

**The Association of Expatriate Civil Servants of Hong Kong
and
The Secretary for the Civil Service
(HCAL No. 9 of 1998)**

Facts

The Association of an Expatriate Civil Servants claimed that the Chinese language proficiency requirement for the transfer from agreement terms to permanent terms of employment introduced after June 1997 was in breach of Article 100 of the Basic Law.

Court of First Instance Decision

"Article 100 is principally intended to ensure continuity of employment so that no public servant suffers as a consequence of the transition itself. Whatever else may have been the intention, Article 100 is not intended to inhibit the introduction of new measures for the good governance of Hong Kong."

Comments

The decision was on BL 100. There was no reference to BL 103 which provides : "Hong Kong's previous system of recruitment, employment, assessment, discipline, training and management for the public service, including special bodies for their appointment, pay and conditions of service, shall be maintained".

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