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***Legislative Council***

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**Panel on Public Service**

**Information note prepared by the Legislative Council Secretariat  
for the meeting on 10 July 2020**

**Progress of the study on the proposal on oath-taking by civil servants and  
political neutrality of civil servants**

**Political neutrality**

Since June 2019, there have been reports of civil servants expressing their political views on social media platforms or at workplace, participating in anti-government public activities and/or arrested by the Police for suspected involvement in unlawful public activities. At meetings of the Panel on Public Service ("the Panel") in the 2019-2020 session, members of the Panel have raised grave concern on whether there are violations of the principle of political neutrality by civil servants and the Administration's mechanism for handling cases of civil servants who are suspected to violate that principle or the law.

2. Members have been advised that according to Article 99 of the Basic Law, public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region. Civil servants have the constitutional role to give their best in serving the Chief Executive and the Government of the day. The Civil Service Code ("the Code") and relevant civil service regulations/guidelines have clearly set out the standards of conduct of civil servants. According to the Code, civil servants must be law-abiding, dedicated, political neutral and impartial. 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.

3. The Government attaches great importance to the conduct of civil servants, and has all along been handling civil service disciplinary matters in accordance with rules and regulations of the civil service under the established mechanism, with due regard to the principle of fairness and impartiality. Under the current established mechanism, complaints against civil servants will be handled by their respective departments. Civil servants under investigation by a law enforcement agency may also be interdicted in the public interest. The relevant authority will consider the specific circumstances of each individual case in deciding whether an individual officer should be interdicted. The Administration further points out that it adopts a zero-tolerance attitude towards civil servants who have violated the law. If civil servants who are suspected to be involved in illegal activities have been convicted of criminal offence by the Court, or if there is evidence that the civil servants concerned have misconduct upon investigation, the Administration will institute disciplinary actions. In determining the appropriate punishment, the Administration would examine the court judgement and sentence, and take into account factors such as the nature and gravity of the misconduct or criminal offence.

4. In addition to civil servants, some members have also expressed concern about political neutrality of staff of subvented organizations. The Administration has pointed out that the Civil Service Regulations, the Code and other relevant regulations/guidelines are only applicable to civil servants. Being independent of the Government, subvented organizations have the autonomy to formulate their own policies on human resources management. The concerned policies for the government-funded public bodies are formulated by the respective government bureaux and departments in accordance with the nature of the government-funded bodies. The views of the Panel on political neutrality of such public bodies will be passed to the concerned government bureaux and departments for consideration.

5. At the policy briefing cum meeting on 4 November 2019, the Panel has passed a motion urging the Administration to, among others, formulate clear guidelines that civil servants and staff of subvented organizations must not stage any demonstrations or political rallies at the workplace, nor take part in such activities or make any political remarks in their capacity as staff members of the civil service and subvented organizations. The wording of the motion and the Administration's response to the motion are in **Appendices I** and **II** respectively.

### **Proposal on oath-taking by civil servants**

6. Issues relating to oath-taking by civil servants have also been raised in the course of the Panel's discussion on the principle of political neutrality in the civil service. At the policy briefing cum meeting on 4 November 2019, the Panel has passed another motion urging the Administration 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. The wording of the motion and the Administration's response to the motion are in **Appendices III** and **II** respectively.

7. The Administration has advised that under the Oaths and Declarations Ordinance (Cap. 11), designated officers, including the Chief Executive, principal officials, judicial officers, etc., should take the oath after their appointment. This requirement does not apply to civil servants and is consistent with Article 104 of the Basic Law.<sup>1</sup> That said, the Administration has started looking into the issues of oath-taking by civil servants. When considering whether to impose the proposed requirement set out in paragraph 6 above, the Administration has 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 the Administration is 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, the Administration 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.

8. At the Council meeting of 27 November 2019, Hon Mrs Regina IP raised an oral question on "civil servants to swear to uphold the Basic Law and swear allegiance to Hong Kong". The relevant Hansard is in **Appendix IV**.

9. The Administration will brief members on the progress of the study on the proposal on oath-taking by civil servants and political neutrality of civil servants at the Panel meeting on 10 July 2020.

Council Business Division 4  
Legislative Council Secretariat  
6 July 2020

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<sup>1</sup> According to Article 104 of the Basic Law, when assuming office, the Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary in the Hong Kong Special Administrative Region must, in accordance with law, swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.

**公務員及資助機構員工事務委員會**

**在2019年11月4日的政策簡報會及會議上  
就議程項目III"公務員事務局局長  
就行政長官2019年施政報告作出簡報"通過的議案**

近月有公務員及資助機構員工在工作場所張貼政治標語及示威，明顯違反《公務員守則》的「政治中立」原則，並對使用服務的市民造成不安。就此，本事務委員會促請：

公務員事務局設立、加強及清晰作出指引，明確所有公務員及資助機構員工不得在工作處所及範圍內作出政治性的示威或集會，亦不得以其公務員或資助機構員工的身份出席任何政治性的示威或集會或發表相關政治言論。

動議人：蔣麗芸議員  
和議人：葛珮帆議員



(Translation)

**Panel on Public Service**

**Motion 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**

In recent months, some staff members of the civil service and subvented organizations have posted political slogans and staged demonstrations at their workplaces in apparent violation of the principle of "political neutrality" of the Civil Service Code and causing anxiety to members of the public using their services. In this connection, this Panel urges:

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.

Moved by: Dr Hon CHIANG Lai-wan  
Seconded by: Hon Elizabeth QUAT

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LC Paper No. CB(4)181/19-20(01)

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GOVERNMENT SECRETARIAT**  
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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.

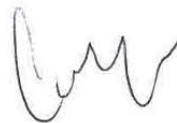
Over the past few months of difficult times, civil servant colleagues have been steadfastly discharging their duties and working hard to maintain



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

**公務員及資助機構員工事務委員會**

**在2019年11月4日的政策簡報會及會議上  
就議程項目III"公務員事務局局長  
就行政長官2019年施政報告作出簡報"通過的議案**

本會促請行政長官，根據《基本法》第四十八條第(四)項，發布行政命令，要求所有公務員，包括新入職公務員，宣誓擁護《基本法》及效忠中華人民共和國香港特別行政區。

動議人：葉劉淑儀議員  
和議人：李慧琼議員

(Translation)

**Panel on Public Service**

**Motion 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**

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.

Moved by: Hon Mrs Regina IP LAU Suk-yee  
Seconded by: Hon Starry LEE Wai-king

~~Report of the Director of Audit  
on the Accounts of the Government of the Hong Kong Special  
Administrative Region for the year ended 31 March 2019~~

~~Report No. 73 of the Director of Audit  
on the results of value for money audits—October 2019~~

~~Accounts of the Government of the Hong Kong Special Administrative  
Region for the year ended 31 March 2019~~

~~The Commissioner on Interception of Communications and Surveillance  
Annual Report 2018 to the Chief Executive (together with a statement  
under section 49(4) of the Interception of Communications and  
Surveillance Ordinance (Cap.589))~~

## ORAL ANSWERS TO QUESTIONS

**PRESIDENT** (in Cantonese): Questions. First question. Mrs Regina IP has informed me in advance that Ms YUNG Hoi-yan will ask the question on her behalf. I now call upon Ms YUNG Hoi-yan to raise the question.

### **Civil Servants to swear to uphold the Basic Law and swear allegiance to Hong Kong**

1. **MS YUNG HOI-YAN** (in Cantonese): *At its meeting on 4 November this year, the Panel on Public Service of this Council passed a motion moved by me, urging the Chief Executive ("CE") to issue an executive order under Article 48(4) of the Basic Law 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 ("HKSAR"). In this connection, will the Government inform this Council whether CE will exercise the executive powers conferred on her by Article 48(4) of the Basic Law, and formulate a policy and issue an executive order with reference to the Oaths and Declarations Ordinance to require all civil servants (including new appointees) to swear to uphold the Basic Law and swear allegiance to the HKSAR, so as to ensure that civil servants of all ranks and grades will work in solidarity towards common goals, and safeguard the core values of "one country, two systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy?*



**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, the civil service is the backbone of the Government of the Hong Kong Special Administrative Region ("HKSAR"). It is responsible to the Chief Executive. It supports the Chief Executive and the Government of the day in formulating, explaining and implementing policies; conducting administrative affairs; delivering public services; and undertaking law enforcement and regulatory functions. Article 99 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("the Basic Law") states that public servants must be dedicated to their duties and be responsible to the Government of HKSAR. Civil servants, being a key component of the public service, have a constitutional role to give their best in serving the Chief Executive and the Government of the day.

According to the Civil Service Code ("the Code"), civil servants must be law-abiding, dedicated, impartial and politically neutral. 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 possibly be seen to compromise the important principle of maintaining impartiality and political neutrality when discharging their duties. All civil servants, regardless of rank, must observe the Code. The HKSAR Government will, in accordance with the established mechanism, seriously follow up any violations of regulations by civil servants.

At the meeting of the Legislative Council Panel on Public Service on 4 November, there were views that the recent arrest of some civil servants for participation in unlawful assemblies and the "disharmony" among members of the disciplined services when performing frontline duties showed that the 180 000-strong civil servants have not acted in concert.

At this difficult time of Hong Kong, I cannot agree more that the civil service should stand in solidarity and work together to end the chaos and violence as their priority task. It is thus deeply regrettable that some civil servants were arrested for suspected involvement in unlawful activities. This is especially so since these very few incidents have led people to cast doubt on the solidarity of the civil service in tackling the crisis, and by focusing on a few negative

incidents, the community will easily ignore the hard work and effort of the 180 000-strong civil service. That said, I believe that our colleagues will not be disheartened, and instead, will continue to do their part and strive to help Hong Kong restore order as soon as possible.

I have stressed repeatedly that the Government adopts a zero-tolerance attitude towards civil servants who violate the law, and civil servants have been cautioned against taking part in any unlawful activities and actions. A civil servant arrested for participating in illegal activities would be interdicted in the public interest. Civil servants convicted of criminal offence would not only be penalized under the law, but the Government would also take disciplinary action against them in accordance with the established mechanism without toleration.

Regarding the incidents of lack of coordination between individual officers of departments, the relevant departments had immediately issued joint statements to clarify and reiterate their continued support for and cooperation with each other. But I admit it is not desirable that there has been coverage about the incidents. I have reminded all departments that they must quickly respond to and handle misunderstandings involving departmental staff so as to avoid such from affecting public perception.

President, I entirely share the view that civil servants must uphold the Basic Law and be loyal to HKSAR. Please allow me to emphasize once again that Article 99 of the Basic Law stipulates that public servants must be dedicated to their duties and be responsible to the HKSAR Government. The Code also clearly requires that civil servants must serve the HKSAR Government with total loyalty, be committed to the rule of law and abide by the law, etc. Under the framework of the Basic Law and the Code, it has consistently been the duty of civil servants to uphold the Basic Law and be loyal to HKSAR.

Under the Oaths and Declarations Ordinance, designated officers, including the Chief Executive, principal officials, judicial officers, etc., shall take the oath after their appointment. This requirement does not apply to civil servants and is consistent with Article 104 of the Basic Law.

Regarding the motion passed by the Panel on Public Service on 4 November as mentioned in the main question, we have started to look into the issue and will report the progress to the Panel in due course as required.



**MS YUNG HOI-YAN** (in Cantonese): *President, just now, the Secretary emphasized in the main reply once again that, according to the Basic Law, public servants must be dedicated to their duties and be responsible to the HKSAR Government while, under the Code, civil servants were clearly required to serve the HKSAR Government with total loyalty, be committed to the rule of law, abide by the law, etc. The Secretary also said that it had consistently been the duty of civil servants to uphold the Basic Law and swear allegiance to HKSAR. However, the fact is that many civil servants are being queried regarding their failure to meet these obligations. In the Secretary's main reply, there is also no targeted measures for improving this situation to further ensure that civil servants will uphold the Basic Law and swear allegiance to HKSAR.*

*Would the Secretary please tell us clearly whether the Chief Executive has considered formulating a policy or issuing an executive order to require oath-taking by civil servants within the term of office of the current-term SAR Government? Now that a considerable period of time has elapsed since 4 November, is there any initial thinking about the issuance of an executive order?*

**PRESIDENT** (in Cantonese): Ms YUNG has raised a number of questions. Secretary, you may pick one to answer.

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): I thank Ms YUNG for her supplementary question. The Government emphasizes the importance that civil servants must serve the SAR Government and the Chief Executive with total loyalty when discharging duties, and must, at all times, make sure that their words and deeds will not give rise to queries that they cannot perform their duties impartially.

Ms YUNG asked about the progress of the relevant work after the said Panel meeting. In fact, we have come up with some initial thinking on this issue. If civil servants are required to take oath, we need to consider the purpose and the desired results of so doing, and whether such purpose and results can be achieved under the existing framework. If civil servants are required to take oath, we also have to carefully and fully consider several factors, but all these are just our initial thinking. First, what is the proper way to establish the oath-taking requirement for civil servants? Should it be done by way of

administrative arrangement, enacting new legislation or amending existing legislation? Second, should this requirement be applicable to all civil servants across-the-board or to specific civil service grades? Third, what kinds of conduct will be considered as in breach of the oath? Fourth, what are the consequences in case a civil servant refuses to take the oath or engages in conduct in breach of the oath? All these warrant careful consideration.

There are suggestions that the oath-taking requirement can be introduced in phases by, for example, first requiring newly appointed civil servants or civil servants in specific grades to take oath. After examining these suggestions in detail, we will, prior to mapping the way forward, consider and compare different options. We will also consult the Department of Justice and the staff side. We will report our work progress to the Panel in a timely manner.

**MR ABRAHAM SHEK** (in Cantonese): *President, the main question, which is very simple in my view, only sought to know whether the Chief Executive will issue an executive order under Article 48(4) of the Basic Law. However, despite giving a several pages-long reply to this Council, the Secretary did not answer whether or not the Chief Executive will do so. Secretary, would you please tell us directly whether the Chief Executive will issue an executive order or not?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, as I have just said, we need to examine whether it can possibly be done under the existing framework. Moreover, I have pointed out clearly in the main reply that under the Basic Law and the existing Civil Service Code, it has consistently been the duty of civil servants to uphold the Basic Law and be loyal to HKSAR. Therefore, we have to look into the issue before deciding whether it is necessary to take other measures, such as issuing an executive order, in order to achieve the same purpose.

**PRESIDENT** (in Cantonese): Mr SHEK, which part of your supplementary question has not been answered?

**MR ABRAHAM SHEK** (in Cantonese): *President, my supplementary question was super simple: Will the Chief Executive issue an executive order? But the Secretary has beaten around the bush and cited Article 99 of the Basic Law. If the Government has to consider the issue, for how long will the Government consider the issue before an answer pops up?*

**PRESIDENT** (in Cantonese): Mr SHEK, you have already pointed out the part of your supplementary question that has not been answered. Secretary, do you have anything to add?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, as I have just said, we have to look into the issue before we could reach a decision.

**MR KWOK WAI-KEUNG** (in Cantonese): *President, as we all know, without the Basic Law, there would not have been HKSAR. All HKSAR citizens should comply with and uphold the Basic Law. The Chief Executive is known to have no political affiliation and has to rely on the civil service to maintain good governance. Therefore, upholding the Basic Law should be a spirit deeply cherished by all civil servants instead of a bottomline requirement, so that the Secretary may gloss the issue over perfunctorily.*

*President, the Secretary stated in the main reply that after the occurrence of incidents of lack of coordination between individual officers, he had sent reminders to the relevant departments. The main reply, however, has not elaborated on how these departments had responded to such reminders or suggestions. Therefore, my question is: How did the relevant departments respond to the Secretary's reminders? Can they gloss the issue over simply by not violating the relevant regulations?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I thank Mr KWOK for his supplementary question. In the main reply, I clearly indicated that after the incidents of lack of coordination between individual officers had occurred, the relevant departments immediately issued joint statements and followed up on such incidents. These were the steps taken by us.



As regards inter-departmental cooperation, the reopening of the Cross Harbour Tunnel ("CHT") is a case in point. Against all the odds, the Inter-departmental Action Task Force led by the Chief Secretary for Administration, by working almost round the clock since last Thursday and Friday, has made it possible to get CHT reopened, thanks to the concerted efforts made by more than 800 civil servants, government officers and outsourced workers. It testifies to the strong team spirit among all government departments to work towards the common goal of stopping the violence and ending the chaos.

**MR HO KAI-MING** (in Cantonese): *President, I profoundly agree with the saying that "it's hard to fathom a person's mind", just as we cannot read the mind of the Secretary. The Secretary spoke loud and clear in the main reply that "the civil service should stand in solidarity and work together to end the chaos and violence". However, I am really disappointed to see that while nearly six months have elapsed since the onset of the prevailing chaos, the civil service still cannot "stand in solidarity and work together". President, just now, the Secretary replied that the Government was still considering whether the oath-taking requirement for civil servants should be implemented across-the-board or on a confined scale. How do civil servants get paid? In full or in part? This is an interesting question.*

*President, I just want to ask one question. I fully understand that civil servants are free to express their personal political views in their personal time. However, as it is not against the law for civil servants to express their personal political views when they are on duty, how will the Secretary deal with such a situation? This kind of situations came up repeatedly in the District Council Election held a few days ago. For instance, some civil servants openly tore up the election pamphlets of those who loved the country and Hong Kong, while some others stood up in front of the public to show their support for certain candidates after the conclusion of vote counting. Such acts, while not unlawful, clearly indicated the political stance of the civil servants concerned. Are they still regarded as politically neutral? How will the Secretary deal with situations of this kind?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): I thank Mr HO for his supplementary question. Political neutrality is an express requirement for civil servants and they must observe this principle at all times. I must

emphasize that adherence to the principle of political neutrality is not limited to office hours. If the behaviour of an off-duty civil servant gives rise to the queries that he cannot discharge duties professionally and impartially at his posts, it is considered a departure from the requirement of political neutrality. I cannot comment on individual cases here, but speaking of election issues, Members may follow up on relevant cases under the existing mechanism if they have views on the election procedures or the behaviour of individual officers. I must stress that mechanisms are currently in place to handle and follow up on alleged cases involving non-compliant or undesirable conduct of civil servants committed under various circumstances.

**PRESIDENT** (in Cantonese): Mr HO, which part of your supplementary question has not been answered?

**MR HO KAI-MING** (in Cantonese): *President, the Secretary has not answered my supplementary question. My question was: How will the authorities deal with civil servants expressing their political stance while they are on duty. Yet, the Secretary did not respond to this question at all.*

**PRESIDENT** (in Cantonese): Secretary, do you have anything to add?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I have already clearly pointed out that should any civil servants at anytime give rise to an impression of failing to maintain political neutrality, we will handle such cases in accordance with the established mechanism.

**MR TOMMY CHEUNG** (in Cantonese): *President, I am also not that happy with the main reply of the Secretary. In the last few paragraphs of the main reply, the Secretary said that neither the Oaths and Declarations Ordinance nor Article 104 of the Basic Law had provided that the oath-taking requirement would apply to civil servants. In fact, the Secretary should know that it was impossible for the Basic Law to have been drafted in an all-encompassing manner. In the meanwhile, the Secretary stated in the preceding paragraph that*



*under the framework of the Basic Law and the Code, it had consistently been the duty of civil servants to uphold the Basic Law and be loyal to HKSAR. In this case, what are the difficulties involved if civil servants are required to, upon appointment, sign a declaration and take an oath to swear allegiance?*

*The main question sought to ask the Secretary the following question: Will the Chief Executive exercise the executive powers conferred on her by Article 48 of the Basic Law, with reference to the Oaths and Declarations Ordinance, to require civil servants to take oaths? The Secretary, in reply, has said that he will look into this suggestion. Can the Secretary tell us how long it will take for him to look into the issue? Will the findings be available by this day next year or this day next month?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I thank Mr CHEUNG for his supplementary question. We have taken up this issue both seriously and openly. In my earlier reply to Ms YUNG Hoi-yan's supplementary question, I have already set out some general directions of our work. We will expeditiously proceed with the relevant work.

**PRESIDENT** (in Cantonese): Mr CHEUNG, which part of your supplementary question has not been answered?

**MR TOMMY CHEUNG** (in Cantonese): *The Secretary did not answer my supplementary question at all. I asked the Secretary: Will the findings be available by this day next year or this day next month? His so-called "reply" is synonymous with no reply. Secretary, can you specify a time line for your work? You may even say that the completion date will fall between the two said dates, so that I will have a rough idea about your time frame.*

**PRESIDENT** (in Cantonese): Mr CHEUNG, please sit down. Secretary, do you have anything to add?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I have already sincerely said that we will expeditiously proceed with the relevant work. As the Legislative Council General Election will take place next year, we aim to come up with some findings by summer recess next year.

**MR MICHAEL TIEN** (in Cantonese): *The Secretary stated in the main reply that according to the Code, civil servants must be politically neutral and should serve the Chief Executive and the Government of the day with total loyalty. To put it plainly, civil servants are obliged to uphold the Basic Law and safeguard "one country, two systems".*

*However, a civil servant has openly criticized government officials on Weibo, a social media platform in the Mainland, intensifying the conflicts between the two places. He has also spread the rumours that half of the ballot papers cast in the latest election were invalid, prompting the Government to clarify to the public. Worse still, he has made two points in his post: First, Carrie LAM will not strictly enforce the law as she is the big boss; second, he can no longer support Carrie LAM. Is the Secretary aware of the above facts? Secretary, how can you tolerate this case? Can you answer me? Your main reply is completely rubbish.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Thank you, Mr TIEN. Under the Government's mechanism, the behaviour and conduct of civil servants are governed by the Code. If a civil servant is suspected of having committed non-compliant acts or disciplinary offences, the management authorities of his department will take follow-up actions. I have already given a clear account of the relevant procedures in my reply to another question raised at the last Council meeting. So, I am not going to comment on any individual cases or disciplinary issues here. The Government, however, has established procedures and mechanisms to deal with the kind of cases mentioned by Mr TIEN.

**MR MICHAEL TIEN** (in Cantonese): *He criticized Carrie LAM on several occasions. How many more times will the Secretary continue to tolerate him?*

**PRESIDENT** (in Cantonese): Mr TIEN, please follow up on this question on other occasions.

Second question.

### **Risks involved in the acquisition of residential properties**

2. **MR KWOK WAI-KEUNG** (in Cantonese): *President, recently, quite a number of purchasers of first-hand residential properties have failed to complete their property transactions due to various reasons (e.g. changing home purchase decisions or failing to obtain mortgage loans from financial institutions). As a result, they had to bear losses amounting to several hundred thousand dollars at the least. According to the Residential Properties (First-hand Sales) Ordinance, if a purchaser does not execute an agreement for sale and purchase in respect of the property concerned with the vendor within five working days after entering into a preliminary agreement for sale and purchase ("the cooling-off period"), the transaction is forthwith cancelled and the vendor may forfeit the preliminary deposit which is equivalent to 5% of the purchase price ("the deposit rate"). In this connection, will the Government inform this Council:*

- (1) *as the Consumer Council recommended in its Study Report on the Sales of First-hand Residential Properties published in 2014 that the cooling-off period be lengthened to between 7 and 14 working days and the deposit rate be lowered to between 1% and 3%, whether the Government has followed up those recommendations, such as conducting studies and public consultations; if so, of the details; if not, the reasons for that;*
- (2) *whether it will introduce legislative amendments to lengthen the cooling-off period and lower the deposit rate; if so, of the implementation timetable; if not, the reasons for that; and*
- (3) *of the new measures to step up its efforts in drawing consumers' attention to the various risks associated with the acquisition of properties?*