

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1729/20-21  
(These minutes have been seen  
by the Administration)

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**Panel on Public Service**

**Minutes of meeting held on  
Monday, 20 September 2021, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon KWOK Wai-keung, JP (Chairman)  
Hon POON Siu-ping, BBS, MH (Deputy Chairman)  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Steven HO Chun-yin, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Dr Hon CHIANG Lai-wan, SBS, JP  
Hon SHIU Ka-fai, JP  
Hon CHAN Chun-ying, JP  
Hon LUK Chung-hung, JP
- Members absent** : Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP  
Dr Hon Pierre CHAN  
Hon Tony TSE Wai-chuen, BBS, JP
- Public officers attending** : **Agenda item II**  
Mr Patrick NIP, JP  
Secretary for the Civil Service  
  
Mrs Ingrid YEUNG, JP  
Permanent Secretary for the Civil Service

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Mrs Angelina CHEUNG, JP  
Deputy Secretary for the Civil Service 1

Mr Gary POON, JP  
Deputy Secretary for the Civil Service 3

**Agenda item III**

Mr Patrick NIP, JP  
Secretary for the Civil Service

Mrs Ingrid YEUNG, JP  
Permanent Secretary for the Civil Service

Ms Sharon HO  
Acting Deputy Secretary for the Civil Service 2

Dr Verena LAU  
Principal Assistant Secretary for Education  
(School Development\_Special Support)

Ms Nancy KWAN  
Assistant Director (Licensing and Regulation)  
Social Welfare Department

Mr David MAK  
Head of Human Resources  
Hospital Authority

**Clerk in attendance** : Ms Wendy JAN  
Chief Council Secretary (4)1

**Staff in attendance** : Ms Maggie CHUNG  
Senior Council Secretary (4)1

Ms Peggy CHUNG  
Council Secretary (4)1

Ms Karin TSOI  
Clerical Assistant (4)1

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**I. Information paper issued since the last regular meeting on 23 August 2021**

Members noted that no information paper had been issued since the last regular meeting of the Panel on Public Service ("the Panel") on 23 August 2021.

**II. Update on implementation of the requirement for civil servants and government staff appointed on non-civil service terms to sign declaration**

[LC Paper Nos. CB(4)1529/20-21(01) and (02)]

2. At the invitation of the Chairman, Secretary for the Civil Service ("SCS") briefed members on the latest position regarding the signing of declaration by civil servants and government staff appointed on non-civil service terms ("non-civil service government staff") to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("Basic Law"), bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China ("HKSAR"), be dedicated to their duties and be responsible to the HKSAR Government. Details of the briefing were set out in the Administration's paper (LC Paper No. CB(4)1529/20-21(01)).

Implementation of the declaration requirement

3. Noting from paragraph 7 of the Administration's paper that 16 disciplined services officers had neglected or refused to duly sign and return the declaration, the Deputy Chairman sought information on the bureaux/departments ("B/Ds") in which these officers had served. SCS advised that in view of the difference in the establishment of B/Ds and the officers refusing to sign the declaration only represented a very small proportion of the civil servants of the B/Ds concerned, the Administration considered it inappropriate to compare the number of civil servants who neglected or refused to duly sign and return the declaration in different individual B/Ds.

4. Responding to Dr CHIANG Lai-wan's enquiry, SCS advised that the great majority of civil servants had signed and returned the declaration before the deadline, and those who had failed to do so in a timely manner would be required to provide explanation for the delay.

5. Noting that civil servants and non-civil service government staff who neglected or refused to duly sign and return the declaration without valid

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reasons were required to retire from the service or be terminated from their employment, the Deputy Chairman raised concern about the manpower and operation of B/Ds upon the implementation of the declaration arrangements for non-civil service government staff. Dr CHIANG Lai-wan and Mr CHAN Chun-ying enquired about the resignation situation in the civil service upon the implementation of the oath-taking/declaration arrangements.

6. SCS advised that it was of paramount importance to ensure that all serving civil servants and non-civil service government staff would uphold the Basic Law, bear allegiance to HKSAR, be dedicated to their duties and be responsible to the HKSAR Government. As at end August 2021, the great majority of those 129 civil servants and all non-civil service government staff who neglected or refused to duly sign and return the declaration had left the Government. As for the resignation figures of the whole civil service, the resignation rate in 2020-2021 was 1.05%, representing an increase of around 300 resignees as compared to that in 2019-2020. He stressed that civil servants resigned from the civil service for various reasons.

7. In reply to the Deputy Chairman's enquiry about the reasons for taking longer time to terminate the service of the remaining civil servants who neglected or refused to duly sign and return the declaration, SCS advised that there were a few complicated cases which the Administration would need a bit more time to handle, and the service of the civil servants concerned was expected to be terminated shortly.

8. Mr Steven HO and Mr CHAN Chun-ying asked, among the 129 civil servants who neglected or refused to duly sign and return the declaration, how many of them would be eligible to receive retirement benefits as well as the amount of retirement benefits payable to them. SCS said that civil servants who retired in the public interest would be eligible to retirement benefits. The Administration did not have the estimated figure of the amount of pension/Civil Service Provident Fund benefits payable to these officers.

9. The Chairman and Mr SHIU Ka-fai noted with concern that the percentage of staff neglecting or refusing to duly sign and return the declaration was higher among non-civil service government staff than among civil servants. The Chairman, the Deputy Chairman and Mr LUK Chung-hung called on the Administration to enhance the national studies training for all government staff, including non-civil service government staff, to promote the importance of upholding the Basic Law and bearing allegiance to HKSAR.

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10. SCS assured members that the Administration would strengthen the national studies training for both civil servants and non-civil service government staff to enhance their understanding of their roles and basic responsibilities, the relationship between the Central Government and Hong Kong, the constitutional order, and "The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" ("the National Security Law"), etc.

Handling of misconduct that constituted a breach of oath/declaration

11. Mr CHAN Chun-ying enquired about the disciplinary mechanism to handle misconduct cases of civil servants/non-civil service government staff which also involved a breach of the oath/declaration. He further asked whether the Administration had identified or received reports on such cases upon the implementation of the oath-taking/declaration arrangements.

12. SCS advised that the Administration would take disciplinary actions as appropriate in accordance with the established mechanism against government employees who had committed misconduct which also constituted a breach of the oath/declaration. In determining the punishment for the misconduct involved, the Administration would take into account the circumstances, nature and gravity of the case, etc. and the fact that the civil servant concerned had taken the oath/signed the declaration. The civil servant concerned would be given an opportunity to make representations in the process. If a civil servant who had taken an oath/made a declaration was convicted of an offence endangering national security, he/she would be removed from his/her office upon conviction immediately in accordance with the National Security Law. He pointed out that the Administration was recently conducting investigation into a case concerning the display in a public library of books written by a person arrested for suspected breaches of the National Security Law.

13. Ms Elizabeth QUAT criticized the Administration for taking lightly cases of retired civil servants participating in anti-China or anti-government activities after they had left the civil service. She suggested that the Administration should confiscate their pensions. Mr Steven HO was worried that it might take a long time for the Administration to deal with such cases. He called on the Administration to prosecute these civil servants for endangering national security proactively and withhold their pensions as soon as practicable.

14. SCS said that the Hong Kong Police Force and the Court would handle cases concerning offences under the National Security Law. If a retired civil servant was convicted of certain specified types of criminal

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offences as mentioned in the two pensions ordinances, the Administration might cancel, suspend or reduce the pension benefits of these retired civil servants in accordance with such legislative provisions.

15. Mr Steven HO and Mr LUK Chung-hung asked whether the Administration would provide a list of examples of conduct which might constitute a breach of the oath/declaration and review such list from time to time. SCS advised that it was not feasible to list exhaustively all types of improper conduct which constituted a breach of the oath/declaration. That said, any person who advocated or supported "Hong Kong independence", refused to recognize the People's Republic of China's sovereignty over Hong Kong and the exercise of the sovereignty, solicited intervention by foreign or external forces in HKSAR's affairs, or carried out other activities endangering national security would not be genuinely upholding the Basic Law or bearing allegiance to HKSAR. In its circular to all civil servants promulgating the oath-taking/declaration requirement in January 2021, the Administration had also elaborated the behaviour that would constitute a breach of the oath/declaration.

Monitoring mechanism

16. Mr LEUNG Che-cheung, Ms Elizabeth QUAT, Mr LUK Chung-hung and Dr CHIANG Lai-wan were worried that civil servants who took an anti-government stance might not genuinely uphold the Basic Law and bear allegiance to HKSAR after taking the oath/signing the declaration. Mr LEUNG enquired about the measures to handle such cases. Ms QUAT opined that in assessing individual officers' performance and their suitability for promotion, the Administration should take into consideration whether they were genuinely upholding the Basic Law and bearing allegiance to HKSAR. Mr SHIU Ka-fai raised concern as to how the Administration could ensure that all serving civil servants who took the oath/signed the declaration would genuinely uphold the Basic Law and bear allegiance to HKSAR. Mr LUK asked whether the Administration would put in place a monitoring mechanism in this regard.

17. SCS said that the oath-taking/declaration requirement enabled all government staff to have clearer awareness of the basic duties, responsibilities and requirements entailed by their official positions. The Administration would, in accordance with the established disciplinary mechanism, deal with all cases of suspected breaches of the oath/declaration in a serious, timely and fair manner. The Administration would also strive to enhance the civil service management mechanism as appropriate from time to time, with a view to streamlining the procedures for handling sub-standard performance cases. In this connection, a performance management system was in place to assess

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civil servants' performance and handle persistent sub-standard performers. Relevant B/Ds would also follow up complaints from members of the public on the conduct of individual civil servants. That said, he stressed that most of the civil servants were dedicated to serving the public.

Extension of the oath-taking/declaration requirement

18. Mr Jeffrey LAM asked whether the Administration would extend the oath-taking/declaration requirement to employees of government-funded bodies and enterprises/organizations which received financial assistance under various government funding schemes. The Deputy Chairman and Ms Elizabeth QUAT considered that government-funded bodies had the responsibilities to uphold the Basic Law and bear allegiance to HKSAR. The Chairman and Ms QUAT called on the Administration to extend the oath-taking/declaration requirement to employees of Government-funded bodies as soon as practicable.

19. SCS advised that according to Article 6 of the National Security Law, a resident of HKSAR who stood for election or assumed public office should confirm in writing or take an oath to uphold the Basic Law and swear allegiance to HKSAR in accordance with the law. The Administration had already promulgated the oath-taking/declaration arrangements for members of District Councils, civil servants and non-civil service government staff. The Chief Secretary for Administration was studying the extension of the oath-taking/declaration requirement to employees of government-funded bodies and statutory bodies and would coordinate the relevant work. The Administration would announce the detailed arrangements in due course. He would convey members' concerns to the Chief Secretary for Administration.

Other concerns

20. Mr SHIU Ka-fai was worried that the social unrest in the past two years might cause distrust of the HKSAR Government among civil servants. He called on the Administration to enhance its communication with civil servants so as to foster a closer relationship with them and reinforce their confidence in the Government. SCS replied that HKSAR's constitutional order and political system were back on the right track and the society had restored stability upon the implementation of the National Security Law and the Improve Electoral System. Notwithstanding this, the Administration would continue to keep communication with civil servants and engage them for important policies related to the civil service.

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21. Referring to an incident in which a typo was found in the backdrop at a press conference hosted by the Chief Executive, Dr CHIANG Lai-wan called on the Administration to improve the proofreading mechanism so as to prevent the recurrence of similar incidents in the future. SCS noted Dr CHIANG's concern and said that the Administration would take improvement measures in this regard.

**III. Vaccination of government and key public service sector employees**

[LC Paper Nos. CB(4)1529/20-21(03) and (04)]

22. At the invitation of the Chairman, SCS briefed members on the Coronavirus Disease 2019 ("COVID-19") vaccination of government and key public service sector employees. Details of the briefing were set out in the Administration's paper (LC Paper No. CB(4)1529/20-21(03)).

Government employees

23. Members noted that the vaccination in lieu of regular testing ("VRT") arrangement had been expanded to cover all government employees since 2 August 2021. All government employees who had not received the first dose of a COVID-19 vaccine, except for those unfit to receive the vaccine due to medical conditions supported by a valid medical certificate, were required to undergo polymerase chain reaction-based nucleic acid tests for COVID-19 using combined nasal and throat swabs at Community Testing Centres on a bi-weekly basis outside working hours at their own expense.

24. Noting that the first dose take-up rate among the entire civil service had reached 94% as at mid-September 2021, members appreciated the efforts made by the Administration in improving the civil service vaccination rate. Mr LEUNG Che-cheung enquired about the percentage of government employees who were unfit to receive the vaccination due to medical conditions as well as those who had yet to receive the vaccination without duly certified medical reasons. Mr LEUNG, the Deputy Chairman and the Chairman called on the Administration to introduce more measures to encourage and motivate the remaining 6% of the government employees to get vaccinated.

25. SCS stressed that it was the obligation of all government employees to proactively receive vaccination. The directorates of B/Ds had taken the lead to get vaccinated and encouraged their colleagues to get vaccinated as soon as possible. The introduction of vaccination leave arrangement had further motivated government employees to receive vaccination. He added that the VRT arrangement was effective in boosting the vaccination rate



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among government employees. Almost all B/Ds had a vaccination rate of about 90%. About 1% of government employees were unfit to receive vaccination because of medical conditions supported by a medical certificate. The Administration would keep updating the status of the remaining 5% of the government employees (about 9 000 staff members) who had yet to receive the vaccination.

26. Dr CHIANG Lai-wan was dissatisfied that some 9 000 government employees had yet to receive the vaccination without duly certified medical reasons. The Deputy Chairman enquired about B/Ds in which these government employees were serving. Mr Steven HO was of the view that the vaccination progress of government employees was slow. He called on the Administration to draw on this experience to introduce effective measures to boost vaccination rate in Hong Kong. Mr HO also urged the Administration to adopt stringent measures to deal with those government employees who refused to get vaccinated without valid reasons.

27. SCS advised that the Administration did not mandate vaccination for government employees. Government employees who chose not to receive vaccination were required to undergo testing outside their working hours on a bi-weekly basis at their own expense. For those who provided valid reasons for not receiving the vaccination, the B/Ds in which they were serving might make appropriate work deployment if they needed to have frequent and close contact with members of the public or their work involved a higher risk of exposure to COVID-19.

28. Responding to the Chairman's enquiries, SCS advised that the Administration would not rule out the possibility of shortening the time interval of regular testing for government employees who had not received the vaccine in order to minimize the risk of spreading the virus.

29. In response to Mr CHAN Chun-ying's enquiries, Permanent Secretary for the Civil Service confirmed that no case had been found so far on abusing the VRT arrangement or using forged medical certificates by government employees. Permanent Secretary for the Civil Service further advised that a few government employees had initially misunderstood the VRT arrangement but had subsequently undergone testing or got vaccinated after seeking clarification on the matter.

30. Mr SHIU Ka-fai asked whether the Administration had received reports on adverse events following vaccination by government employees. SCS replied in the negative. Pointing out that some overseas places had adopted a "green pass" system to limit access to public places to those people

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who had been vaccinated, Mr SHIU suggested that the Administration should consider adopting a similar system so as to boost the vaccination rate.

Workers engaged under government outsourced service contracts

31. Mr LUK Chung-hung was of the view that the VRT arrangement should also cover all the workers engaged under government outsourced service contracts. Noting that such workers had been offered two days leave to recuperate after vaccination since August 2021, he asked whether paid leave could also be offered to the workers who had received the vaccination before August 2021 in recognition of their support for the vaccination programme.

32. SCS advised that government employees who had received the vaccination before the implementation of the vaccination leave arrangement were allowed to apply for one day of authorized absence for each dose already received. As for workers engaged under government outsourced service contracts, the Administration would liaise with the service contractors to explore the feasibility of making similar arrangement for them.

Employees of residential care homes and nursing homes

33. Mr CHAN Chun-ying enquired about the vaccination rate of the staff members of residential care homes/nursing homes, and whether there were any measures to encourage them to receive vaccination. Assistant Director (Licensing and Regulation), Social Welfare Department advised that the vaccination rate of staff members of residential care homes/nursing homes had increased significantly from about 25% in June 2021 to 92% as at early September 2021.

34. Assistant Director (Licensing and Regulation), Social Welfare Department further advised that vaccination leave arrangement and other incentives had been provided by some operators of residential care homes/nursing homes to encourage their staff to receive vaccination. SCS added that some trade associations had organized programmes such as lucky draw to encourage their members to get vaccinated.

Employees in the Hospital Authority and other public organizations

35. Mr CHAN Chun-ying noted that the overall vaccination rate among full-time Hospital Authority staff had reached 93 %, and depots had been set up at different hospitals to enable staff members to receive vaccination. He enquired about the criteria for deciding the locations of the depots. Head of Human Resources, Hospital Authority advised that depots had been set up in

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each cluster to facilitate staff members to receive vaccination, and the vaccination rates of various clusters were largely the same.

36. Mr LUK Chung-hung opined that the VRT arrangement should be extended to all employees of government-funded bodies. Dr CHIANG Lai-wan and the Deputy Chairman opined that it was the obligation for all employees of subvented organizations to receive vaccination as their remuneration were paid for by public money and they needed to have close contact with members of the public.

37. SCS advised that apart from the Hospital Authority, a number of statutory bodies and public organizations had adopted or would adopt the VRT arrangement to encourage their employees to get vaccinated. He appealed to private organizations to encourage their employees to receive vaccination. He added that the Administration would sustain its efforts to boost the vaccination rate, especially among students, the working population and the elderly population. It aimed to raise the overall vaccination rate in Hong Kong to 70% by the end of 2021.

**IV. Any other business**

38. There being no other business, the meeting ended at 12:44 pm.