

For Information

Legislative Council Panel on Public Service

The Government's Response to the Motion Passed by the Panel under Agenda Item II "Progress of the study on the proposal on oath-taking by civil servants and political neutrality of civil servants" at the Meeting on 10 July 2020

At the meeting of the Panel on Public Service of the Legislative Council (the Panel) held on 10 July 2020, the following motion was passed under agenda item II "Progress of the study on the proposal on oath-taking by civil servants and political neutrality of civil servants" -

"Given that it is the duty and obligation of each and every "Public Officer" to uphold the Basic Law and pledge allegiance to the Government of the Hong Kong Special Administrative Region, this Panel supports the proposal put forward by the Government on oath-taking by civil servants and urges the Government to extend by phases the application of the arrangement of such oath-taking or giving the relevant written confirmation to include all serving civil servants and public officers of other subvented organizations."

The Government's Response

2. It has consistently been the duty of civil servants to uphold the Basic Law and bear allegiance to the Hong Kong Special Administrative Region (HKSAR) under the framework of the Basic Law and the Civil Service Code. Based on this principle, the Civil Service Bureau reported to the Panel on 10 July 2020 the progress of the study on the proposal of oath-taking by civil servants and the proposed way forward for implementation. In short, we propose to require all civil servants joining the HKSAR Government on or after 1 July 2020 to confirm in writing to uphold the Basic Law and pledge allegiance to the HKSAR. For serving civil servants, we are of the view that they should also comply with the relevant requirement of taking an oath or making a declaration. This manifests and demonstrates the established responsibilities of civil servants. On the specific implementation arrangements, we suggest that the following categories of civil servants be first arranged to take an oath or confirm in writing to uphold the Basic Law and pledge allegiance to the HKSAR:

- (i) all civil servants to be recommended for promotion to a higher rank or confirmation to a rank, or recommended for in-service transfer to another grade;
- (ii) civil servants who play a crucial role in the Government's decision-making process or of a higher rank (such as directorate officers) and civil servants who are responsible for discharging more sensitive duties (such as disciplined services staff, Administrative Officers, Information Officers, legal officers, etc.).

3. We are consulting the major civil service unions on the proposal concerning serving civil servants according to the established mechanism. In mapping out the way forward and implementation details, we will take into account the feedback received and work with the Department of Justice to examine the legal issues involved.

4. The above proposal on introducing a requirement to take oath or make a declaration mainly concerns civil servants. As to whether such a requirement will be extended to Government-funded bodies, it will be studied and considered by the bureaux / departments / organisations concerned.

Civil Service Bureau
July 2020