

For information on
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Legislative Council Panel on Public Service

Government's policy and practices on the employment of non-permanent residents of Hong Kong

Purpose

This paper briefs Members on the Government's policy and practices on the employment of non-permanent residents to serve in government departments and bureaux in their individual capacities, whether as civil servants or as non-civil servant officers.

Basic Law Provisions

2. The first part of Article 99 of the Basic Law (BL 99) states: *"Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of foreign nationalities and except for those below a certain rank as prescribed by law."*

3. The second part of Article 101 of the Basic Law (BL 101) states: *"The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts*

in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region.”

Implementation

4. To ensure compliance with the Basic Law, the Civil Service Bureau (CSB) has stipulated the possession of permanent resident status as a requirement for appointment as public servants to government departments and bureaux since 1 July 1997. Where justified (for example, recruitment difficulty, special skills or experience requirement, etc.), departments and bureaux may apply to CSB for exceptions in accordance with the above stated provisions of the Basic Law. Each application is considered on its own merits and approval is given only to fully justified cases.

Civil Service Bureau

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