

A legislative safety net

AS the role of the civil servant and appointed member becomes increasingly threatened by elected politicians, concern has grown over what role, if any, they will play in the future. While some say they should go, others, like Executive Councillor, Miss Maria Tam thinks they should stay.

CHRIS YEUNG finds out why.

CHAOS in the Legislative Council, an exodus of talent in the top echelons of the civil service and an impotent administration.

This is the kind of scenario that could take place in the future if all Government officials and appointed members of the Legislative Council are replaced through election, according to Miss Maria Tam Wai-chu.

As a way of maintaining continuity and order in the law-making body, Miss Tam believes that the current trend toward more elected members should be curbed, that both Government officials and appointed members should be kept on and that they be nominated by the future chief executive.

The Tam initiative—floated at last month's full Basic Law Drafting Committee meeting—has not only attracted attention but its fair share of opposition. Its supporters, of which there are many in the Hongkong administration, believe that it solves the worrying problem of what role civil servants will play in the post-1997 legislature.

Presently, there are 10 civil servants or officials who sit on the law-making body. They propose bills, defend Government policy and answer queries in the council. Together with 24 members of the public appointed by the Governor, they form the kind of majority that virtually ensures smooth sailing for Government policies.

It would be a totally different scenario, however, if civil servants and appointed members



Maria Tam: sticking to her guns.

more than before.

"We are heading towards a situation that everything the Government does is wrong."

The obvious conclusion, according to Miss Tam, is that if adversarial politics is allowed to flourish unchecked, the Government may collapse. To prevent this and a lame duck administration, it needs a group of people to help it.

"We have not arrived at a situation that there is an opposition party in Legco in terms of structure. But appointed and official members can be a buffer. I don't think Hongkong people would like to see various factions in Legco," she said.

Miss Tam believes the best safeguard against anarchy in the council is to ensure the Basic Law allows for the inclusion of civil servants and appointed members in the future legislature. They would be "elected" to the future legislature through a grand electoral college after nomination by the chief executive.

Precisely how this electoral college will be formed is not clear.

If the proposal has attracted

attention, it is because few believe that Miss Tam would have devised it herself. Cautious, pragmatic, it smacks of the kind of moderate approach which has become Miss Tam's trademark.

However, Miss Tam denies that the plan is her brainchild or that she is being used as a mouthpiece.

"I'm not speaking on behalf of the Government, nor Beijing. It's my own thinking having seen how things work (in Legco)."

It was floated at last month's Basic Law meeting where a majority of the Basic Law drafters supported a proposal that half of the legislature should be elected through a grand electoral college with one-third of the half consisting of Government officials.

Besides having support within the upper echelons of government, some mainland Basic Law drafters are also said to favour the idea.

What does Beijing think of it? So far, the official view is unclear.

"If we concluded in the Basic Law there should be no Government officials and appointed members (through elections to the legislature) after 1997, there will be disadvantages to the Government now and before 1997," warned Miss Tam.

So far, a handful of ideas have been floated locally and among drafters on how to strengthen the links between the future legislature and the executive.

Basic Law drafters are undecided on whether legislators should have the power to propose bills—an issue that directly affects how wide the powers of the future legislature should be.

In 1984, the Government's Green Paper on representation indicated that the administration's original plan was to move toward a ministerial system in which elected Legco members would eventually replace civil servants as heads of policy branches in order to boost accountability and links between the legislature and the executive arms.

But the notion of a ministerial system was apparently scrapped after vehement opposition from China that it might go against the spirit of the Joint Declaration, culminating in a blatant warning of Mr Xu Jiatao in November 1985.

With a ministerial system

and political parties out of the question, what better gradualist approach than keeping Government officials to help bridge the gap between legislature and executive arms.

As moderate as her approach may appear, it has yet to win support from the biggest conservative lobby in the Basic Law Consultative Committee, the Group of 80.

Until now, Miss Tam has been strongly identified with this lobby of professional and businessmen's views. Now, observers aren't so sure.

So far, she has been unable to convince them to accept the inclusion of Government officials in the legislature.

The Group of 80 believes Government officials should only have observer status and be limited to proposing bills and answering questions. They should have no voting power.

The stubborn positions adopted by both suggest that a major rift has developed between them. Miss Tam is critical of their position of limiting the role of civil servants to observer status because she doubts whether officials would have legal power to propose bills in the legislature if they were not full members.

The danger of having no one in the legislature to defend Government policies is that civil servants "might become shooting ducks" in the legislature, she explained.

Miss Tam also believes that unless civil servants are kept as full members on the law-making body, they may quit public service.

"Imagine if an official came to the legislature and were subject to constant criticism without an opportunity to defend himself. What kind of life would that be?"

"The advantage is that those who are determined to serve beyond 1997 know the role they will play, whether they are a civil servant or politician. It's not fair to locals coming up through the system to find that they may have a shortened career," she said.

Miss Tam said "a safety net" was also necessary to keep talented civil servants.

"We've got only nine years. If we keep losing talent and there is no safety net to keep them, it will be a great loss to Hongkong."