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## 資料摘要

### 《英國公務員守則》

1.1 《公務員守則》(參閱附錄)根據皇室特權所賦予的權力制定而成,並於 1996 年生效,取代 1985 年頒布的‘岩士唐備忘錄’。

1.2 在龐亭一案了結後,本土公務員主管岩士唐爵士於 1985 年發出了一份指引(即‘岩士唐備忘錄’),當中載列公務員涉及大臣的一般職務及職責。上述涉案的高級公務員龐亭,就國防部的處事手法向一名國會議員透露機密資料,結果導致有關大臣被指控企圖誤導國會。

1.3 ‘岩士唐備忘錄’訂明,公務員如認為有人指示他或她從事其相信屬不合法、不道德或違背良心的事情,應把事件上報高級官員或有關部門的常任主管。如事件不能獲得解決,該名公務員必須按照指示行事或辭去政府的職務。

1.4 90 年代初期,多宗涉及大臣及政府官員的醜聞接連曝光,有關的大臣及政府官員的誠信受到質疑。下議院轄下的財政部及公務員專責委員會在 1994 年發表的《第五份報告——公務員角色》中檢討這情況。專責委員會的結論認為,有需要制訂《公務員守則》,並提出了守則的雛形。

1.5 這項建議獲政府接納,並得到公職人員操守規範委員會(諾倫委員會)的支持。諾倫委員會又對政府當局擬備的守則草稿提出多項修訂。諾倫勳爵於 1994 年獲委任負責研究有關操守標準的關注。

1.6 《公務員守則》在 1996 年生效,當中訂明所有公務員行事的憲制架構,以及他們理應持守的價值觀。這份守則現已成為《公務員管理守則》的一部分。

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林潔儀小姐  
2002 年 4 月 15 日  
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立法會秘書處歡迎轉載這份文件的部分或全文,並歡迎將之譯成其他語文。文件所載資料可隨意複製以供非商業用途,但須註明資料出處為立法會秘書處資料研究及圖書館服務部,並將一份複製文本送交立法會圖書館備存。

## 附錄

**THE CIVIL SERVICE CODE**

The Civil Service Code sets out the constitutional framework within which all civil servants work and the values they are expected to uphold. It is modelled on a draft originally put forward by the House of Commons Treasury and Civil Service Select Committee. It came into force on 1 January 1996, and forms part of the terms and conditions of employment of every civil servant. It was revised on 13 May 1999 to take account of devolution to Scotland and Wales. The full text follows, and hard copies are available from the address at the end of the document.

1. The constitutional and practical role of the Civil Service is, with integrity, honesty, impartiality and objectivity, to assist the duly constituted Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales<sup>1</sup> constituted in accordance with the Scotland and Government of Wales Acts 1998, whatever their political complexion, in formulating their policies, carrying out decisions and in administering public services for which they are responsible.
2. Civil servants are servants of the Crown. Constitutionally, all the Administrations form part of the Crown and, subject to the provisions of this Code, civil servants owe their loyalty to the Administrations<sup>1</sup> in which they serve.
3. This Code should be seen in the context of the duties and responsibilities set out for UK Ministers in the Ministerial Code, or in equivalent documents drawn up for Ministers of the Scottish Executive or for the National Assembly for Wales, which include:
  - accountability to Parliament<sup>2</sup> or, for Assembly Secretaries, to the National Assembly; the duty to give Parliament or the Assembly and the public as full information as possible about their policies, decisions and actions, and not to deceive or knowingly mislead them;
  - the duty not to use public resources for party political purposes, to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code;

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<sup>1</sup> In the rest of this Code, we use the term Administration to mean Her Majesty's Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales as appropriate.

<sup>2</sup> In the rest of this Code, the term Parliament should be read, as appropriate, to include the Parliament of the United Kingdom and the Scottish Parliament.

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- the duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching decisions; and
  - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice;

together with the duty to familiarise themselves with the contents of this Code.

4. Civil servants should serve their Administration in accordance with the principles set out in this Code and recognising:
  - the accountability of civil servants to the Minister<sup>3</sup> or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the office holder in charge of their department;
  - the duty of all public officers to discharge public functions reasonably and according to the law;
  - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and
  - ethical standards governing particular professions.
5. Civil servants should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to the Minister or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the office holder in charge of their department, without fear or favour, and make all information relevant to a decision available to them. They should not deceive or knowingly mislead Ministers, Parliament, the National Assembly or the public.
6. Civil servants should endeavour to deal with the affairs of the public sympathetically, efficiently, promptly and without bias or maladministration.
7. Civil servants should endeavour to ensure the proper, effective and efficient use of public money.
8. Civil servants should not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity.

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<sup>3</sup> In the rest of this Code, Ministers encompasses members of Her Majesty's Government or of the Scottish Executive.

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9. Civil servants should conduct themselves in such a way as to deserve and retain the confidence of Ministers or Assembly Secretaries and the National Assembly as a body, and to be able to establish the same relationship with those whom they may be required to serve in some future Administration. They should comply with restrictions on their political activities. The conduct of civil servants should be such that Ministers, Assembly Secretaries and the National Assembly as a body, and potential future holders of these positions can be sure that confidence can be freely given, and that the Civil Service will conscientiously fulfil its duties and obligations to, and impartially assist, advise and carry out the lawful policies of the duly constituted Administrations.
10. Civil servants should not without authority disclose official information which has been communicated in confidence within the Administration, or received in confidence from others. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or to disclose, certain information. They should not seek to frustrate or influence the policies, decisions or actions of Ministers, Assembly Secretaries or the National Assembly as a body by the unauthorised, improper or premature disclosure outside the Administration of any information to which they have had access as civil servants.
11. Where a civil servant believes he or she is being required to act in a way which:
- is illegal, improper, or unethical;
  - is in breach of constitutional convention or a professional code;
  - may involve possible maladministration; or
  - is otherwise inconsistent with this Code;
- he or she should report the matter in accordance with procedures laid down in the appropriate guidance or rules of conduct for their department or Administration. A civil servant should also report to the appropriate authorities evidence of criminal or unlawful activity by others and may also report in accordance with the relevant procedures if he or she becomes aware of other breaches of this Code or is required to act in a way which, for him or her, raises a fundamental issue of conscience.
12. Where a civil servant has reported a matter covered in paragraph 11 in accordance with the relevant procedures and believes that the response does not represent a reasonable response to the grounds of his or her concern, he or she may report the matter in writing to the Civil Service Commissioners, 35 Great Smith Street, London SW1P 3BQ. Telephone: 020 7276 2613.
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13. Civil servants should not seek to frustrate the policies, decisions or actions of the Administrations by declining to take, or abstaining from, action which flows from decisions by Ministers, Assembly Secretaries or the National Assembly as a body. Where a matter cannot be resolved by the procedures set out in paragraphs 11 and 12 above, on a basis which the civil servant concerned is able to accept, he or she should either carry out his or her instructions, or resign from the Civil Service. Civil servants should continue to observe their duties of confidentiality after they have left Crown employment.

### 參考資料

1. Bradley, A. W. & Ewing, K. D. *Constitutional and Administrative Law*, 12<sup>th</sup> ed., New York: Addison Wesley Longman, 1997.
2. Barberis, Peter (ed.). *The Whitehall Reader: the UK's Administrative Machine in Action*, Imprint Buckingham [England] : Open University Press, 1996.
3. The Cabinet Office, *Civil Service Code*, available at <http://www.cabinet-office.gov.uk/central/1999/cscode.htm>