

**Reply to the question raised by the Hon James To
at the LegCo Security Panel held on 8 July 2003**

According to Basic Law (BL) 101, “the Government of the Hong Kong Special Administrative Region may employ British and other foreign nationals previously serving in the public service in Hong Kong”. In this connection, serving officers appointed before 1 July 1997 who are British or other foreign nationals can remain in employment on or after 1 July 1997 even if they are not permanent residents of the Hong Kong Special Administrative Region. However, an ex-civil servant who is British or of other foreign nationalities does not fall within the scope of “British and other foreign nationals previously serving in the public service in Hong Kong” under BL 101.

根據《基本法》第一百零一條，「香港特別行政區政府可任用原香港公務人員中的……英籍和其他外籍人士」。因此，在一九九七年七月一日之前受聘的在職英籍或其他外籍公務員，即使他們並不是香港特別行政區（特區）永久性居民，仍可於一九九七年七月一日或之後繼續在政府留任。不過，一名已離開特區政府的英籍或其他外籍的前任公務員並不包括在《基本法》第一百零一條的「原香港公務人員中的英籍和其他外籍人士」的範圍內。

Civil Service Bureau
10 September 2003