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**MEMO**

To : CCS(2)1

From : CCS(4)1

Ref : CB4/PL/PS

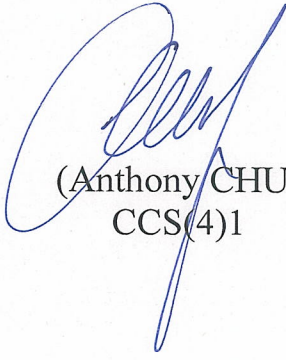
Date : 23 April 2020

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**Enactment of legislation to prohibit acts of insulting public officers**

At the Panel on Public Service meeting on 20 April 2020, members discussed the Civil Service Bureau's reply to the joint letter dated 6 November 2019 from Dr Hon CHIANG Lai-wan and Hon Elizabeth QUAT on the above subject. Members noted that the Security Bureau had looked into relevant legislation enacted in overseas jurisdictions and was seeking legal advice from the Department of Justice.

2. On the instruction of the Chairman of the Panel, I forward the joint letter (Chinese version only) from Dr Hon CHIANG Lai-wan and Hon Elizabeth QUAT, together with the Administration's response dated 17 April 2020, to the Panel on Security for follow up. You may wish to note that the subject has already been included in the List of the outstanding items for discussion of the Panel on Public Service.

  
(Anthony CHU)  
CCS(4)1

Encls

香港特別行政區立法會  
公務員及資助機構員工事務委員會主席  
郭偉強議員, JP

傳真: 2543 9197

郭主席:


要求把討論侮辱公職人員罪立法事宜納入本年度委員會議程

近年刻意無理挑釁侮辱前綫執勤公職人員的事件時有發生,而且言行愈來愈激烈,特別是近期反修例示威活動的言行更是罄竹難書。雖然市民一時衝動的行為,公職人員都會容忍,但要求公職人員如聖人般,每日接受無上限的挑釁及侮辱挑戰亦屬不實際,長此下去,公職人員的士氣將每況愈下,亦會令香港充斥仇恨。


早於2017年5月15日的事務委員會會議上,我們已建議在日後的會議上討論此事,而在2018年7月17日的事務委員會會議上,政府當局表示,保安局正研究有關事宜,包括就海外司法管轄區的做法進行研究。為維護公職人員的尊嚴及士氣,並重建香港互相尊重、理性包容的社會風氣,我們建議應在本年度盡早就訂立專門法例禁止侮辱公職人員一事進行討論,以扭轉現時激進人士對公職人員的惡意挑釁或侮辱的情況。

希望主席閣下與局方商議議程時把此待議議題加入本年度討論議程內。肅此祝

工作順利!



立法會議員 葛珮帆



立法會議員 蔣麗芸  
二零一九年十一月六日

政府總部  
公務員事務局  
香港添馬添美道2號  
政府總部西翼



CIVIL SERVICE BUREAU  
GOVERNMENT SECRETARIAT  
WEST WING  
CENTRAL GOVERNMENT OFFICES  
2 TIM MEI AVENUE, TAMAR  
HONG KONG

本函檔號 Our Ref.: CSB MSU/5-035/02 (8)  
來函檔號 Your Ref.: CB4/PL/PS

電話號碼 Tel. No.: 2810 3003

傳真號碼 Fax No.: 2501 4504

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香港中區  
立法會道1號  
立法會綜合大樓  
立法會公務員及資助機構員工事務委員會秘書  
(經辦人：鍾家雯女士)

鍾女士：

### 公務員及資助機構員工事務委員會 立法禁止侮辱公職人員

謝謝你於二零一九年十一月十一日致公務員事務局局長的來函。就蔣麗芸議員及葛珮帆議員建議事務委員會在本年度盡早就訂立專門法例禁止侮辱公職人員一事進行討論，我們較早前在事務委員會曾經扼要回應，現謹作出書面回覆如下。

侮辱公職人員罪是一個富爭議的議題。社會對此意見分歧，任何立法建議均需清楚考慮如何界定罪行的涵蓋範圍、涉及的犯罪元素、有否可以接受抗辯的理由和可處的適當刑罰等；同時，建議亦觸及警隊以外的其他公職人員，並且必須符合人權，包括言論自由及表達自由。保安局就海外禁止侮辱執法公職人員的相關法例作出研究，當中包括相關案例、法例的成效等。現時保安局正徵詢律政司的法律意見，下一步會徵詢相關決策局的意見。除立法建議外，保安局也會檢視其他可行措施，以減少侮辱公職人員方面的行為，及給予執法的公職人員更有效的保障。

在公務員事務局的工作方面，我們會繼續採取切實可行的措施，包括培訓課程及熱線輔導服務等，以提升同事處理工作間暴力及語言衝突的能力，協助他們管理壓力及維持良好的心理素質。

多謝議員的關注。

公務員事務局局長  
(李允瑜  代行)

二零二零年四月十七日

副本送：

保安局局長（經辦人：梁詠心女士）  
公務員及資助機構員工事務委員會主席

政府總部  
公務員事務局  
香港添馬添美道2號  
政府總部西翼



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**GOVERNMENT SECRETARIAT**  
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17 April 2020

Clerk to Panel on Public Service  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn.: Ms Maggie CHUNG)

Dear Ms CHUNG,

**Panel on Public Service**  
**Enactment of legislation to prohibit acts of insulting public officers**

Thank you for your letter of 11 November 2019 to the Secretary for the Civil Service. Regarding Dr Hon CHIANG Lai-wan and Hon Elizabeth QUAT's suggestion to discuss the proposal of introducing a specific legislation against acts of insulting public officers at the Panel on Public Service as soon as possible in the current legislative session, we have briefly responded at the earlier meetings and our written reply is as follows.

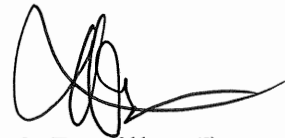
To legislate against acts of insulting public officers is a controversial issue on which public views remain divergent. Any legislative proposal will need to duly consider how to define the scope of the offence, the elements involved, whether there is any acceptable ground of defence and the appropriate penalties. At the same time, the proposal would also need to consider the implication of other public officers apart from the Police, and it must be compliant with human rights requirements, including freedom of speech and freedom of expression. The Security Bureau (SB) has looked into the relevant

legislation enacted in overseas jurisdictions, including the relevant cases and the effectiveness of such legislation. SB is now seeking legal advice from the Department of Justice and will consult the relevant policy bureaux afterwards. Apart from legislation, SB will also review other feasible measures that could reduce the occurrence of public officers being insulted and provide effective protection to public officers when enforcing the laws.

The Civil Service Bureau will continue to implement practical measures, including arranging training courses and hotline counselling services with a view to enhancing colleagues' capability in handling workplace violence and verbal conflicts at work, and helping them manage stress and maintain psychological wellness.

Thank you for the Members' concern on the issue.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Bertille LI', with a long horizontal flourish extending to the right.

(Ms Bertille LI)

for Secretary for the Civil Service

c.c. Secretary for Security (Attn: Ms Anna LEUNG)  
Chairman of the Panel on Public Service