

L.N. 51 of 2026

Public Service Commission (Investigation) Regulation

(Made by the Chief Executive in Council under section 14 of the
Public Service Commission Ordinance (Cap. 93))

1. Commencement

This Regulation comes into operation on 17 July 2026.

2. Interpretation

In this Regulation—

investigation (調查) means an investigation conducted under
section 4(1);

investigation team (調查小組) means an investigation team
formed under section 5(1).

3. Referral of problem for investigation

(1) If a problem occurs in the Government and it meets any
of the conditions specified in subsection (3)(a), (b) and (c),
any of the following persons may refer the problem to the
Commission for investigation—

- (a) the Chief Executive;
- (b) a Secretary of Department;
- (c) a Deputy Secretary of Department.

(2) Moreover, if a problem occurs in the Government and it
meets any of the conditions specified in subsection (3)(a),
(b) and (c), a Director of Bureau—

Section 4

- (a) subject to paragraph (b), may, with the agreement of any of the persons mentioned in subsection (1)(a), (b) and (c), refer the problem to the Commission for investigation; or
 - (b) if so directed by any of the persons mentioned in subsection (1)(a), (b) and (c)—must refer the problem to the Commission for investigation.
- (3) The conditions are—
 - (a) the problem is a serious one;
 - (b) the problem is a widespread or repetitive, systemic one;
 - (c) there are indications that the head of the department concerned or the permanent secretary of the bureau concerned is implicated in the problem.
- (4) A person who refers a problem under subsection (1) or (2) for investigation—
 - (a) must draw up terms of reference for the investigation; and
 - (b) may revise the terms of reference at any time before the investigation begins or during the course of the investigation.

4. Commission must conduct investigation on referral

- (1) On receiving a referral under section 3(1) or (2), the Commission must conduct an investigation into the problem concerned.
- (2) However, an investigation may only be conducted if terms of reference have been drawn up for it under section 3(4)(a).
- (3) An investigation must not exceed the scope set out in its terms of reference.

5. Formation of investigation team

- (1) For conducting an investigation, the Chairman of the Commission must form an investigation team.
- (2) An investigation team is to consist of—
 - (a) the Chairman of the Commission; and
 - (b) at least 1 member of the Commission.
- (3) If a member of an investigation team (*team member*) is absent from Hong Kong or is otherwise unable to act, the Chairman of the Commission may request another member of the Commission—
 - (a) to act in the team member's place for the time being;
or
 - (b) to replace the team member.

6. Functions of investigation team

- (1) In conducting an investigation, an investigation team may perform any of the following functions—
 - (a) to require, by written notice, a person—
 - (i) to produce, within the time, at the place and in the way and form the team requires, any information or document specified by the team that—
 - (A) is or may be relevant to the investigation;
and
 - (B) is in the person's possession or under the person's control;
 - (ii) to give, within the time, at the place and in the way and form the team requires, to the team access to any information or document specified by the team that—

- (A) is or may be relevant to the investigation;
and
- (B) is in the person's possession or under the person's control;
- (iii) to give, within the time, at the place and in the way and form the team requires, an explanation or further particulars in relation to any information, document or other matter specified by the team that is or may be relevant to the investigation;
- (iv) to attend before the team at the time and place the team requires, and to answer a question relating to the investigation that is raised by the team;
- (v) to answer, within the time and in the way and form the team requires, a written question relating to the investigation that is raised by the team; or
- (vi) to give the team all other assistance in connection with the investigation that the person is reasonably able to give;
- (b) if any information or document is produced, or access to any information or document is given, for compliance with a requirement under paragraph (a)—to inspect, make copies of, take extracts from or take possession of such information or document;
- (c) to enter and inspect—
 - (i) any premises occupied by the Government; or

- (ii) any other premises with the consent of an occupier of the premises or (if no occupier can be found or there is no occupier) an owner of the premises,
 - to facilitate the team to understand the problem under investigation and its cause;
 - (d) to appoint any person to assist in the investigation.
- (2) For conducting an investigation, an investigation team may, in writing, delegate any of its functions under subsection (1)(a), (b) and (c) to a person appointed under subsection (1)(d).

7. Conduct of investigation

- (1) An investigation is to be conducted in private.
- (2) It is not necessary for an investigation team to hold any hearing for an investigation.
- (3) Subject to subsection (5), no person is entitled to be heard by an investigation team, but a person may make oral or written statements as the team considers appropriate.
- (4) No counsel or solicitor has any right of audience before an investigation team, but a counsel or solicitor may appear before the team as the team considers appropriate.
- (5) If, at any time during the course of an investigation, the investigation team considers that there may be sufficient grounds for it to make a report or recommendation that may criticize or adversely affect any person, the team must give an opportunity—
 - (a) to the person; or
 - (b) if the person is an organization—to the head of the organization,

to make oral or written representations about the report or recommendation.

8. Investigation report

After an investigation into a problem is completed, the investigation team must—

- (a) prepare a report of its findings and advice; and
- (b) submit the report to the person who referred the problem under section 3(1) or (2) for investigation.

Ellen CHAN
Clerk to the Executive Council

COUNCIL CHAMBER

19 May 2026

Explanatory Note

This Regulation confers additional functions on the Public Service Commission to conduct an investigation on referral if a problem occurs in the Government and—

- (a) the problem is a serious one;
- (b) the problem is a widespread or repetitive, systemic one; or
- (c) there are indications that the head of the department concerned or the permanent secretary of the bureau concerned is implicated in the problem.