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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**  
**Letter from Hon LAM Cheuk-ting**

Thank you for your letter dated 9 December 2019 to the Secretary for the Civil Service attaching Hon LAM Cheuk-ting's letter of 3 December 2019 to the Chairman of the Legislative Council Panel on Public Service ("Panel"). We subsequently received another letter dated 21 January 2020 attaching Hon LAM's letter of 17 January 2020 to the Chairman of the Panel. In respect of matters relating to expression of political stance and interdiction of civil servants raised in the two letters of Hon LAM, I am authorised to reply as below.

Article 99 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China states that public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region. 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. According to the Civil Service Code ("the Code"), civil servants must be law-abiding, dedicated, impartial and politically neutral. The Code clearly states that 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. As such, there are already clear regulations requiring civil servants to uphold the principle of political neutrality. All civil servants, regardless of rank or grade, must comply with such requirement. Apart from the above, heads of departments may, in light of their operational needs, lay down further regulations for compliance by their staff, so as to serve the same purpose.

The civil service has always been committed to serving the community and strived to maintain stability and prosperity of Hong Kong. The Hong Kong society faced unprecedented impact since the middle of last year. The Government statement issued on 1 August last year aimed at reminding the civil service to uphold the core values set out in the Code. The effective operation of the Government should not be affected by the personal beliefs of individual civil servants as this may undermine public confidence in civil servants discharging their duties impartially. These principles are not only the core values of the civil service, but also what the general public expects of civil servants. The Secretary for the Civil Service subsequently issued a letter to all civil servants on 15 November 2019, reminding them to work together to support the Government's efforts to end violence and chaos. Civil servants should continue to do their part and strive to help Hong Kong restore order as soon as possible, and that they must not support or participate in any activity that will disrupt peace in society and the normal operation of public services. The Government adopts a zero-tolerance attitude towards civil servants who violate the law. We are extremely concerned about the arrest of individual civil servants for their suspected involvement in unlawful public activities. It would be difficult for the community to accept if a civil servant arrested for his suspected participation in illegal activities could still return to work as normal and continue to exercise the powers and functions of his office. In this regard, when a civil servant is under inquiry or investigation after arrest, we would interdict the civil servant concerned in the public interest.

Interdiction is not a disciplinary punishment. In accordance with the long established guidelines, a civil servant may be interdicted in public interest if he is under investigation by a law enforcement agency. There is absolutely no presumption of guilt in interdiction. An officer may be interdicted when the relevant authority, having regard to public interest, considers it inappropriate for him to continue to exercise the powers and functions of his public office temporarily. The existing interdiction arrangement for civil servants does not violate the principle of presumption of innocence. A decision to interdict an officer does not imply that there is any prejudgment of his guilt or any prejudice

to his right to a fair trial based on the principle of presumption of innocence. Whether an interdicted officer is guilty of an alleged criminal offence or misconduct is a matter to be determined by the court or disciplinary authority respectively. In deciding whether an individual officer should be interdicted, the relevant authority will consider the specific circumstances of each individual case.

Hon LAM's letter mentions cases of opinions expressed by individual officers of the Hong Kong Police Force ("HKPF") and the Fire Services Department ("FSD"). According to the information provided by the Security Bureau, it has been specified in the Police General Orders that police officers shall at all times abstain from any activity which is likely to interfere with the impartial discharge of their duties, or which is likely to give rise to the impression amongst members of the public that it may so interfere. Except for certain circumstances, such as voting as a registered elector, police officers shall not participate in political activities. The purpose of the above restriction is to ensure that all police officers do adopt a fair, just and impartial approach in discharging their duties. In addition, HKPF has issued guidelines on the use of social media by police officers, reminding them of the potential risks in using social media, and preventing the occurrence of potential conflict of interest with HKPF and abstaining from participating in political activities. If individual officers have committed a breach of discipline, HKPF will, in accordance with the established procedures, follow up the cases seriously in a fair and impartial manner.

As regards FSD, it also provides guidelines in its Departmental Policy Instructions on the use of social media networks by FSD staff. FSD respects its staff's freedom of speech. At the same time, FSD has also reminded its staff time and again that they need to pay particular attention to important issues, including the need to cherish and attach importance to the core values and principles of the civil service, not disclosing others' personal privacy, respecting the rights of others, etc. FSD has handled disciplinary cases in accordance with the established procedures.

The Government 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. We will not comment on the disciplinary matters of individual civil servants. Under the current established mechanism, complaints against civil servants will be handled by their respective departments.

Thank you for the Panel's concern over the above matter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Christina', written in a cursive style.

(Ms Christina CHONG)  
for Secretary for the Civil Service

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