

Legislative Council Panel on Public Service

**The Government's Response to the Issues
Raised by the Panel at the Meeting on 19 April 2021**

At the meeting held on 19 April 2021, the Panel on Public Service requested the Government to provide the following information:

- (a) the number of non-ethnic Chinese in the civil service; and
- (b) the number of civil servants who have been arrested, charged, and/or convicted for participation in unlawful activities arising from the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance since June 2019, the follow-up actions and the progress of these cases, and whether the salary of civil servants who are interdicted has been withheld.

The Government's Response

(a) Number of Non-ethnic Chinese in the Civil Service

2. Appointments to the civil service are based on the principle of open and fair competition. In the civil service recruitment process, bureaux/departments will assess all candidates on the basis of their ability, performance, character, and the stipulated entry requirements set according to the job requirements (including language proficiency requirements). Race is not a relevant consideration.

3. The Government is committed to promoting equal access to job opportunities in the Government for non-ethnic Chinese, just like other applicants. All applicants for civil service jobs are required to meet the entry requirements of the relevant posts and to compete with each other fairly on this basis. This ensures that they would be competent to perform the relevant duties with a view to maintaining the quality of public services.

4. Given that neither job applicants for civil service jobs nor serving civil servants are required to declare their ethnic origins, we do not possess statistical information on the number of non-ethnic Chinese in the civil service.

(b) Civil Servants who Participated in Unlawful Activities arising from the Opposition to the Proposed Legislative Amendments to the Fugitive Offenders Ordinance

5. The Government attaches great importance to the conduct and integrity of civil servants and adopts a zero-tolerance attitude towards the breaching of the law by civil servants. Civil servants convicted of criminal offence would not only be penalised under the law, the Government would also take disciplinary action¹ in respect of their convictions upon conclusion of the relevant criminal proceedings in accordance with the established mechanism.

6. As at 1 May 2021, a cumulative total of 88 civil servants had been arrested by the Police for suspected involvement in unlawful activities arising from the opposition to the proposed legislative amendments to the Fugitive Offenders Ordinance since June 2019. Among these 88 officers:

- (a) 20 officers had already left the civil service, including 11 probationers whose service had been terminated by the Government under the Civil Service Regulations.
- (b) of the remaining 68 officers who are still in service:
 - (i) 21 officers were under police investigation or being charged with criminal offences. These officers have been interdicted.
 - (ii) 37 officers were not charged with any criminal offence after the police investigation; three were charged but acquitted by the court; and two were imposed bind-over orders by the court. Having regard to the circumstances of each case, the abovementioned officers would still be subject to departmental investigation, and disciplinary punishment will be imposed on them for any misconduct which can be established. For probationers, termination of service under the Civil Service Regulations would be considered.

¹ The disciplinary punishment to be imposed includes verbal warning, written warning, reprimand, severe reprimand, reduction in rank, compulsory retirement or dismissal, etc.

(iii) five officers have been convicted by the court, with some of these cases under appeal. The Government will take disciplinary action against the officers concerned, taking into account the circumstances of each case, upon conclusion of the criminal proceedings. Removal punishment may be imposed on these officers.

7. On the salary arrangement for civil servants during interdiction, generally speaking, a civil servant who is interdicted will normally have not more than 50% of his salary withheld upon being charged with a criminal offence. The civil servant concerned will have his/her salary withheld in full when he/she is convicted of a serious criminal offence. If the officer being interdicted is eventually imposed with removal punishment upon conclusion of disciplinary proceedings, the withheld salary will be forfeited. In case a punishment other than removal punishment is imposed, the relevant authority may forfeit such proportion of the withheld salary during interdiction as he thinks fit.

Civil Service Bureau
May 2021