

Madam President, the SAR Government has introduced the accountability system for principal officials for the purposes of more effective administration and good governance. We believe the new system will not only bring about a new outlook and style of governance, but also become more responsive to the demands of the people.

I urge Members to vote in support of the motion moved by the Government. Thank you, Madam President.

PRESIDENT (in Cantonese): Mr Martin LEE will move an amendment to this motion, as printed on the Agenda. The motion and the amendment will now be debated together in a joint debate.

MR MARTIN LEE (in Cantonese): Madam President, I move an amendment to the motion proposed by the Secretary for Constitutional Affairs as printed on the Agenda.

In 2000, the short piling scandal was revealed and amidst the uproar of public outrage, the Chief Executive made the following statement in his policy address for 2000: "the previous Legislative Council and the community have expressed the view that as senior officials are involved in policy making and play a leading role in public affairs, they should be held accountable for the outcome of their policies. As Hong Kong people are now running Hong Kong, I appreciate their aspirations for the Government of the Hong Kong Special Administrative Region (SAR) to be subjected to a higher degree of accountability. I also agree that the SAR Government should respond seriously, undertake a thorough review, and make the system of accountability more complete."

One year later, in his 2001 policy address, Mr TUNG Chee-hwa proposed that an accountability system be established, so as to "ensure the Government can better respond to the demands of the community; make sure that policies are well co-ordinated; strengthen the co-operation between the executive and the legislature; ensure effective implementation of policies; and provide quality services to the public."

Then on 13 December 2001, in the meeting which Mr TUNG Chee-hwa declared his intention to stand for a second term, he made a speech entitled "Governance in step with the times and strengthening competitive edge" and

made it clear about the need to "implement the new accountability system by July next year. Through a more accountable system, senior officials will become more answerable in their service of the community. In addition, we believe that it will foster an accountability culture within the entire Civil Service that is more in tune with the times."

Remarks like "a higher degree of accountability", "better respond to the demands of the community", and "an accountability culture more in tune with the times", and so on, are all high-sounding claims and these are the rationale upon which the accountability system is founded. But can the accountability system for principal officials now submitted to the Legislative Council for deliberation achieve these objectives?

Let us look at what in fact is the so-called accountability system proposed by the Chief Executive. To put it simply, it is a centralization system whereby all the powers are convergent on the Chief Executive. This is because the accountable officials under this system are all selected by the Chief Executive and appointed by the Central Government. However, as the Chief Executive does not have to be accountable to the Legislative Council, so he is only accountable to the Central Government, and the senior officials in theory have only to be accountable to the Chief Executive alone. If an accountability system which is accountable to the Chief Executive alone is built on the foundation of a Chief Executive who is not returned by democratic elections, that will not fulfil the objective of senior officials being accountable to the public or to the Legislative Council, it will only serve to strengthen the undemocratic and autocratic rule by the Chief Executive.

When the Chief Executive gave a briefing on the accountability system and answered questions from Members of the Council, he stated many times that the principal officials were accountable to he himself alone. That shows that the appointment and dismissal of the accountable officials depend entirely on the wishes of the Chief Executive alone. He would only have to say that a principal official "will have to be responsible for a mistake made" and have that principal official dismissed. Therefore, if we think carefully, we will be able to know that the so-called accountability system is fraught with problems despite its grandiose appearance. It is in reality a means to further Mr TUNG Chee-hwa's paternalistic rule.

Looking at the matter from another perspective, many people including Mr Michael SUEN think that since the process of democratization is constrained by

the provisions in the Basic Law and cannot be speed up, then why not first introduce the accountability system so that the people can ask the present officials to be responsible for the outcome of their policies? But if the accountability system is one like what TUNG Chee-hwa has in mind, not only will the above objective fail to materialize, but it would also only create a negative impact on the governance of the territory. It is because the offices held by the officials are like "iron rice bowls" and they do not have to be accountable for the political mistakes that they have made. So whenever there are problems with the governance of the Chief Executive and if the principal officials think that these are not to the advantage of society, they would try their best to stop them. For they do not have to worry about the security of their positions. However, when the accountability system is introduced, the Civil Service will be made more political and the Chief Executive will have a greater control over the principal officials. These accountable officials will tend to develop a culture of unconcealed flattery and servile obedience, in order that their positions will remain secure, then what good will this do to our society?

When the short piling scandal was exposed, Members of the Legislative Council moved a motion of no confidence against Ms Rosanna WONG, the Chairman of the Housing Authority and Mr Tony MILLER, the Director of Housing, asking them to be held responsible for the mistakes they committed on the short piling incident of public housing estates. In the end, Ms Rosanna WONG resigned of her own accord amidst pressure from the Legislative Council and public opinion, and that is the first incident of accountability. If only the Chief Executive had transferred Tony MILLER at that time, the accountability culture of the SAR could have developed gradually. Unfortunately, the Chief Executive wanted to make a head-on confrontation with the Legislative Council and public opinion by refusing to accede to the demand for accountability from both the public and the Legislative Council and he even stated that he wanted Tony MILLER to remain the Director of Housing and so Mr MILLER remains the Director of Housing even to this day. From this, it is hard to convince people that when the Chief Executive has gathered all the powers in his hands after the accountability system is in force, he would respect the views of the public and the Legislative Council.

A more serious thing is that when the Chief Executive replied to questions raised by the Members in the Legislative Council, he refused repeatedly to make a pledge to develop a mechanism or a precedent on the dismissal of directors of bureaux under the accountability system. He also stressed that even if the

Legislative Council had passed a vote of no confidence on a bureau director, he would not necessarily dismiss that person and that the motion of no confidence was only one of the factors he would consider. Thus, the motion would not have an absolute impact on his decision. As a matter of fact, it would be very difficult to pass a Member's motion under the existing system of separate voting according to the methods of election. If a vote of no confidence can really be carried in the Legislative Council, the public demand it shows will be very strong indeed. If in circumstances as these the Chief Executive still refuses to undertake to respect the public opinion as reflected in the Legislative Council, then how can he realize the objective of "senior officials should be held accountable for the outcome of their policies" which he has pledged in his policy address for 2000? That shows completely that the accountability system which he proposes is an utter deception and all the grand reasons which he presents are all but lies aiming merely at obtaining public support and for which he has never intended to put into practice.

Why does the accountability system have to be introduced at once and before any consultation is made to the public and the Legislative Council? In my opinion, an accountability system like this will not help at all in preventing the SAR Government from committing the same kind of grave errors it has committed over the past five years. Events like the target of 85 000 units of housing production, the Sally AW case, the Cyberport, the interpretation of the law by the National People's Congress, the case of the intervention of academic freedom by Andrew LO, and so on, may recur under this system. What is more of a public concern is that all of the above-mentioned events are related to Mr TUNG. In the rally which he declared his intention to seek a second term, he made a public admission of the three major deficiencies of his governance: "I believe the implementation of some policy objectives could have been better managed; the interests of different sectors could have been better balanced, the reform initiatives could have been better prioritized; and the response and reaction of the community could have been better assessed." He subsequently went to Beijing on a duty visit and he was able to solicit the open support of the three top leaders of the Central Government for his intention to seek a second term. That cast the suspicion that in order to get the support from the national leaders and succeed in securing a second term, he was trying to shift the blame of the failures of his policies onto the civil servants and to make a pledge to the national leaders that if only the accountability system was introduced, then all would be well in the next five years. And so he was able to get some supportive remarks from the leaders on his campaign for re-election. It is precisely

because of this that he is so eager to launch the accountability system as he has to fulfil the pledge made to the leaders before he assumes the office of the Chief Executive for the second term.

According to Article 103 of the Basic Law, the existing civil service system should be maintained. This shows that the political neutrality of civil servants is something to which the Central Government attaches great importance. The accountability system which is about to be introduced will have an important impact on both the civil service system and the entire political system. So before the system is launched, views from all the parties concerned should be consulted. A clear-cut direction for reform as well as the details for implementing the system should be formulated. The situation is like when we want to prepare a tasty dish. We need to spend enough time to choose the ingredients and we need to look for the best way to cook. It is only after these are done then we could present a delicious dish. Does our Government have ample preparation for the accountability system? Or does it want to avoid criticism from Premier ZHU again that it holds discussions but does not reach any decision and does not implement decisions when they are made? Now our Government is making decisions without holding any discussions at all and it is trying to launch the accountability system on 1 July. Now the so-called accountability system of the Chief Executive is like a Mr ZHU who is the boss of a restaurant and he asks the chef Mr TUNG to make a fried chicken for him. Mr ZHU is an impatient person and he urges the chef to make the fried chicken quickly. In order to show the boss that he is a capable cook, TUNG does not care about whether the ingredients are suitable and the time for marinade is enough, and he simply puts the chicken into the boiling oil to fry. Of course, this will enable the skin of the chicken to become crisp and tasty to be put on the table for the boss, but the meat is still raw and cannot be eaten. So the efforts made are a failure. Madam President, actually I know nothing about cooking, the above information is provided by my wife.

In fact, we are now in the 21st century and all democratic and civilized places are talking about political accountability and this invariably means that the government is accountable to the people. But the system of accountability that Hong Kong is about to launch is a so-called accountability system where senior officials are accountable to the Chief Executive alone, and that is really ridiculous. Therefore, my amendment is grounded on a political system of popular and democratic election and it is an accountability system in which principal officials are accountable to the Legislative Council. It is proposed

precisely with the aim of providing a remedy for the deficiencies of the accountability system and with a view to meeting the objectives proposed by Mr TUNG, that is to say, with "a higher degree of accountability, can better respond to the demands of the community and is more in tune with the times". Madam President, I would like to use the following words to sum up my speech: "No democracy, no accountability".

Thank you, Madam President.

Mr Martin LEE moved the following amendment:

"To add "which is grounded in a democratic political system based on universal suffrage and is accountable to the Legislative Council" after "That this Council supports the accountability system for principal officials"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Martin LEE to the Secretary for Constitutional Affairs' motion be passed.

MR IP KWOK-HIM (in Cantonese): Madam President, the Basic Law provides that the Hong Kong Special Administrative Region (SAR) can discuss and examine, and even to make amendments on, the two major political issues of the elections of the Chief Executive and the Legislative Council Members after the year 2007, as the saying goes, a major change in 10 years and a minor change in five years. Since there may be a need for a major constitutional operation on our political system in 2007, so at a time when it is five years after the reunification, and in order that the SAR Government can be in tune with the times and meet the demands of our society, it is necessary that minor operations should be performed on our administrative framework. For it is only through making these moves that administrative reforms can be carried out in a gradual and orderly manner and that any unnecessary trauma can be avoided.

Why is this operation of administrative reform need to be carried out? It is because we have to respond to public demand. Some time ago and in the wake of the short-piling incident of public housing estates, the chaos related to the opening of the new airport as well as a number of policy failures, the public