officers have a particular responsibility to see that appropriate advice is tendered to politically appointed officials on all matters of financial propriety and regularity...’
  4. ‘[Civil servants] shall provide politically appointed officials their full, honest and impartial advice, without fear or favour, and whether or the advice accords with the views of politically appointed officials.’
  5. Permanent secretaries and those civil servants directly supporting principal officials ...have unlimited and direct access to principal officials (Legislative Council, Panel on Public Service, 2009:7-9).
- This is the Anson Chan view, now codified, of a senior civil servant’s right and duty to ‘speak truth to power’.

# Administrative Subsystems

- Politicisation could affect the running of administrative subsystems which regulate and provide goods and services. Except for very occasional instances under Tung where there was interference, civil servants run these systems and they have not been politicised. They act very much in the Friedrich mode, providing strong bureaucratic (horizontal) accountability.

# Conclusions

- My conclusion is that attempt to establish greater political accountability under Tung largely failed and that there has been some re-assertion of the traditional roles played by Hong Kong civil servants under Tsang. Why did the Hong Kong civil service not roll over and allow the politicisation of the civil service as its British counterpart did?
- I suggest three reasons:
  1. The present Principal Officials Accountability System does not itself sufficiently legitimate the exercise of political authority. However, civil servants are seen to be bureaucratically accountable. What a Finer-type system would mean in Hong Kong is that the unaccountable were holding the accountable responsible
  2. The civil service as a political pressure group has considerable support in Hong Kong. The Code provides some evidence of that support. The civil service was vilified to a degree by Tung and the Legislative Council but it has re-gained support which cannot be underestimated.
  3. The strength of the civil service lies in the fact that it administers sub-systems that work efficiently and are valued by the public. A Friedrich-type system of interacting bureaucratic sub-systems underpins values of professionalism and integrity and this is a strong deterrent to politicisation