

Brief for the New Governor

Localisation and the Appointment of Principal Officials

The Basic Law stipulates that only Chinese nationals amongst permanent residents of the SAR with no right of abode in any foreign country may fill the following posts : the "Secretaries and Deputy Secretaries of Departments" (i.e. Chief Secretary, Financial Secretary, Attorney General and their deputies), "Director of Bureaux" (i.e. Policy Secretaries), Commissioner Against Corruption, Director of Audit, Commissioner of Police, Director of Immigration and Commissioner of Customs and Excise. This restriction would affect 22 posts if the relevant provision were in force today. We will need to discuss with the Chinese nearer 1997 the appointment and transition of these senior officials to the SARG. This will include names of serving local officers. (Overseas and non-ethnic Chinese local officers who are as a consequence superseded for promotion or are directed to retire may be compensated under the Limited Compensation Scheme.) We concluded earlier this year that now is not yet the right time to discuss these issues with the Chinese.

Constitutional Affairs Branch

May 1992