

**AN OPEN LETTER TO  
CHIEF EXECUTIVE TUNG CHEE HWA**

Mr Tung Chee Hwa, Chief Executive of the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), is to be congratulated for the way in which he has handled the Wong Ho Sang Affair because, unless the Chief Executive shows that his Administration is transparent, confidence in his Government would be eroded more than it has been, already.

The Wong Ho Sang Affair is the matter of the Commissioner of Inland Revenue, Mr Wong Ho Sang, being cognizant of his wife's business affairs and, by not disclosing it to the Government, it may be deemed to have been a breach of his terms and conditions of service.

Mr Wong's wife, it has been revealed, has, for some years, been running a secretarial and taxation company in Wanchai.

Also, it has come to light that Mr Wong's younger brother had worked for the Government as a tax official before joining Mrs Wong company.

Also, it transpires that Mr Wong failed to declare his interest in J. Enterprise Agency, which entity appears to be the legal owner of a flat in Blue Pool Road, Happy Valley, as well as this entity, owning the office of his wife's company in Hennessy Road, Wanchai.

Whether or not Mr Ho breached Civil Service Regulations will be determined by the appropriate HKSAR Government Authority, no doubt, but the furore that has been created over this affair has very wide, and very positive, implications.

(TARGET presumes that this is not a witch-hunt, aimed at an innocent man and that any determination will be made on the basis of the facts.)

But the main point is that accountability in government, any government, is one of the pillars of a free society.

The disclosure of the Wong Ho Sang Affair, if, indeed it is to be an expose (he may, at the end of the day, be proved to be entirely innocent) is like a gust of pure, fresh air, blowing through an otherwise dank and dark corridor of power.

**Accountability In Government**

In most free countries of the world, today, ethics and standards of conduct are regulated in some form or manner.

It is appreciated, however, that it is quite difficult, if not impossible, to regulate for every contingency, facing a public servant in his or her day-to-day activities.

When high-ranking members of the HKSAR Government decide to make use of their assigned motor cars and assigned chauffeurs, paid for out of taxes and not by the high-ranking Government officials who give orders to the chauffeurs, outside normal working hours, in order to attend a function at the house of Sir Run Run Shaw in Saikung, the New Territories, questions may be raised as to whether or not this is abuse of office.

Sir Run Run is a very important man, as everybody knows, so that if he sends out an invitation to a group of high-ranking, HKSAR Government servants to attend a showing of new motion picture, and to have dinner with him in his Saikung mansion, there is a possibility that Sir Run Run has an idea on his little mind, in addition to making friends with bigwigs in Government.

Perhaps, enjoying Government perquisites, in this case, the use of a Government motor car and a chauffeur, paid by Government, is reasonable, all things considered.

But, unless such matters are made transparent, any reasonable man may well ask questions along the lines: *‘For what reason is Mr X going out at 11 p.m. to joy-ride in a Government motor car in the Saikung area – with me, paying the bill for Mr X’s chauffeur and motor car? And who is paying for the petrol for this joy-ride, by the way?’*

Common sense must prevail as to when it is, and when it is not, reasonable for a Government servant to make use of the Government’s ‘machinery’ in the pursuit of matters which may be considered to be borderline Government business.

Too many rules, governing the activities, inside and outside office hours, of a Government servant may be just as bad as having too few rules, with Government servants, becoming fearful of putting a foot in the wrong place.

In addition, it is clear that if rules are sadly out of step with reality – as happens in the HKSAR only too often – the rules may be seen as being ‘things’ to avoid, or work around, rather than the rules be used, as was originally intended, as a guide on how to act in the grey area between that which is considered socially correct and that which is considered to be socially incorrect.

It would appear that the standards of public life are to be managed through a range of formal and informal factors, an ethics infrastructure, if you will.

The ethics infrastructure should be seen as tools, systems and conditions that provide for professionalism and high standards of conduct.

Government must support an ethics infrastructure, however, for without Government support of the concept, it is not a workable concept, at all.

There must be clear messages from HKSAR Government leaders that unethical conduct shall not be tolerated.

In 1994, under the direction of Prime Minister John Major, the United Kingdom Committee of Standards in Public Life saw life for the first time.

One year earlier, the Portuguese Government enacted the Deontological Charter which was seen to have been launched by The Secretary of State for Administrative Modernisation.

Having rules and regulations is all well and good, but an effective legal framework, aimed at enforcing the rules and regulations, must be in place.

And the legal framework must be such that the mechanism of its smooth working is inviolable.

The legal framework must define standards of behavior in public life; and, it must enforce them, too, through a system of investigation and prosecution.

Such legal framework is the ‘teeth’ of the overall ethics infrastructure, in the same way that The Securities and Futures Commission was, originally, established to be the ‘teeth’, which could take a bite out of those people who, through ignorance or design, determined not to follow the rules, governing share trading in the HKSAR and the accepted practices in respect of corporate governance in the public sphere.

In view of the fact that the HKSAR has departed, in many ways, from the accepted code of conduct, which was in place under the British Raj, perhaps, it is time for the Government of Mr Tung Chee Hwa to consider adopting a ‘Values Training Programme’ so that high-ranking public servants may be apprised of potential pitfalls with regard to ethical ‘landmines’ which may be discovered, from time to time.

Low pay is no excuse for illegal or unethical conduct in the civil service, but, at the same time, if a public servant feels that he or she is underpaid, overworked or insecure, then he or she is less likely to embrace initiatives to improve performance, included in the ethical domain.

It is held, internationally, that the prerequisite to good governance is proper conduct by those empowered to administer government and its mandates.

Public confidence demands that there be effective ethics infrastructure, firmly and immutably, in place.

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