

警察評議會職方協會

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HONG KONG

協會檔號 OUR REF: (98) IN SS/C 1/44 PT.3

來件編號 YOUR REF:

9th February 2009

Hon. LEE Cheuk-yan
Chairman, Panel on Public Service
Legislative Council

Dear Mr. LEE,

Legislative Council
Panel on Public Service
Meeting on 16 February 2009

Thank you for the opportunity given to the Police Force Council Staff Side to present our views to the LegCo Panel on Public Service on the draft Civil Service Code. The Staff Side will not attend the meeting at this time but panel members may care to note our written comments.

The Police Force Ordinance, Discipline Regulations and internal orders or guidelines impose a much stricter code of conduct on our officers. The Police Force has an existing and separate mission, values and statement of common purpose that was introduced over a decade ago and therefore those listed at paragraph 3 of the draft code have been employed by police for many years.

We would suggest that the draft code be re-worded to properly reflect the accountability system or that comments made by the Chief Secretary be clarified accordingly. For example, paragraph 3.11 and 5.1 detail accountability of civil servants and political appointees respectively. However the Chief Secretary has recently referred to "collective accountability", which would cause much confusion.

Police officers act in accordance with the rule of law. Police officers exercise powers under the Police Force Ordinance and other legislation and as such their actions must be without fear or favour, impartial, apolitical and irrespective of personal views. Police officers going about their duties in accordance with the law are expected to be generally consistent with Paragraph 5.8 that declares that civil servants must support policies decided by the Government. Whenever there is any conflict the police officer is guided by his oath to uphold the rule of law. This paragraph however needs to distinguish the performing official duties from the actions of employees in pursuing legitimate needs with respect to their employment and welfare issues and policies that directly affect the welfare of civil servants.

SUPERINTENDENTS'
ASSOCIATION

警司協會

HONG KONG
POLICE INSPECTORS'
ASSOCIATION

香港警務督察協會

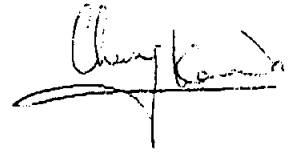
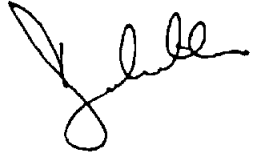
OVERSEAS INSPECTORS'
ASSOCIATION

海外督察協會

JUNIOR POLICE OFFICERS'
ASSOCIATION

警察員佐級協會

Yours faithfully,



Wong Chi-hung
Chairman
SPA

Liu Kit-ming
Chairman
HKPIA

David Williams
Chairman
OIA

Chung Kam-wa
Chairman
JPOA

Police Force Council
Staff Side

c.c.

Secretary for Civil Service
Secretary for Security
Commissioner of Police