

立法會
Legislative Council

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Tel : 3919 3300

Date : 18 October 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 31 October 2018

**Motion on
“Legislating for the protection of whistle-blowers”**

Hon Jeremy TAM has given notice to move the attached motion on “Legislating for the protection of whistle-blowers” at the Council meeting of 31 October 2018. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion on
“Legislating for the protection of whistle-blowers”
to be moved by Hon Jeremy TAM
at the Council meeting of 31 October 2018**

Wording of the Motion

That, unless insiders of business organizations or government agencies (‘whistle-blowers’) divulge that acts endangering public interests have occurred in their organizations or agencies, it is invariably difficult for the public or the media to verify the occurrence of such incidents; many past incidents involving significant public interests in Hong Kong, such as the unlawful sewage discharge by the sewage treatment contractor of Tuen Mun Pillar Point Valley Landfill in contravention of the standard requirements of the Environmental Protection Department, the frequent glitches in the new Air Traffic Control System of the Civil Aviation Department after its launch, and the shortened steel bars of the diaphragm walls at Hung Hom Station of the Shatin to Central Link of the MTR Corporation Limited, would have gone unnoticed if no one had blown the whistle, and the public would not have known the truth; since there is no dedicated legislation in Hong Kong for protecting whistle-blowers and those who stand up for justice are often subjected to reprisals, including various retributive acts such as harassment, discriminatory actions, dismissal and litigation, many insiders are afraid to blow the whistle; since many countries in the world, including the United Kingdom, the United States and Japan, have already enacted dedicated legislation to protect whistle-blowers, this Council urges the SAR Government to expeditiously enact a whistle-blowing protection law to protect whistle-blowers and safeguard public interests; the areas of legislation should cover:

- (1) providing statutory protection to whistle-blowers if the incidents disclosed involve criminal offences, breach of legal obligation, miscarriage of justice, threat to public safety or health, environmental damage, abuse of powers, waste of public money, etc., so as to guard them against any unfair treatment, such as punitive actions like dismissal, pay reduction, demotion, transfer, suspension, financial penalty and denial of learning opportunities;
- (2) requiring all business organizations and government agencies to formulate their own internal measures on protecting whistle-blowers, including the setting up of a well-defined mechanism respectively for

reporting incidents and protecting whistle-blowers, so as to stamp out any possible retributive acts;

- (3) allowing whistle-blowers to disclose to the public incidents endangering public interests in ways they deem fit, including using the media or the Legislative Council as the channels, in addition to the internal reporting mechanism mentioned above;
- (4) requiring any persons or organizations responsible for handling the secrets divulged by a whistle-blower to maintain the strictest confidentiality of the whistle-blower's personal information; and
- (5) allowing whistle-blowers to apply for personal protection measures from the judicial authorities when they or their families feel their personal safety or freedom under threat.