

# The Impact of External Change on Civil Service Values in Post-Colonial Hong Kong\*

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## Abstract

Scholarly work in the 1990s indicated that the values of civil servants in late colonial Hong Kong were evolving from those of classical bureaucrats to those of more political bureaucrats as the political and social environment changed. Based on in-depth interviews with 58 politicians and senior civil servants carried out between 2009 and 2012, we argue that Hong Kong civil service values have adapted owing in part to external shocks such as regime change and governance reform. Still, traditional civil service values such as fiscal prudence and balancing various community interests continue to be prominent. We illustrate the influence of civil service values in two policymaking cases: small-class teaching and minimum-wage legislation.

**Keywords:** Hong Kong civil service values; politicians and bureaucrats; policymaking; governance reform

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Values are enduring beliefs that influence the available choice of means and ends.<sup>1</sup> Civil servants play an important role in policymaking, thus their values are of great significance.<sup>2</sup> Not surprisingly, governments spend considerable effort on shaping the values of civil servants, encouraging values such as political responsiveness and public service.<sup>3</sup> The literature suggests that administrative reforms and the changing political context can also impact civil service values.<sup>4</sup>

This article examines the impact of the handover of sovereignty in 1997 and the introduction of major governance reform in 2002 on civil service values in Hong Kong. By observing the values of bureaucrats and politicians before and after

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1 Rokeach 1972, 160.

2 Peters 2001, 221–23.

3 See Australian Public Service Commission 2014; UK Civil Service Commission 2010; Singapore Public Service Division 2012; New Zealand State Services Commission 2007; Treasury Board of Canada Secretariat 2011.

4 For European examples, see Bauer and Ege 2012; Wilson and Barker 2003; and Meyer-Sahling 2008.

1997 and under the new governance arrangements, we seek to identify a contextualized pattern of bureaucratic reaction to external pressure.

In colonial Hong Kong, civil servants dominated the policymaking and implementation process.<sup>5</sup> The most senior positions in government were held by civil servants, who reported to the governor. Colonial civil servants in Hong Kong in the 1980s were said to value efficiency, neutrality and hierarchical loyalty, although because Hong Kong's political and social environments were changing, these values were in a state of flux.<sup>6</sup> By the mid-1990s, with the introduction of contested elections to seats in the local legislature and Hong Kong's handover to China imminent, the values of colonial civil servants were said to be shifting away from those of classical bureaucrats to those of political bureaucrats.<sup>7</sup> By late colonialism, then, senior civil servants were accepting of political "interference" in bureaucratic life. Scholarly works explained the evolution of civil service values in terms of the changing political and social environment in Hong Kong (for instance, increasing democratization, imminent regime change, and demands from society for more accountability).

In 1997, China resumed sovereignty over Hong Kong and installed the first real political appointee (businessman Tung Chee-hwa 董建華) as chief executive (CE), which opened the way for reform of Hong Kong's system of governance. The new CE inherited a relatively autonomous civil service that arguably saw itself mainly in a position of trustee of the public interest.<sup>8</sup> Tung sought to impose a new agency relationship on the civil service that would limit its autonomy and encourage civil servants to see themselves as agents of political appointees (and to a lesser extent, the public).<sup>9</sup> To this end, in July 2002 the CE introduced the Principal Official Accountability System (POAS) that replaced career civil servants as policymakers with limited-tenure political appointees.<sup>10</sup> Some senior civil servants resisted the new policy because it curtailed their career prospects and limited their role and function.<sup>11</sup> What impact have these changes had on civil service values? In this paper, we examine the extent to which civil service values, developed over decades of practice, were impacted by external shocks such as regime change and governance reform. We argue that although many factors contribute to policy outputs (such as leaders' priorities, the economic environment, civil society lobbying, legislative politics, and so forth), we can see the imprint of civil service values in the cases examined here (small-class teaching and the minimum wage).

5 Burns 2004, 106; Cheng and Lee 1996; Cheung 2005; Scott 2005, 64.

6 Lui 1988.

7 Cheng and Lee 1996.

8 Hood and Lodge 2006, 11; Huque, Lee and Cheung 1998, 35.

9 Tung Chee-hwa 2002.

10 Constitutional Affairs Bureau 2003.

11 Burns, Li and Peters 2013; Scott 2010, 81.

## Theoretical and Methodological Considerations

We use the comparative method to understand the evolution of senior civil service values over time, comparing them to the values of politicians with whom they work to make policy. We adopt the theoretical perspective of role perception to understand the relationship between politicians and bureaucrats. Based on elite interviews, Aberbach, Putnam and Rockman identify four self-images of politician–bureaucrat relations in Western democracies that range from the traditional view that politicians make policy while bureaucrats implement it, to a perceived complete intermixing of roles (a hybrid image) in which each is perceived to take on characteristics of the other.<sup>12</sup> Intermediate self-images include politicians as interest brokers and civil servants as experts, or politicians as energizers and idealists and bureaucrats as stabilizers and pragmatists.<sup>13</sup> We argue that the colonial system in Hong Kong resembled a kind of hybrid image where bureaucrats also took on a political role, but that regime change and governance reform have encouraged role differentiation. The new post-2002 politicians who came from outside the civil service brought energy and idealism to policymaking, while politicians who came from the civil service generally remained more pragmatic and focused on stability. Reflecting their new role, these retired civil servants also valued political responsiveness. Both politicians coming from the civil service and the civil servants they worked with emphasized/accepted ministerial loyalty in the post-2002 environment.

Our study is based on elite interviews and focuses on the self-perceptions of politicians and bureaucrats of their roles in policymaking. We conducted semi-structured in-depth interviews with 58 senior civil servants and politicians from 2009 to 2012, using a snowballing strategy to identify potential interviewees. We were especially interested in the relationship between the new political appointees (“ministers” in the Hong Kong context) and permanent secretaries, the most senior civil servants, in the policymaking process. The total population of this group from 2002 to 2012 comprised 28 “ministers,” of whom we interviewed 13 (46 per cent), and 44 permanent secretaries, of whom we interviewed 11 (32 per cent). That is, of a total of 58 interviewees, 27 (or about 47 per cent) had been either a “minister” or permanent secretary. We interviewed all those in this population who agreed to be interviewed. In addition, to understand the relationship better we interviewed another 31 individuals who held other senior positions (advisory executive councillors) or slightly more junior positions (for example, deputy secretaries and political assistants who had been politically appointed since 2008, and civil servants who were or had been heads of department that reported to the permanent secretaries), or who were members of the pre-2002 government (see [Table 1](#)). The relevant positions held by our interviewees straddled the period from 1985 to 2012 (see [Table 2](#)). Among the 31 senior

12 Aberbach, Putnam and Rockman 1981.

13 *Ibid.* For variations, see Campbell and Peters 1988; Gregory 1991.

Table 1: Last Position Held by Respondents at the Time of Interview

Positions	Number of respondents
Permanent secretaries	11
Deputy secretaries	2
Heads of department	13
Deputy heads of department	2
Politically appointed POs	13
Under secretaries	1
Political assistants	5
Legislative Council (LegCo) members	5
Executive Council (ExCo) members	3
Other senior officials	3
Total	58

Source:

Politicians-bureaucrats Project 2009–2012.

Table 2: Respondents' Official Positions

Timeframe	Politicians	Bureaucrats
Pre-Tsang administration (1992–2005)	1	5
Tung administration only (1997–2005)	5	4
Tsang administration only (2005–2012)	9	6
Tung and Tsang administrations (1997–2012)	10	15
Pre-Leung Chun-ying administration (1985–2012)	2	1
Total	27	31

Source:

Politicians-bureaucrats Project 2009–2012.

civil servants we interviewed, 71 per cent (N = 22) were administrative officers. The age distribution of our respondent civil servants was as follows: 45.1 per cent were aged 50–54; 25.8 per cent aged 45–49; 22.6 per cent aged 55 and above; and 6.2 per cent were aged 40–44.<sup>14</sup> We present the survey results of permanent secretaries, deputy secretaries, heads of department, deputy heads of department and other senior officials in the category of “senior civil servants” (abbreviated as SCS, see Tables 3 and 4). We present the survey results of politicians in two categories: “POs” and “politicians” (see Tables 1, 3 and 4). The former refers to principal officials appointed under the POAS; the latter refers to POs, undersecretaries and political assistants appointed under the POAS, as well as Legislative Council members and Executive Council members among our respondents.

We used a questionnaire that focused mainly on an interviewee's perception of his or her role in decision-making and the roles of others.<sup>15</sup> The questionnaire

14 Politicians-bureaucrats Project 2009–2012. The numbers may not add up to 100% because of rounding.

15 See Aberbach, Putnam and Rockman 1981. Cheng and Lee's study relied on interviews with 15 directorate officers (chosen by random sampling) and on the responses to a mailed questionnaire sent to all directorate officers which had a 57% response rate. Cheng and Lee 1996.

Table 3: **Politicians and Bureaucrats' Values I**

Question	Respondents	Strongly disagree	Disagree	Undecided	Agree	Strongly agree	No response
1 The personal political preferences of a senior civil servant should not influence his/her official role in public policymaking.	SCS	0	1 (3.2)	0	8 (25.8)	21 (67.7)	1 (3.2)
2 Senior civil servants should have the right to speak publicly on matters of policy in which they are engaged through their official duties.	SCS	2 (6.5)	5 (16.1)	5 (16.1)	12 (38.7)	7 (22.6)	0
3 The primary duty of the senior civil servant is to serve the interests of his or her principal official as faithfully and as competently as possible.	SCS	3 (9.7)	8 (25.8)	6 (19.4)	12 (38.7)	2 (6.5)	0
4 Senior civil servants have a duty to act in the general public interest, even if the wishes of their principal official may contravene that interest.	POs	0	3 (23.1)	0	7 (53.8)	3 (23.1)	0
	SCS	3 (9.7)	2 (6.5)	1 (3.2)	11 (35.5)	14 (45.2)	0
5 In all circumstances, the civil servant's first and paramount loyalty is to the law, and his or her duty is to observe it.	SCS	0	1 (3.2)	0	8 (25.8)	21 (67.7)	1 (3.2)
6 If a senior civil servant faces a conflict between obeying the wishes of his/her principal official and the efficient achievement of policy objectives, then obedience to the principal official must take precedence.	SCS	4 (12.9)	9 (29)	4 (12.9)	11 (35.5)	2 (6.5)	1 (3.2)
7 Government works better if civil servants are politically neutral.	SCS	0	0	3 (9.7)	10 (32.3)	18 (58.1)	0
	POs	0	4 (30.8)	1 (7.7)	3 (23.1)	4 (30.8)	1 (7.7)
8 Basically, it is not the politicians but rather senior civil servants who guarantee reasonably satisfactory public policy in Hong Kong.	SCS	0	2 (6.5)	2 (6.5)	22 (71)	4 (12.9)	1 (3.2)
	POs	2 (15.4)	4 (30.8)	0	6 (46.2)	1 (7.7)	0

Table 3: Continued

Question	Respondents	Strongly disagree	Disagree	Undecided	Agree	Strongly agree	No response
9 The interference of politicians in affairs which are properly the business of the civil service is a disturbing feature of government administration in Hong Kong.	SCS	5 (16.1)	8 (25.8)	2 (6.5)	12 (38.7)	3 (9.7)	1 (3.2)
10 In the formulation of public policy, it is usually essential that professional and/or technical considerations be given considerably more weight than political factors.	SCS	0	15 (48.4)	4 (12.9)	4 (12.9)	7 (22.6)	1 (3.2)
11 Interest groups in Hong Kong are generally an undesirable component of the political process.	POs	0	9 (69.2)	1 (7.7)	3 (23.1)	0	0
	SCS	8 (25.8)	12 (38.7)	8 (25.8)	1 (3.2)	1 (3.2)	1 (3.2)
12 Although the main political parties play an important role in Hong Kong's politics, too often they uselessly exacerbate political conflicts.	SCS	2 (6.5)	6 (19.4)	2 (6.5)	12 (38.7)	8 (25.8)	1 (3.2)
13 The effectiveness of Hong Kong's public service would be enhanced if politicians had less say in public policymaking and senior civil servants had more say.	SCS	3 (9.7)	8 (25.8)	1 (3.2)	14 (45.2)	4 (12.9)	1 (3.2)
14 Senior civil servants should be more concerned about short-term possibilities than about longer-term policy plans.	POs	3 (23.1)	7 (53.8)	1 (7.7)	2 (15.4)	0	0
	SCS	16 (51.6)	14 (45.2)	1 (3.2)	0	0	0
15 In political controversies, extreme positions should be avoided, as the most appropriate response is usually found in the middle.	POs	3 (23.1)	5 (38.5)	2 (15.4)	3 (23.1)	0	0
	SCS	1 (3.2)	5 (16.1)	1 (3.2)	19 (61.3)	5 (16.1)	0

*Continued*

Table 3: **Continued**

Question	Respondents	Strongly disagree	Disagree	Undecided	Agree	Strongly agree	No response
16 Hong Kong's citizens generally have too little say in government policymaking.	POs	0	3 (23.1)	1 (7.7)	8 (61.5)	1 (7.7)	0
	SCS	0	10 (32.3)	3 (9.7)	16 (51.6)	1 (3.2)	1 (3.2)
17 It will always be necessary to have a few strong, able individuals who know how to take charge.	POs	0	5 (38.5)	2 (15.4)	5 (38.5)	1 (7.7)	0
	SCS	0	0	1 (3.3)	19 (61.3)	10 (32.3)	1 (3.2)
18 Few people know what is in their real interest in the long run politically.	SCS	5 (16.1)	6 (19.4)	2 (6.5)	14 (45.2)	3 (9.7)	1 (3.2)
19 The introduction of the principal officials' accountability system in 2002 was a desirable development in HK's government administration.	SCS	3 (9.7)	2 (6.5)	10 (32.3)	11 (35.5)	5 (16.1)	0

*Source:*

Politicians-bureaucrats Project 2009–2012.

*Notes:*

Senior Civil Servants, N = 31; Politicians, N = 27; POs, N = 13. Percentage in brackets.

Table 4: **Politicians and Bureaucrats' Values II**

Question	Respondents	Conflictual	Both	Share mutual interests		No response
1 It is sometimes argued that in politics and society generally there is always going to be conflict among various groups. Others have argued that basically most groups have a great deal in common and share mutual interests. Which of these two views most appropriately characterizes Hong Kong politics and society today?	SCS	18 (58.1)	2 (6.5)	11 (35.5)		0
		<b>Conflicts reconcilable</b>	<b>Conflicts irreconcilable</b>	<b>Don't know</b>		<b>No response</b>
2 Do you think these conflicts are reconcilable or irreconcilable?	SCS	18 (90)	1 (5)	1 (5)		0
		<b>Greater role</b>	<b>Left to the private sector</b>	<b>In the middle</b>	<b>Don't know</b>	<b>No response</b>
3 Some people say government should play a greater role in the economy, others say decisions in this area should be left to the private sector. On the whole, which of these positions comes closest to yours?	SCS	9 (29)	18 (58.1)	3 (9.7)	1 (3.2)	0
		<b>Yes</b>	<b>In the middle</b>	<b>No</b>	<b>Don't know</b>	<b>No response</b>
4 Do you think Hong Kong should have minimum wage legislation now?	SCS	20 (64.5)	1 (3.2)	8 (25.8)	1 (3.2)	1 (3.2)
	POs	9 (69.2)	4 (30.8)	0	0	0
	Politicians	20 (74.1)	4 (14.8)	0	0	3 (11.1)

Source:  
Politicians-bureaucrats Project 2009–2012.

Notes:  
Percentages in brackets.



was composed of 26 open-ended questions about the appeal of the job, the frequency of contact with other key players, interviewees' perception of their role, their evaluation of the state of relations between the various players, and their perception of the amount of influence on policy they and other key actors had. Each interviewee also completed a 26-item closed-ended questionnaire in the presence of the interviewer. These questions examined their attitudes on the dimensions of elitism, tolerance of politics, programme commitment, and constitutionality. Each interview lasted about an hour and was conducted in English.

Given the small sample, our conclusions remain tentative<sup>16</sup> and our findings temporally limited to the administrations of Tung Chee-hwa and Donald Tsang Yam-kuen 曾蔭權. We present two brief case studies to illustrate the possible influence of civil service values on policymaking in specific contexts, based on a triangulation of various sources, including interviews and archives, and secondary sources.<sup>17</sup>

### Senior Civil Service Values Prior to 1997

Under colonial rule, senior civil servants dominated policymaking and civil servant policy secretaries were responsible for both policy formulation and implementation.<sup>18</sup> That is, there was fusion of government and state.<sup>19</sup> Senior administrative officers took the roles of representing government and seeking support for the government.<sup>20</sup> Formal values such as political neutrality, efficiency and hierarchical loyalty provided important support for the political legitimacy of the colonial government.<sup>21</sup> Values such as frugality and “small government” were shared by the public and political leaders both before and after 1997.<sup>22</sup> Such values implied a reactive attitude to politics and policy initiatives.

In the mid-1980s, Hong Kong was democratizing<sup>23</sup> and anticipating the change of sovereignty to Chinese rule.<sup>24</sup> Scholarly work carried out at that time indicated that civil service staff association chairmen were suspicious of popular participation in politics. They feared that a stronger legislature “would make the job of civil servant harder” and they believed that the legislature’s power vis-à-vis the executive should remain subordinate.<sup>25</sup> Cheng and Lee’s study of directorate civil servants in 1993 concluded that Hong Kong senior civil servants were in the process of evolving from “classic bureaucrats” to

16 Tansey 2007.

17 Davies 2001; Corraliza and Berenguer 2000.

18 Scott 1996.

19 Ibid.

20 Huque, Lee and Cheung 1998, 148.

21 Lui 1988.

22 Scott 2010, 69.

23 See Miners 1991, 114.

24 The transition started with the signing of the Sino-British Joint Declaration in 1984.

25 Check-Milby 1989.

“political bureaucrats” owing to the impact of elections to the Legislative Council (LegCo) in 1985.<sup>26</sup> The major difference between these two types of bureaucrats was their attitude to the public interest and to politics. Cheng and Lee wrote that, until the 1980s, Hong Kong’s senior civil servants were perceived to be “technocratic” and “apolitical.” However, by the early 1990s most of their respondents (95 per cent) accepted politicians’ “interference” in bureaucratic life, and 86 per cent of their respondents reported that they had given more consideration than before to political factors in policymaking. These civil servants believed that “good economic performance,” being “stable and non-violent” and being “clean and uncorrupted” were the basis of the legitimacy of the Hong Kong government. Nearly 60 per cent perceived that they were accountable to LegCo, which for them was demonstrated by explaining and defending decisions in LegCo rather than by compromising decisions. They regarded themselves as “policymakers.” A majority of respondents (72 per cent) said that they would be prepared to defend their decisions openly in the face of challenges from LegCo. Only 6.7 per cent of respondents reported that they would compromise a policy decision, taking into account the views of LegCo.<sup>27</sup> These views are completely consistent with the notion that they had a trusteeship role.<sup>28</sup>

In another mid-1990s survey, Lui and Cooper focused on middle and upper-level civil servants<sup>29</sup> and found that they perceived both bureaucratic values<sup>30</sup> and liberal democratic values<sup>31</sup> as important factors influencing their ethical decision making. Lui and Cooper concluded that public administrators in Hong Kong were not totally neutral in an ideological sense, but that an erosion of neutrality did not threaten the traditional administrative ethos.<sup>32</sup> Lui and Cooper suggested that democratization would inevitably entail the need for the civil service to reorient its loyalty (that is, to shift to a more agency orientation).<sup>33</sup> Challenges to the norm of political neutrality from the legislature were resisted by the civil service on the grounds of maintaining “continuity and stability” during the transition era. Civil servants claimed that they would put public welfare above their own individual inclinations when they assumed political roles such as answering questions, and explaining and defending policies before LegCo.<sup>34</sup>

Facing the challenges of an increasingly critical but not fully democratized legislature in the early 1990s, the Hong Kong government was perceived to have adopted a passive style towards interest mediation. A senior civil servant

26 Cheng and Lee 1996, 931.

27 *Ibid.*, 921–23.

28 Bureaucrats’ perception of their trusteeship role was said to have limited the influence of interest groups on policymaking in the colonial era. See Harris 1980, 59, 127.

29 Lui and Cooper 1997. See also Brewer, Leung and Scott 2013.

30 Bureaucratic values include “duty to organization,” “respect for organizational rules and regulations,” “reputation of organization” and “respect for the law.” Lui and Cooper 1996.

31 Liberal-democratic values include “fairness,” “equality,” “respect for human dignity,” “respect for individual freedom and dignity” and “respect for individual privacy.” Lui and Cooper 1996.

32 Lui and Cooper 1997.

33 Lui and Cooper 1996.

34 Hong Kong Legislative Council 1993.

commented: “The Hong Kong government does not set itself out to pursue any long-term goals; it simply administers. Governance in Hong Kong is a matter of striving for a compromise, a consensus, a balance, or a median.”<sup>35</sup>

### Regime Change and Governance Reform

Sino-British conflict over managing the transition to Chinese rule during the 1990s placed senior civil servants in Hong Kong in a powerful bargaining position. The Chinese government in particular saw them as a key pillar for post-colonial stability.<sup>36</sup> Accordingly, China appointed most of the colonial policy secretaries who directed policy bureaus and departments before 1997 as POs after 1997 in the same roles. Moreover, just as they had done before 1997, senior civil servants continued to control civil service personnel management, government financial management and statutory powers.<sup>37</sup>

The first CE, Tung Chee-hwa, had conflicts with senior civil servants even before he officially assumed the post.<sup>38</sup> In the wake of the Asian financial crisis (1997–98), which brought increasing unemployment and slow or negative growth, the government’s popularity declined. The public also demanded that civil servants take responsibility for policy blunders.<sup>39</sup> To address these concerns, and to gain more control over the civil service,<sup>40</sup> the CE introduced the POAS, which placed political appointees<sup>41</sup> chosen by and loyal to him as heads of policy bureaus and key departments (such as the CE’s office).<sup>42</sup> Tung’s purpose was to impose an agency arrangement that would increase his control over senior personnel in order to make and implement his policies more effectively.<sup>43</sup> He also hoped to address a popular concern that the government was not accountable to the public.<sup>44</sup> Since its inception in 2002, political appointees have broadly been drawn from two sources: professionals from outside the civil service (especially from 2002 to 2007) and retired senior civil servants (especially from 2007 to 2012).<sup>45</sup> The proposed system promised to maintain the traditional values of the civil service.<sup>46</sup> We ask, then, how did senior civil servants react to tighter political control over the administration? To what extent have civil service values been impacted by these changed politician/bureaucrat dynamics?

35 Lui 1994, 36.

36 Huque, Lee and Cheung 1998, 148–49; Lui and Cooper 1996.

37 Burns, Li and Peters 2013.

38 Huque, Lee and Cheung 1998, 153.

39 See Burns 2004, 166–67.

40 Scott 2010, 52.

41 The political appointees comprised 14 principal officials heading policy bureaus and departments.

42 Constitutional Affairs Bureau 2001.

43 Interview with a senior official, Hong Kong, 6 November 2009. Burns, Li and Peters 2013.

44 Constitutional Affairs Bureau 2003.

45 Each government during this time was a mix of outsiders and retired civil servants. Tung Chee-hwa’s government (2002–05) included 57% outsiders, while Donald Tsang’s post-2007 government included 60% retired civil servants.

46 “The civil service will remain permanent, professional, neutral, highly efficient and free from corruption.” See Constitutional Affairs Bureau 2001.

## Civil Service Values: Continuities

In spite of regime change and the introduction of an agency-type reform of the governance structure, our data suggest substantial continuity of the civil service values that respected bureaucratic loyalty and valued the neutral interest-broker role of the civil service. Senior civil servants continue to perceive themselves as loyal to the public interest and to government organization and the law, all values identified by Lui and Cooper in the mid-1990s.<sup>47</sup>

First, our data suggest that senior civil servants were still strongly committed to the value of “political neutrality.” Over 90 per cent of senior civil servants among our respondents agreed that government works better if civil servants are politically neutral (T3Q7<sup>48</sup>). This norm was also held by career civil servants who became POs. That is, virtually all senior civil servants in our data believed that the personal political preferences of a senior civil servant should not influence his/her official role in policymaking (T3Q1).

Second, senior civil servants among our respondents still held a kind of trusteeship mentality. Eighty per cent of senior civil servants in our data perceived that they had a duty to act in the general public interest, even if they perceived that the wishes of their minister may contravene that interest (T3Q4). As articulated by some respondents, good policy should be in the long-term interest of the community, and when considering public policy, “there should be some baseline on morals and principles which is non-negotiable.”<sup>49</sup> More than 55 per cent of our civil servant respondents believed that few people knew what was in their real, long-term interest (T3Q18).

To uphold the public interest, over 58 per cent of our senior civil servant respondents tended to support private initiatives in decisions about the economy (T4Q3), a reflection of the “big market, small government” ideology then current in the civil service. Our data also confirms that senior civil servants continued to emphasize “fiscal prudence” and “balanced interests,” much as they had in the mid-1990s. Almost all civil servant respondents saw the civil service as being more concerned with long-term policy than short-term possibilities.<sup>50</sup> Many of our senior civil service respondents perceived that political appointees focused too much on immediate political problems, which was not good for the long-term interests of Hong Kong. In this, they resembled the civil service interest brokers identified by Aberbach, Putnam and Rockman.<sup>51</sup> Over 77 per cent of our civil servant respondents believed that in political controversies, the most appropriate response was usually found in the middle (T3Q15).

47 Lui and Cooper 1996.

48 T3Q7 refers to Table 3, Question 7. The same notation is used throughout.

49 Interview with a senior official, Hong Kong, 30 July 2009.

50 Some officials took “long term” to mean ensuring that a policy was financially sustainable (interview with a senior official on 29 October 2009); for other officials “long term” meant balancing various interests (interview with a senior official on 8 July 2010).

51 Aberbach, Putnam and Rockman 1981.

Finally, senior civil servant respondents continued to believe that loyalty to the law should be their “first and paramount” duty (T3Q5), much as their predecessors did in the surveys of the mid-1990s.

We confirm the findings of Cheng and Lee from the mid-1990s that senior civil servants in Hong Kong perceive themselves to be “political bureaucrats.”<sup>52</sup> First, unlike the population at large, nearly 58 per cent of senior civil servants in our data perceived that politics and society in Hong Kong are mainly conflictual (T4Q1). Moreover, among our respondents a majority of senior civil servants believed that they had the right to speak publicly on policy matters concerning their official duties (T3Q2). During interviews, many civil servant respondents expressed confusion about this question because they thought that speaking publicly on policy was their “duty” and not their “right,” and that they should defend government policy rather than speak against it.<sup>53</sup> Senior civil servants in our data took political considerations in formulating policy as the norm. Over 63 per cent of them disagreed or strongly disagreed with the view that professional or technical considerations should be given more weight than political considerations in policy formulation. Furthermore, over 64 per cent of respondents tolerated interest groups influencing the policy process (T3Q11).

Although they saw their role in political terms, a majority of senior civil servants in our data held negative attitudes towards party politics and elected politicians, much as they did in the past. In their mid-1990s survey, Cheng and Lee found that 58 per cent of their sample of directorate grade officers was dissatisfied with the performance of LegCo members.<sup>54</sup> In our study, 48 per cent of civil servant respondents did not like interference from politicians in the business of the civil service (T3Q9). Over 84 per cent of civil servant respondents perceived that they, rather than politicians, could guarantee satisfactory public policies (T3Q8). Most civil servant respondents who perceived that Hong Kong politics and society were basically conflictual also believed that conflicts could be reconciled (T4Q2). In their view, conflicts were largely exacerbated by political parties and the media,<sup>55</sup> and in political controversies “extreme positions should be avoided, as the most appropriate response is usually found in the middle” (T3Q15). This preference, held by 76 per cent of our civil service respondents, aligns well with the government’s preference for making policy that it perceives to balance various interests of the community.

In summary, senior civil servants in our data perceived that they continued to play a “political role” after regime and governance change. Their loyalty was yet to reorient from more traditional bureaucratic values to serving their principals, the new political appointees, and short-term political pressure from the community. Such traditional values included the rule of law, fiscal prudence and

52 Cheng and Lee 1996.

53 Politicians-bureaucrats Project 2009–2012.

54 Cheng and Lee 1996.

55 Interview with a senior official, Hong Kong, 30 July 2009.

balanced interests. Many still believed that what they chose for the community was best for the long-term interests of Hong Kong. Almost all civil servant respondents believed that, in the governance of Hong Kong, it will always be necessary to have a few strong, able individuals who know how to take charge (T3Q17).

### Civil Service Values: Adaptation

Given the substantial change in the governance arrangements in Hong Kong with the introduction of the POAS in 2002, we expected to find that senior civil servants who stayed on after 2002 would have to adapt to their new surroundings. Although traditionally senior civil servants valued hierarchical loyalty, the new arrangements required them to give their loyalty to serving political appointees who were not their bureaucratic superiors. In our data, a plurality of senior civil servants (45 per cent) agreed that their new role required them to serve the political interests of politically appointed POs competently and faithfully (T3Q3). Similarly, a plurality (42 per cent) agreed that if a senior civil servant faced a conflict between obeying the wishes of his/her minister (that is, PO) and the efficient achievement of policy objectives, then obedience to the PO must take precedence (T3Q6). These results, while not overwhelming, indicate considerable acceptance by senior civil servants of the new governance arrangements. But, the data also indicate significant opposition or diffidence to the new arrangements as well. Not surprisingly, more politically appointed officials than civil servants in our survey agreed that the primary duty of the senior civil servant was to serve the interests of his or her PO as faithfully and as competently as possible (T3Q3). Because so many of the politically appointed POs came from the civil service, we speculate that they have adapted to the new roles that require the senior civil servants supporting them to be politically responsive in making policy. Several respondents confirmed this view.<sup>56</sup>

While senior civil servants were adapting to the new arrangements, the potential for a clash of values between them and the new political appointees was very real. Indeed, a majority (77 per cent) of politically appointed POs in our data agreed that politicians should have more say in policymaking than senior civil servants. Fewer civil servants (58 per cent) agreed with this view (T3Q13). Over 46 per cent of politically appointed POs also disagreed with the view that senior civil servants, and not they themselves, “guaranteed reasonably satisfactory public policy” in Hong Kong. Only two civil servant respondents (6.5 per cent) disagreed with this view (T3Q8). Most (69 per cent) politically appointed POs agreed that, in the formulation of public policy, political factors should be given more weight than technical or professional considerations. Over 48 per cent of senior civil servants agreed with this (T3Q10). While both groups recognized the importance of political considerations (and senior civil servants in our

56 Interviews with senior officials, Hong Kong, 8 July 2010, 7 May 2010, 6 July 2010 and 27 August 2009.

data appeared to value citizen participation in policymaking more highly than did political appointees, see T3Q16) in the formulation of public policy, they disagreed about who should bring these factors to the table.

In the process of adapting to their new roles, our survey reveals that, to some extent, each group held conflicting views of the others' roles. Almost all (96 per cent) senior civil servants agreed that they should focus on long-term policy plans rather than short-term possibilities. Political appointees were much less sure (T3Q14). Civil servants overwhelmingly agreed that "government works better if civil servants are politically neutral," but political appointees in our data doubted this view (T3Q7).

### The Influence of Civil Service Values on Policy Formulation

Traditional civil service values such as fiscal prudence and balanced interests continued to influence policymaking in the post-colonial era, even after the introduction of the POAS. But, civil servants have also adapted their views. In the two cases that follow, we illustrate the role of civil service values in policymaking.

#### *Small-class teaching: politician overruled.*

In the case of small-class teaching (SCT), cost-effectiveness and fiscal prudence, highly valued by the civil service, have weighed heavily on policy decisions. Throughout the 1990s, the public pressed the government to reduce class size in primary and secondary public sector schools, as recommended by the Education Commission.<sup>57</sup> Legislators supported SCT because they believed it would improve teaching efficacy and education quality. They also believed SCT would prevent unemployment among teachers, as enrolments in primary schools had declined owing to lowered fertility rates.<sup>58</sup> However, the government was reluctant to implement SCT without local evidence of its cost-effectiveness.<sup>59</sup>

When the new politically appointed secretary for education and manpower, Arthur Li Kwok-cheung 李國章, a former university vice-chancellor, took up his post in 2002, he declared that reducing class size was one of his dreams.<sup>60</sup> However, a year later, he explained that although he personally was in favour of SCT, there was so far no conclusive evidence of the effectiveness of SCT in Hong Kong. Given the substantial resources required to implement SCT, the administration would have to demonstrate the benefits of SCT by conducting a longitudinal study.<sup>61</sup> The education and manpower bureau initiated a pilot study in 2003.

57 Education Commission 1992.

58 Hong Kong Legislative Council 2002.

59 Ibid.

60 "Li Kwok Cheung chang zhong xiao xue 20 ren yi ban" (Li Kwok Cheung suggests 20 students per class in primary and secondary schools), *Sing Tao Daily*, 20 July 2002.

61 Legislative Council Secretariat 2002.

Throughout 2003 and 2004, various stakeholders, including legislators, academics and groups representing school teachers, principals and parents, urged the government to implement the SCT as promised.<sup>62</sup> In 2005, although a government study on the effectiveness of SCT in primary schools was still ongoing (a final report was released only in 2009<sup>63</sup>), the government said it was “in principle supportive of SCT” and decided to implement SCT in 37 selected primary schools with a high concentration of disadvantaged students.<sup>64</sup> Political pressure continued and in his 2007 policy address, the newly elected CE Donald Tsang,<sup>65</sup> who had promised to deliver SCT during his “re-election campaign,”<sup>66</sup> announced that the government would implement SCT in government primary schools in phases starting from 2009.<sup>67</sup> Here, we see the apparent adaptation of the CE, a retired civil servant, to his new political role.

Legislators continued to press the government to reduce the class size in secondary schools. However, a new secretary for education and manpower, appointed in 2007 and like the CE an ex-civil servant, who we argue brought civil service values of fiscal prudence to his role as PO, did not favour the idea.<sup>68</sup> He argued that the government had to “consider not only educational needs but also the needs of the community in other policy areas as a whole” and that the government “had its own priority in allocation of resources.”<sup>69</sup> He was concerned that once the government committed itself to implementing SCT in secondary schools, when student enrolments rebounded in 2016–17, the increase in recurrent expenditure might be unsustainable.<sup>70</sup> The government was still willing to commit more resources on a short-term basis to alleviate the impact of declining student enrolments on secondary schools.<sup>71</sup>

In this case, we see the weight of the civil service value of fiscal prudence, which even a political appointee brought in from outside (Arthur Li) under a CE who also came from outside the civil service, could not sway, despite strong support for the policy from the community. Except for a limited commitment by CE Donald Tsang to solicit popular support during his re-appointment bid, fiscal prudence triumphed when the civil service regained control of the PO position.

62 Legislative Council Secretariat 2005.

63 Education Bureau 2009.

64 Education and Manpower Bureau 2005.

65 Tsang Yam Kuen was the chief executive of the Hong Kong SAR government from March 2005 to June 2012. He was a career civil servant before he was appointed chief executive. Office of the Chief Executive 2012.

66 “Tsang vows to improve economy,” *China Daily* (HK Edition), 2 March 2007, [http://www.chinadaily.com.cn/china/2007-03/02/content\\_817486.htm](http://www.chinadaily.com.cn/china/2007-03/02/content_817486.htm). Accessed 21 December 2013.

67 Education Bureau 2008.

68 Hong Kong Legislative Council 2010.

69 Legislative Council Secretariat 2010.

70 Hong Kong Legislative Council 2012.

71 Education Bureau 2010.



*Minimum wage legislation: civil servants adapt*

The introduction of minimum wage legislation in Hong Kong in 2011 illustrates the adaptability of civil service values. The Asian financial crisis of 1997–98, brought job losses and declining wages.<sup>72</sup> Although some legislators had pushed for a statutory minimum wage (SMW) every year since 1998, LegCo failed to pass SMW legislation. The government's refusal to support the SMW was based on the notion that Hong Kong's economy was free, highly dependent on external markets and should stay flexible to remain competitive. The government also argued that an SMW might lead to job losses and that setting an agreed SMW rate would be difficult.<sup>73</sup> The business sector fiercely opposed an SMW, supporting the government's position. Even some legislators representing labour unions abstained during votes on motions to legislate a minimum wage in 1999.<sup>74</sup> At the time, CE Tung also believed that an SMW would undermine Hong Kong's market economy and that setting a minimum wage too high would cause unemployment. He believed that expanding the economy would be a more effective way to raise wages.<sup>75</sup>

From 1998 to 2007, after several years of economic recession and high unemployment,<sup>76</sup> more legislators, including some from the pro-government camp, supported an SMW.<sup>77</sup> The government finally "fine-tuned" its stance in 2004, by requiring all government contractors to pay employees the average wage as published by the census and statistics department.<sup>78</sup> In early 2005, Tung announced in his policy address that the issue would be discussed and studied by a tripartite (labour, business and government) consultative body – the Labour Advisory Board (LAB).<sup>79</sup> The government tried to play the role of mediator between labour and business. Since the government refused to timetable the introduction of an SMW proposal, the issue was still not a priority.

In his 2005 CE re-appointment bid, Donald Tsang pledged to continue the dialogue on minimum wage legislation with a view to reaching a consensus.<sup>80</sup> However, his first policy address did not provide a policy proposal; rather he argued for more time to allow the LAB to reach consensus.<sup>81</sup> He pointed out that an SMW should not cause job losses, but he also believed that wages could not be too low. He tried to persuade the business community that an SMW was necessary to provide incentives for work so that Hong Kong did

72 Financial Secretary's Office 2007.

73 Hong Kong Legislative Council 1999.

74 Ibid.

75 Information Services Department 2000.

76 From mid-1998 to mid-2007, unemployment ran from 4% to 8%, which is very high for Hong Kong. Census and Statistics Department 2013.

77 Lee 2010.

78 Hong Kong Legislative Council 2005a.

79 Tung 2005.

80 Tsang 2005a.

81 Tsang 2005b.

not have to raise taxes to cover escalating unemployment compensation.<sup>82</sup> LegCo then again voted down a motion debate on SMW.<sup>83</sup> Tsang responded by announcing that if the LAB failed to reach consensus in the following months, the issue would be referred to the Commission on Strategic Development for more open discussion in the community.<sup>84</sup>

When it became clear that the LAB could not reach a consensus, in October 2006 the CE announced a voluntary wage protection movement (WPM). Employers were “encouraged” to provide wages to cleaners and security guards at the average market level. Tsang also made clear that if the voluntary WPM failed to raise wages for these two groups within two years, the government would legislate.<sup>85</sup> The civil service, which had previously opposed an SMW, was the source of the policy proposal for the voluntary WPM.<sup>86</sup> The government reasoned that the introduction of the WPM would demonstrate to the business sector that introducing an SMW could solve Hong Kong’s widely acknowledged low-wage problem.<sup>87</sup> At the same time, by not offending employers (the WPM was voluntary), Tsang hoped for business support, which he needed for his re-appointment bid to become CE in 2007. Business controlled many votes in the 800-member Election Committee that selected the CE.

Legislators continued to push for a policy on a minimum wage and CE Tsang announced in his 2007 policy address (just after his re-appointment) that if a mid-term review of the WPM showed that the results were unsatisfactory, preparatory work for legislation would commence immediately. The LAB’s mid-term review showed that less than 10 per cent of relevant enterprises/organizations had joined the wage protection movement.<sup>88</sup> The government concluded that the progress of the WPM was “not satisfactory,” and preparatory work to introduce a statutory minimum wage for cleaners and security guards began.<sup>89</sup> LegCo passed a minimum wage bill in 2010,<sup>90</sup> with public support.<sup>91</sup>

Throughout the process, Tsang’s government played the role of interest broker between employers and employees, reluctant to impose a policy on business.<sup>92</sup> Clearly, Tsang perceived that SMW was a major change of government priorities. “Nowadays, breakneck and unfettered economic development is not as important to the community as a healthy living environment ... These become

82 Information Services Department 2005a.

83 Hong Kong Legislative Council 2005b.

84 Information Services Department 2005b.

85 Tsang 2006.

86 Interview with a senior official, Hong Kong, 8 July 2011.

87 Interview with a senior official, Hong Kong, 8 July 2010.

88 Labour and Welfare Bureau 2007.

89 Ibid.

90 See Minimum Wage Ordinance, 17 July 2010, <http://www.legco.gov.hk/yr09-10/english/ord/ord015-10-e.pdf>. Accessed 10 June 2012.

91 Nearly 70% of respondents of a mass sample survey conducted in May 2010 supported minimum wage legislation. See The University of Hong Kong Public Opinion Program 2010.

92 Tsang 2010.

our new priorities. Priorities and perceptions have changed ... minimum wage ... [is a] ... major policy issue that the Government has to address.”<sup>93</sup>

In his political role as CE, Tsang recognized the changing values of the community, its social and economic problems, and the need to respond. Tsang accommodated the new priority of implementing a statutory minimum wage without discarding the traditional value of balancing conflicting interests. “Government is ready to intervene in the market as appropriate to improve the livelihood of hundreds of thousands of low income people provided that the free economy of Hong Kong will not be prejudiced,” said Tsang.<sup>94</sup>

The secretary for labour and welfare, an ex-civil servant, recognized the importance of balancing the interests of business and labour in formulating an SMW policy.<sup>95</sup> He admitted that the Hong Kong government, favouring a free labour market to maintain Hong Kong’s competitiveness, had all along opposed the introduction of an SMW.<sup>96</sup> Our data show that, by the time of our interviews, nearly two-thirds of senior civil servant respondents supported the SMW.<sup>97</sup> Although this figure is lower than for the general public, PO respondents and politician respondents as a whole, the gap is relatively small (T4Q4).<sup>98</sup>

In this case, then, both politicians (who came from the civil service) and senior civil servants themselves demonstrated value adaptability to accommodate political pressure from the community for change.

## Conclusion

We recognize that policy outputs are produced by many factors, including the values of political and bureaucratic elites. We have highlighted the impact of the values of Hong Kong’s civil servants and the extent to which they have adapted in two cases. In one case, civil service values of fiscal prudence won out in the end and appeared to overrule the preferred option of a political appointee who did not come from the civil service. In a second case, the civil service, which had long opposed minimum wage legislation, came around when the political leadership, itself ex-civil service, could see the political merit of the policy.

93 Information Services Department 2008.

94 Tsang 2011.

95 Li, Joseph. 2009. “Minimum wage promotes social justice and harmony,” 21 August, [http://www.chinadaily.com.cn/hkedition/2009-08/21/content\\_8596853.htm](http://www.chinadaily.com.cn/hkedition/2009-08/21/content_8596853.htm). Accessed 22 December 2013.

96 “Zhang Jianzong: Xianggang zuidi gongzi lifa delai buyi” (Mathew Cheung Kin-chung: it is not easy to legislate Hong Kong’s minimum wage bill), *China Review News*, 28 December 2009, [http://hk.crntt.com/doc/1011/5/3/8/101153857\\_4.html?coluid=7&kindid=0&docid=101153857&mdate=1228081338](http://hk.crntt.com/doc/1011/5/3/8/101153857_4.html?coluid=7&kindid=0&docid=101153857&mdate=1228081338). Accessed 3 March 2015. See also Turner 1980, 104–05, 166–67.

97 It is also possible that civil servants, unable to see the possibility of consensus, sought to reduce political risk by shifting their view, a demonstration of their pragmatism, as suggested by an anonymous reviewer.

98 The University of Hong Kong Public Opinion Program 2010. See also note 91. T4Q4 shows that 65% of senior civil servants supported minimum wage legislation. All responses were collected after 10 October 2007 when the chief executive announced that if a mid-term review of the WPM showed results were not satisfactory, preparatory work for legislation would commence immediately. Politicians-bureaucrats Project 2009–2012.

We conclude that governance reform (introducing the POAS) has had an impact on civil service values. The reform gave political appointees a leading role, which a majority of civil servants in our data supported (T3Q19). Politicians coming from the civil service valued political responsiveness and ministerial loyalty more highly. A plurality of civil servants also accepted ministerial loyalty after the reform.

The reform did not, however, overthrow many traditional civil service values. Formal documents such as the Civil Service Code continued to underscore the civil servants' dominant role in civil service management, financial management and the exercise of statutory powers.<sup>99</sup> Traditional values such as the rule of law, impartiality and political neutrality were also enshrined in the Civil Service Code,<sup>100</sup> and were upheld by our civil servant respondents. Politicians were also admonished to uphold these values.<sup>101</sup> The influence of Hong Kong's civil service values also extended to many POs through the CE's selection of ex-civil servants to fill political posts.

The resilience of civil service values in Hong Kong can be explained by several contextual factors in addition to formal institutional design. First, a strong, dominant civil service was a legacy of Hong Kong's colonial past. When the first CE attempted to replace the civil service's trusteeship-view of its role by introducing the POAS in 2002,<sup>102</sup> civil servants were in a relatively advantageous position. Budget deficits and economic recession apparently demonstrated the value of the traditional civil service values of fiscal prudence. Crises such as SARS crowded the government's agenda and political appointees had to rely on civil servants' advice and roles to formulate policy.<sup>103</sup>

Second, the introduction of the POAS did not change the asymmetric allocation of decision power and the source of power between the legislature and the executive.<sup>104</sup> As they sought to check and balance the executive, *elected* politicians (in LegCo) supported civil servants in their pursuit of traditional values such as loyalty to the law, integrity and political neutrality.<sup>105</sup> The new arrangements accommodated civil servants' concerns that they be well taken care of, protected from personal public attack, and hired and promoted based on merit.<sup>106</sup> Ironically, by supporting a more "faceless" role for the civil service in policy

99 Civil Service Bureau 2009, para. 5.6

100 Civil Service Bureau 2009, para 2.2

101 Chief Executive's Office 2008, para 2.15.

102 Burns, Li and Peters 2013.

103 Li 2013, 292–342.

104 Scott 2010, 66.

105 See LegCo motion debates about the POAS after a mass demonstration in July 2003, in Hong Kong Legislative Council 2003, 157, 188.

106 The chief executive promised to maintain a permanent, meritocratic, professional, politically neutral and honest civil service before the launch of the system. The secretary for civil service reiterated this point to all civil servants. See Wong 2002.

formulation, elected politicians undermined their intent to replace a secretive colonial government with a more politically accountable one.<sup>107</sup>

Third, political instability during the Tung administration was perceived by many to be related to his lack of political skills at balancing various community interests.<sup>108</sup> The reaction of authorities in Beijing to this was to appoint an insider, an ex-civil servant CE. This move, however, led to a relative resurgence of civil service values in political decision making. Finally, civil service values such as fiscal prudence, guardianship of the public interest and loyalty to the law are in part grounded in civil servants' legal and financial responsibilities. Separation of these responsibilities from political accountability is useful for both political appointees and civil servants to shift blame to each other.<sup>109</sup>

**摘要:** 1990 年代的文献表明, 香港殖民时代后期, 在变化了的政治和社会环境下, 公务员的价值观正从古典官僚型演变为政治官僚型。基于 2009–2012 年间对 58 位高级公务员和政治委任官员的深度访谈, 我们认为香港公务员的价值观因应外部冲击—包括政权变迁和治理改革—而发生了适应性变化。然而, 一些传统的公务员价值观如审慎理财及平衡社会不同利益仍然显著存在。我们用两个案例来说明香港公务员价值观对政策制定的影响: 小班教学和最低工资立法。

**关键词:** 香港公务员价值观; 政治家和官僚; 政策制定; 治理改革

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107 See the Civil Service Code (para. 5.7) in Civil Service Bureau 2009. See LegCo debates in 2003 in Hong Kong Legislative Council 2003, 169–171.

108 Chiu and Lui 2009, 103–181; Lau 2002.

109 Li 2013, 255–339.

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