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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.

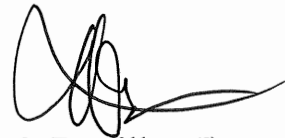
To legislate against acts of insulting public officers is a controversial issue on which public views remain divergent. Any legislative proposal will need to duly consider how to define the scope of the offence, the elements involved, whether there is any acceptable ground of defence and the appropriate 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