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Mr Anthony CHU  
Clerk to Panel on Public Service  
Legislative Council Complex  
1 Legislative Council Road, Central  
Hong Kong

9 December 2019

Dear Mr CHU,

**Legislative Council Panel on Public Service  
Motions passed under agenda item III  
"Briefing by the Secretary for the Civil Service  
on the Chief Executive's 2019 Policy Address"  
at the Policy briefing-cum-meeting on 4 November 2019**

At the Policy briefing-cum-meeting of Legislative Council Panel on Public Service held on 4 November 2019, the following two motions under agenda item III "Briefing by the Secretary for the Civil Service on the Chief Executive's 2019 Policy Address" were passed:

**Motion I**

"This Panel urges the Chief Executive to issue an executive order under Article 48(4) of the Basic Law to require all civil servants, including new appointees, to swear to uphold the Basic Law and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China."

and

**Motion II**

"the Civil Service Bureau to enhance their guidelines or formulate clear guidelines to specify that staff members of the civil service and subvented organizations must not stage any demonstrations or political rallies at or within the area of their workplaces, or take part in any

demonstrations or political rallies or make any political remarks in their capacity as staff members of the civil service and subvented organizations."

The consolidated reply to the two motions is as follows.

Article 99 of the Basic Law states that public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region. Article 48 stipulates that the powers and functions which the Chief Executive of the Hong Kong Special Administrative Region shall exercise include the appointment or removal of holders of public office in accordance with legal procedures. Civil servants, being a key component of the public service, have the constitutional role to give their best in serving the Chief Executive and the Government of the day.

The Government has also issued clear codes and guidelines on the behaviour of civil servants. According to the Civil Service Code ("the Code"), civil servants must be law-abiding, dedicated, political neutral and impartial. These values are also what the general public expects of the civil servants. Political neutrality means that civil servants shall serve the Chief Executive and the Government of the day with total loyalty and to the best of their ability, no matter what their own political beliefs are. They shall not allow their own personal political beliefs to determine or influence the discharge of their official duties and responsibilities. When civil servants express their views, they should ensure that their views would not give rise to any conflict of interest with their official duties, or might not be seen to compromise the important principle of maintaining impartiality and political neutrality when discharging their duties.

In order to uphold a high standard of conduct and integrity in the civil service, we have been reminding civil servants about the requirements of the Code through various means. All newly recruited civil servants, on appointment, are provided with the Code and required to familiarize themselves with the contents and comply with them. The Civil Service Training and Development Institute provides regular induction training programmes to explain the code of conduct to new recruits and promote the core values of the civil service. The Code is circulated regularly by bureaux / departments to all staff reminding them of the relevant requirements.


Over the past few months of difficult times, civil servant colleagues have been steadfastly discharging their duties and working hard to maintain



public services and public order. Civil servants shall ensure that the views they expressed would not impede their performance of official duties in a professional and fair manner. The Government also has internal communication mechanism through which civil servants can reflect any views they may have on relevant policies to their respective departments. The Government will, in accordance with the established procedures, follow up any violations of regulations by civil servants.

Besides, we have started looking into the issues of oath-taking by civil servants. When considering whether to require all civil servants to swear to uphold the Basic Law and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, we have to first take into account the purpose as well as the intended outcome of introducing such a requirement and whether they can be achieved under the existing framework. If we are to introduce the oath-taking requirement on civil servants, careful and thorough consideration must be given to relevant factors such as the appropriate means of introducing the oath-taking requirement, applicability of the requirement, what behaviour would constitute a breach of the oath and consequences of refusing to take the oath and breaching the oath, etc.. In deciding on the way forward, we will examine various feasible options, including whether the oath-taking arrangement should be implemented in phases (e.g. introducing the requirement on new recruits first), and will consult the Department of Justice and the staff sides. We will report our progress to the Panel in due course.

Yours sincerely,



(Ms Christina Chong)  
for Secretary for the Civil Service