

For discussion on
18 December 2023

Legislative Council Panel on Public Service

Updating the Civil Service Code

Purpose

This paper seeks Members' views on the updated Civil Service Code (the “**Code**”) (Draft for Consultation) at **Annex**.

Background

2. Civil servants are the backbone of the Government and the key to improving governance. The Code was promulgated in 2009 and has been in place since then. As the expectations and demands of the community towards the Government and civil servants have continuously grown, the Government sees the need to update the Code to clearly spell out the constitutional order of the Hong Kong Special Administrative Region to help civil servants understand their constitutional roles and responsibilities as a member of the executive authorities, as well as the core values and standards of conduct which present-day civil servants should uphold.

Updated Draft Code for Consultation

3. The updated Code (Draft for Consultation) covers the following major areas –

- (i) One Country, Two Systems (*paragraphs 11 to 22*);
- (ii) Oath-taking and Declaration Requirement by Civil Servants (*paragraph 23*);

- (iii) Civil Servants' Core Values and Standards of Conduct (*paragraphs 24 to 72*);
- (iv) Civil Service and the Political Appointment System (*paragraphs 73 to 79*);
- (v) Independent Role of the Public Service Commission (*paragraph 80*); and
- (vi) Conclusion (*paragraph 81*).

Consultation and Way Forward

4. The Government has issued the updated Code (Draft for Consultation) to the staff side for consultation until 19 January 2024. We have also consulted the Public Service Commission on the draft. We will take into account the views received to finalise the updated Code for promulgation to all government employees.

5. After promulgation of the updated Code, the Government will provide trainings to civil servants at all levels and strengthen promotion efforts (e.g. conduct briefings in all bureaux/departments, include its content in the induction training for new recruits, hold roving exhibitions in various government offices) to enhance civil servants' understanding on the constitutional order, their roles and responsibilities, as well as the core values and standards of conduct they should uphold.

Advice Sought

6. Members are invited to note this paper and provide comments.

Civil Service Bureau
December 2023

**THE GOVERNMENT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

CIVIL SERVICE CODE

I. INTRODUCTION

Since Hong Kong's return to the motherland, with the unprecedented innovation of the "One Country, Two Systems" principle, Hong Kong has overcome various challenges and moved forward steadily. Its previous laws including the practice of the common law have been maintained and developed, and its social programmes have made all-round progress. The Central Authorities fully recognise the contributions made by "One Country, Two Systems" to the sustained prosperity and stability of Hong Kong, the development of the country and the rejuvenation of the Chinese nation. As "One Country, Two Systems" serves the fundamental interests of not only Hong Kong but also the whole country and the nation, we must adhere to it in the long run.

2. The Government of the Hong Kong Special Administrative Region (HKSAR) must fully and faithfully implement the principle of "One Country, Two Systems"; uphold the compatibility of the Central Authorities' overall jurisdiction and the HKSAR's high degree of autonomy; ensure that Hong Kong is administered by patriots; and maintain Hong Kong's distinctive status and advantages. The HKSAR Government should further improve its governance; continue to create strong impetus for growth; earnestly address people's concerns and difficulties in daily life; and work together with the people of Hong Kong to maintain harmony and stability.

3. China has become a moderately prosperous society in all respects and is working towards the next goal¹ of building a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious and beautiful when the People's Republic of China (PRC) celebrates its centenary (in 2049). This is a common goal of all Chinese people. Hong Kong, as a special administrative region of the country, plays an important role in this process. It must capitalise on the advantages of "Two Systems" under "One Country" to

¹ The 20th National Congress of the Communist Party of China (CPC) stated that a two-step strategic plan has been adopted to build China into a great modern socialist country in all respects: first, basically realising socialist modernisation from 2020 through 2035; second, building China into a great modern socialist country that is prosperous, strong, democratic, advanced, harmonious and beautiful from 2035 through the middle of this century.

maintain its prosperity and stability, and leverage its strengths to meet the country's needs.

4. In 2020, the Central Authorities established the legal system to safeguard national security in the HKSAR through passage of the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security and the enactment of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law). In 2021, the passage of the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region, and the amendment of Annex I and Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law) improved the electoral system of the HKSAR, thereby fully implementing the principle that Hong Kong should be administered by patriots and ensuring the steadfast and successful implementation of "One Country, Two Systems". Hong Kong has since entered a new era in its governance.

Management of the Civil Service

5. Article 48(7) of the Basic Law empowers the Chief Executive (CE) of the HKSAR to appoint or remove holders of public office in accordance with legal procedures. This is the legal basis for the appointment or removal of all holders of public office. Civil servants must be responsible to the HKSAR Government headed by the CE.

6. The Civil Service is the backbone of the HKSAR Government. It is responsible to the CE, and supports the CE in formulating, promoting and implementing policies; conducting administrative affairs; delivering public services; and discharging law enforcement and regulatory functions.

7. The HKSAR Government has a comprehensive system for the management of the Civil Service. The Secretary for the Civil Service is responsible to the CE for civil service policies and the management of the Civil Service. One of the Secretary's major duties is to safeguard the core values and stipulate the standards of conduct of the Civil Service, and, for this purpose, draw up the Civil Service Code (the Code). It is necessary for the HKSAR Government to update the Code promulgated in 2009 with a view to enhancing governance capability.

8. The Code is a high-level statement. The day-to-day management of the Civil Service in various aspects is effected through the Public Service (Administration) Order, Civil Service Regulations (CSRs), and Civil Service Bureau (CSB) circulars and circular memoranda. Attached at Annex is a list of CSRs and CSB circulars and circular memoranda relating to the conduct and integrity of civil servants. Individual Principal Officials (POs)² and heads of department/agency may issue their own detailed guidelines in conformity with the Code to suit the particular operational needs of their respective bureaux/departments/agencies if considered necessary or appropriate. Apart from the Code, civil servants must abide by operational rules and guidelines issued by bureaux/departments, including those on finance, security, environmental protection, procurement and complaint handling.

9. The HKSAR Government and the general public have high expectations on the conduct and discipline of the Civil Service. Civil servants at all levels are provided with appropriate training and guidance to help them comply with the Code. In accordance with CSR 410(1), an officer who commits any breach of Government Regulations or any other official instructions, whether oral or written, or who by his/her actions brings the Government into disrepute is liable to dismissal or lesser punishments depending upon the gravity of the case. Violation of the Code will have an impact on the assessment of a civil servant's performance and promotion prospect and may even lead to disciplinary action.

Civil Service Code

10. The Code covers the following major areas –

- (i) One Country, Two Systems (section II);
- (ii) Oath-taking and Declaration Requirement by Civil Servants (section III);
- (iii) Civil Servants' Core Values and Standards of Conduct (section IV);
- (iv) Civil Service and the Political Appointment System (section V);
- (v) Independent Role of the Public Service Commission (section VI); and
- (vi) Conclusion (section VII).

² "Principal Officials" ("POs") means Principal Officials under the Political Appointment System, i.e. the Secretaries of Department, Deputy Secretaries of Department and Directors of Bureau.

II. ONE COUNTRY, TWO SYSTEMS

Constitutional Order

11. The PRC is a unitary state. The People's Congress System is the fundamental political system of the PRC, with the National People's Congress (NPC) being the highest state organ of power. The division of functions and powers between the central and local institutions shall honour the principle of the unified leadership of the Central Authorities.

12. The Constitution of the People's Republic of China (the Constitution), with supreme legal status and the highest legal authority, is the fundamental law of the state and the basis of all laws and systems of the country. No law or system shall be in conflict with the Constitution. Article 1 of the Constitution states that the socialist system is the basic system of the PRC. Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics. It is prohibited for any organisation or individual to damage the socialist system. All residents of the HKSAR should consciously respect and uphold the country's fundamental system.

13. The Basic Law was enacted by the NPC in accordance with the Constitution. The Constitution and the Basic Law together form the constitutional basis of the HKSAR. Through the Basic Law, the NPC authorises the HKSAR to exercise a high degree of autonomy, and the HKSAR comes directly under the Central People's Government (CPG). Sovereignty being inseparable from jurisdiction, the Central Authorities exercise overall jurisdiction over the HKSAR which dovetails with the HKSAR's high degree of autonomy. The HKSAR, while exercising a high degree of autonomy, is under the supervision of and accountable to the Central Authorities. Under this constitutional framework, the HKSAR can maintain the previous capitalist system unchanged for a long time, and enjoys executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of the Basic Law.

14. Under the Basic Law, the CE of the HKSAR is the head of the HKSAR and represents the Region. The CE is at the same time the head of the HKSAR Government and leads the Government of the Region. The HKSAR adopts an executive-led system. Article 99 of the Basic Law provides that public servants must be dedicated to their duties and be responsible to the HKSAR Government. They must serve and support the CE as the head of the HKSAR and its Government.

15. Since its return to the motherland, Hong Kong has been re-integrated into China's governance system. Under the principle of "One Country, Two Systems", the Constitution and the Basic Law jointly form the constitutional order of the HKSAR. The fundamental purpose of "One Country, Two Systems" is to safeguard China's sovereignty, security and development interests and to maintain the long-term prosperity and stability of Hong Kong. To manifest that Hong Kong is part of the PRC in actual governance and operation, and to ensure the steadfast and successful implementation of "One Country, Two Systems" along the right direction, it is essential that Hong Kong is administered by patriots, who can be expected to wholeheartedly safeguard national sovereignty, security and development interests; respect and uphold the country's basic system and the constitutional order of the HKSAR; and make every effort to maintain the prosperity and stability of Hong Kong.

16. Strong backing from the motherland and extensive links with the world are Hong Kong's distinctive advantages. Under "One Country, Two Systems", the Central Authorities fully support Hong Kong in its effort to maintain its distinctive status and edges, improve its presence as an international financial, shipping and trading centre, keep its business environment free and open, maintain the common law system, and expand its international network and facilitate its exchanges with the world. These allow Hong Kong to better integrate into the country's development and actively participate in national development strategies and plans such as the National Five-Year Plan, the Belt and Road Initiative and the Greater Bay Area Development.

National Security

17. National security should generally be understood as referring to the status whereby the state's political regime, sovereignty, unity and territorial integrity, welfare of its people, its sustainable economic and social development, and other material national interests are relatively free from danger and international and domestic threats, and the ability to ensure the continuous status of security³. In 2014, a "holistic approach to national security" was advocated by the Central Authorities with five essential elements, namely, regarding the people's security as the ultimate goal; achieving political security as the fundamental task; taking economic security as the foundation, with military, science and technology, cultural and public security as means of guarantee; and promoting international

³ See Article 2 of the National Security Law of the People's Republic of China.

security as a backing. This approach covers traditional areas of security while attaching importance to non-traditional ones⁴.

18. National security is the cornerstone of national stability, on which the fundamental interests of all people depend. Article 52 of the Constitution stipulates that citizens of the PRC shall have the duty to safeguard the unification of the country and the unity of all its nationalities. In addition, Article 54 of the Constitution provides that citizens of the PRC shall have the duty to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the motherland's security, honour and interests.

19. The National Security Law has been enacted in accordance with the Constitution, the Basic Law, and the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security. It specifically provides for the HKSAR's constitutional responsibility and system for safeguarding national security. All civil servants should be conversant with its provisions.

20. Article 3 of the National Security Law stipulates that *“the Central People's Government has an overarching responsibility for national security affairs relating to the Hong Kong Special Administrative Region. It is the duty of the Hong Kong Special Administrative Region under the Constitution to safeguard national security and the Region shall perform the duty accordingly. The executive authorities, legislature and judiciary of the Region shall effectively prevent, suppress and impose punishment for any act or activity endangering national security in accordance with this Law and other relevant laws.”*

21. Article 6 of the National Security Law also provides that *“[i]t is the common responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China. Any institution, organisation or individual in the Hong Kong Special Administrative Region shall abide by this Law and the laws of the Region in relation to the safeguarding of national security and shall not engage in any act or activity which endangers national security.”*

⁴ Refer to the Outline for the Study of a Holistic Approach to National Security (in Chinese only) for details.

22. The HKSAR bears the constitutional responsibility to safeguard national sovereignty, security and development interests. Being residents of the HKSAR and part of the executive authorities, civil servants are duty-bound to safeguard national security, which is also a constitutional and legal responsibility expressly provided for under the Constitution and the National Security Law. All civil servants have to take the exemplary lead in conscientiously discharging the duty to safeguard national security and to effectively prevent, suppress and punish acts and activities endangering national security in accordance with the National Security Law and other relevant laws.

III. OATH-TAKING AND DECLARATION REQUIREMENT BY CIVIL SERVANTS

23. Article 6 of the National Security Law states that “[a] resident of the Region who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China in accordance with the law.” All civil servants are required to take an oath or declare that they will uphold the Basic Law, bear allegiance to the HKSAR of the PRC, be dedicated to their duties and be responsible to the HKSAR Government. The oath-taking and declaration signify an open acknowledgement of the responsibilities of and expectations on civil servants, and a solemn pledge to fulfil them.

IV. CIVIL SERVANTS’ CORE VALUES AND STANDARDS OF CONDUCT

General

24. Being part of the executive authorities, civil servants have a constitutional role to play under the Basic Law. Because of the great responsibility that comes with this role, their performance and personal conduct have a significant bearing on the reputation and governance efficacy of the HKSAR Government.

25. Civil servants should be loyal to the country, morally upright and professionally competent. They should serve the community wholeheartedly,

and strive for results and outcomes in performing their duties. Regardless of their position, civil servants must –

- fully and faithfully implement the “One Country, Two Systems” principle;
- resolutely safeguard national security;
- be ready to think outside the box to resolve problems; and
- deliver concrete results to the public.

26. All civil servants should bear in mind that they are civil servants of the Government of the HKSAR of the PRC. They should serve the community, the HKSAR Government and the country with passion and pride. Their primary duty is to work for the good of citizens, the Hong Kong society and the country. They should at all times work diligently with a strong sense of responsibility, maintain personal integrity and uphold the reputation and image of the HKSAR Government.

27. While civil servants essentially follow the policy principles of the HKSAR Government and work within the confines of rules, it does not mean that they should adopt the attitude of doing everything by the book mechanically. Instead, civil servants are expected by the public to approach their work with passion, face difficulties with a can-do attitude and a commitment to service, and innovate and seek breakthroughs in resolving social problems.

28. Being a civil servant with the HKSAR Government is more than a job or an occupation. It is a commitment and a mission. Under the leadership of the CE, the politically appointed officials and the Civil Service share a common goal: to keep leveraging the advantages of Hong Kong so as to make it a spectacular success under “One Country, Two Systems” and enhance the sense of well-being, belonging and pride of HKSAR citizens.

Core Values

29. Civil service is a career by choice. Every organisation has its own vision, mission and core values, and the Government is no exception. Vision is the momentum and sets the overall direction; mission is the translation of objectives into action plans; and core values are the spirit and work culture of a

team as a whole, reflecting what the whole team stands for and the principles by which the team acts. The Civil Service is a sizeable team whose members in different posts are engaged in different roles and professions. Yet they share a commitment to Hong Kong and the country, a passion for their work and a spirit of serving the public with pride.

30. Civil servants of the HKSAR Government are required to uphold the following core values –

- (i) upholding the constitutional order and national security;
- (ii) people-oriented;
- (iii) passion for public service;
- (iv) dedication to duty;
- (v) commitment to the rule of law;
- (vi) integrity;
- (vii) political neutrality;
- (viii) professionalism;
- (ix) team spirit;
- (x) outcome-focused;
- (xi) accountability for performance; and
- (xii) confidentiality.

The above core values serve as a behavioural compass to guide the day-to-day work and decision making of civil servants.

Standards of Conduct

31. Civil servants, like any other Hong Kong residents, enjoy the rights and freedoms guaranteed to all residents of Hong Kong under the Basic Law and other

relevant laws. However, many of these rights belonging to the individual are not absolute, and may be subject to reasonable and proportionate limitations or restrictions that are provided by law for achieving a legitimate societal interest or objective. According to Article 42 of the Basic Law, civil servants, as Hong Kong residents, have the obligation to abide by the laws in force in the HKSAR.

32. Civil servants should follow common sense and be mindful of their behaviour to ensure that it conforms to the Code and meets the expectations of society. They should have due regard to the following –

- (i) the obligations as reflected by the oath they have taken or declaration they have made;
- (ii) the need to abide by the Official Secrets Ordinance (Chapter 521 of the Laws of Hong Kong) and other applicable requirements of secrecy or confidentiality;
- (iii) the legality of their behaviour; and
- (iv) the possible impact on the Civil Service and the governance or reputation of the Government.

33. Based on the core values mentioned in paragraph 30, civil servants are required to follow the standards of conduct set out below.

(i) Upholding the constitutional order and national security

34. Civil servants should wholeheartedly support the country's sovereignty and the exercise of it over the HKSAR. They should do their utmost to safeguard the constitutional order and national security. They should have an in-depth understanding of the historical and constitutional context underpinning the establishment of the HKSAR, and fully familiarise themselves with the national security concept and the provisions of the National Security Law so as to enhance their awareness of safeguarding national security.

35. "One Country" is the prerequisite and basis for "Two Systems". The Central Authorities' overall jurisdiction over the HKSAR underpins its high degree of autonomy. Civil servants must safeguard the country's sovereignty, unity, territorial integrity, security and development interests. Any activity that jeopardises the country's sovereignty, unity, territorial integrity and security; any

activity that challenges the right of the Central Authorities and the authority of the Basic Law; and any infiltration or sabotage directed at the country via Hong Kong, are in violation of the “One Country” policy and should not be tolerated. All civil servants should stay vigilant against acts or activities endangering national security; ensure compliance with all the requirements of the Basic Law and the National Security Law; resolutely prevent, suppress and punish acts and activities that endanger national security; and act in full concert with the HKSAR Government in fulfilling its responsibility of safeguarding national security.

36. In fully implementing the “One Country, Two Systems” principle, it is essential that civil servants, particularly senior professionals or equivalent ranks (on Master Pay Scale Points 45-49) and directorate officers, have an accurate understanding of national policies and development strategies and the international political landscape, as well as Hong Kong’s role in them, always bearing in mind the unique status and strengths of the HKSAR. They should know how to realise the full potential of the advantages of “Two Systems” under “One Country”, especially in maintaining a free and open business environment, maintaining the common law system and fostering international exchanges.

(ii) People-oriented

37. The public expect civil servants to be down-to-earth and pragmatic. They should reach out to the community and various sectors to gain first-hand understanding of social issues and the operation of the sectors, enabling them to accurately feel the pulse of society and inspire new thinking. The public sector is the sole provider of most public services and citizens are captive users. The Civil Service should always stay alert and sensitive, and work for the well-being of the people. To come up with appropriate policies and services, civil servants should identify the target clients and understand their actual needs, always mindful of changes in the social environment and adopting a professional and global perspective. In providing services, civil servants should treat the public with respect, courtesy and without being arrogant or overly humble. While responsible for policy making and implementation, civil servants themselves may also be the beneficiaries of public policies and services. They should have empathy, able to stand in other people’s shoes when deliberating on issues. Policies are made for the people. The Government should always be people-oriented and strive to deliver concrete results to them. Only by gaining a clear understanding of their actual needs and bringing greater convenience and benefits to them can the Government win the trust and support of the public.

(iii) Passion for public service

38. Civil servants derive unique satisfaction from serving the public and promoting social development, progress and reform within the Government. Public service, like the business of any sector, must be constantly renewed to keep up with the times. Civil servants should demonstrate a high level of professional competence, a strong sense of responsibility and a clear commitment to service reform where necessary, and must never adhere too rigidly to established practices. They should ensure that their knowledge and skill sets are up to date and remain agile and flexible in making timely adjustments to the mode of service delivery, always putting the needs of the public first. Regardless of rank and position, civil servants should remain passionate about public service, and have the courage to leave their comfort zone to meet operational needs. Only by doing so can they cope with the ever-changing service needs and meet the rising expectations of society.

39. While carrying out their daily duties following established rules and procedures, civil servants at all levels should constantly review their work and the use of resources, and reflect on the values of their posts and how to enhance their services.

40. Directorate officers should review departmental services from a macro perspective and discontinue obsolete services to free up resources or introduce new modes of service delivery. They should also develop a global outlook, make good use of technology and, from time to time, look at the practices adopted by the private sector or other places and apply them to day-to-day work as appropriate. Resolving social problems is no easy task since different interests are involved and many factors such as politics and resources have to be considered. Therefore, senior professionals or equivalent ranks and directorate officers must have the courage to face and tackle deep-seated social problems with a view to seeking public consensus and fostering social harmony.

(iv) Dedication to duty

41. Article 99 of the Basic Law stipulates that “[p]ublic servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region.” Civil servants have a duty to uphold the Constitution and the Basic Law, and render full support to the CE and POs. All civil servants must be loyal to the CE of the day and the CPG to which the CE bears allegiance, and discharge their duties with full commitment, in an

enthusiastic and efficient manner and in good faith. They must also support the CE and POs in formulating, promoting, explaining and promptly implementing policies and executive decisions. They cannot refuse to carry out an order because of their own different political views or other personal preferences.

42. Civil servants should always carry out their duties and responsibilities in accordance with the policies and decisions of the Government in an impartial manner, without any favouritism. Given their public power, civil servants should be fair and equitable in allocating public resources.

43. All civil servants must promote and implement government policies, decisions and actions. In their capacity as civil servants, they cannot criticise (including online and on social media or by other means) any government policies (particularly those relating to their official duties) or support opposing views of any other party. They must proactively identify themselves as part of the executive authorities and should never undermine the trust of the HKSAR Government among members of the public. That said, civil servants should put across different views during internal discussions for consideration by the participants to make the deliberation process more comprehensive.

44. When expressing their views or taking part in activities in personal capacity, regardless of whether the views or activities are related to their official duties, civil servants should avoid their views being mistaken as the Government's official position, or the activities are condoned or supported by the Government. Nor should they cause the community to associate such views or activities with their official capacity as civil servants, or to cast doubts on their impartiality in the discharge of duties or on the principles and core values they themselves, as civil servants, their bureaux/departments, grades or the entire Civil Service uphold.

45. Civil servants have frequent contacts with members of the public and their personal behavior and conduct are easily associated with their official positions. They are hence to some extent subject to monitoring by the public. Therefore, civil servants should remain cautious at all times in order not to compromise the integrity or reputation of the Government. In this age of information where social media are widely used for political, business, personal and other purposes, how civil servants conduct themselves on the internet is no different from how they conduct themselves in the real world, and their conduct will simply go viral and be known to many more people within a short period of time. Any inappropriate behavior of civil servants may call into question their

loyalty and personal morals, and in turn cast doubts as to whether they deserve or are suitable to continue to discharge their official duties. The higher the rank of a civil servant, the greater the need to be on the alert.

(v) Commitment to the rule of law

46. Civil servants should uphold the rule of law and the administration of justice. They should exercise executive powers in compliance with the laws in force in the HKSAR, including the Basic Law, the National Security Law and the Laws of Hong Kong. When making decisions, they should always observe due process and act within the scope of the power or discretion conferred on them, and within their authority. They should report promptly, either directly or through their bureaux/departments as appropriate, to the Independent Commission Against Corruption (ICAC) any suspected corrupt act or to the Hong Kong Police Force or other law enforcement agencies as appropriate other suspected criminal act which they come across in their official or personal capacity. In such circumstances, they should follow the guidelines set out in CSB Circular No. 7/2012.

(vi) Integrity

47. Civil servants should act honestly and with integrity at all times. They are placed in position of public trust and hold the power to deploy public resources. The public expect them to adhere to the highest probity standards. Civil servants must never act in an improper or unethical manner.

48. Hong Kong has always maintained a clean Civil Service. All civil servants should stay vigilant against corrupt practices, observe the highest standards of conduct and guard against possible breach of the Prevention of Bribery Ordinance (Chapter 201 of the Laws of Hong Kong) and the common law offence of misconduct in public office.

49. Civil servants should ensure that no actual, perceived or potential conflict of interest will arise between their official duties and private interests. Where an actual, perceived or potential conflict of interest arises, they should declare it to their supervisors as soon as possible so that the supervisors can determine how best to proceed or escalate the matter for a determination as necessary. They should not use their official position to further personal interests or the private interests of others. They should not solicit or accept, directly or indirectly, any advantage or gift which would influence, or might reasonably be seen to influence,

the discharge of their duties and responsibilities. They should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. When making private investments, civil servants should also avoid actual, perceived or potential conflict of interest, and should make declarations of investments in accordance with the relevant CSRs and CSB circulars.

(vii) Political neutrality

50. All civil servants have made a solemn pledge in the form of an oath or a declaration to “*uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, be dedicated to [their] duties and be responsible to the Government of the Hong Kong Special Administrative Region*”. As a matter of course, civil servants should uphold “One Country, Two Systems”, safeguard national security, fully assist the CE in effective governance and support the policy position of the HKSAR Government. Political neutrality on the part of civil servants is premised on their being loyal to the country and the HKSAR. All civil servants should serve the CE and the Government of the day with total loyalty and to the best of their ability. They should be wary of and alert to misinterpretation of the meaning of “political neutrality” by some people in the past.

51. Regardless of their political conviction, civil servants should not allow their personal political affiliation or political beliefs to influence the discharge of their official duties. Neutrality must be maintained in implementing policies or discharging official duties even if a civil servant is a member of a political party. Civil servants should never favour a particular political party in the exercise of executive powers. They should not participate in party political activities⁵ in their official capacity, and should refrain from political party activities that might lead to any actual, perceived or potential conflict of interest or bias. They should never use public resources for the political purposes of political parties, political groups or interest groups, such as electioneering or fund-raising activities for political parties. For the purpose of this Code, “political party” has the same meaning as that provided for under section 31(2) of the Chief Executive Election Ordinance (Chapter 569 of the Laws of Hong Kong).

⁵ For the avoidance of doubt, civil servants attending social functions of political parties upon invitation on a purely goodwill basis would not be regarded as engaging in party political activities. When handling such invitations from political parties, they should observe the prevailing rules and regulations governing civil servants’ participation in political activities.

52. Civil servants should never selectively refuse to implement government policies with which they may not agree, delay their implementation or adopt a passive attitude in implementing them because of their own political views. Nor should they arouse in any other manner distrust or hostility among others towards the Government.

53. In any event, civil servants should never, directly or indirectly, organise or participate in any activity that impedes policy implementation by the HKSAR Government.

54. No favouritism to any political party in the course of their work does not mean that civil servants can be oblivious to the prevailing political situation, which may amount to a breach of duty. Engaging political parties or their members or other stakeholders for the purpose of formulation of policy solutions and understanding their political demands is an essential duty of civil servants, particularly senior professionals or equivalent ranks and directorate officers.

55. In joining political parties or participating in political party activities and/or electioneering activities in their private capacity, civil servants should comply with the relevant prevailing regulations, rules and guidelines applicable to the Civil Service and individual departments, grades and ranks. They should also ensure that their private participation in political party activities will not compromise, or may not reasonably be seen to compromise, their impartiality in their official capacity, or cause any embarrassment to the Government.

56. Civil servants are disqualified from being nominated as a candidate at an election of the CE, of the Legislative Council (LegCo) or of a District Council (DC) under the Chief Executive Election Ordinance (Chapter 569 of the Laws of Hong Kong), the Legislative Council Ordinance (Chapter 542 of the Laws of Hong Kong) and the District Councils Ordinance (Chapter 547 of the Laws of Hong Kong) respectively. They are also disqualified from being elected as an elected member of the LegCo or a DC under the relevant ordinances. Civil servants who wish to stand for election of the CE or to the LegCo or a DC must retire, age permitting, or resign from the Civil Service.

57. Civil servants must retire, age permitting, or resign from the Civil Service before becoming a politically appointed official. The only exception to this is the position of the Secretary for the Civil Service⁶.

(viii) Professionalism

58. Civil servants should provide to decision-makers (at all levels up to POs and the CE) detailed information, rigorous analysis and objective advice on the basis of evidence in a truthful, open, candid and impartial manner, with all the risks assessed and pros and cons weighed. They should accurately present options and the actual situations, and propose solutions that have been thoroughly debated and examined. They should take full account of expert and professional advice. Their professional analyses given to their senior officers should be rigorous, robust and based on evidence and science. Their professional judgement should be well articulated with the risks and assumptions explained. Their implementation plans should be comprehensive, thorough and practicable. They should not ignore relevant facts or considerations when providing advice or making decisions, nor should they be biased or prejudiced.

59. The need for civil servants to be loyal to the CE and the HKSAR Government does not mean that they are not allowed to put across different views in the course of their work. In fact, the Government has all along treasured the views of civil servants, diverse as they are, put across with the objective of improving government policies and operation. It is the duty of civil servants to alert, on the basis of their professional judgement, decision-makers and officials vested with statutory or administrative authority, including POs and senior civil servants, to the consequences of policy options, whether or not such advice accords with their seniors' views. So long as they act in good faith and in a professional manner, civil servants are obliged to express their views candidly to their seniors during internal discussions. It is incumbent upon civil servants to point out the risks and downsides of policy options to the senior management, and recommend constructive, feasible solutions.

⁶ Under the present arrangement, the person filling the position of the Secretary for the Civil Service under the Political Appointment System is to be drawn from the body of serving civil servants. This will guarantee that this PO will have a full understanding and appreciation of the civil service structure and system and that he will be able to represent the expectations and interests of the Civil Service in the process of policy-making at the Executive Council. At the same time, he can also convey the considerations taken into account in respect of major decisions to civil service colleagues. This will facilitate full and effective implementation of policies adopted. This person is not obligated to resign or retire from the Civil Service before taking up the position. Age permitting, he/she may return to the Civil Service after leaving the position of the Secretary for the Civil Service.

60. Sometimes the professional judgement made by civil servants, regardless of rank, on a certain issue may be different from that of the politically appointed officials, who may view the issue from wider policy perspectives. This is in fact normal. It will ultimately be the political call of the POs to prescribe the best policy solutions for Hong Kong. The CE and/or POs will assume political responsibility for their decisions. Civil servants should actively and thoroughly implement the decisions once they are made, including promoting and explaining them to external parties. In sum, to advise fearlessly and implement dutifully is the essence of the Civil Service's professionalism.

61. It is the duty of civil servants, especially senior professionals or equivalent ranks and directorate officers, to keep themselves abreast of developments in their own professions, particularly the latest technology and market trends and their applicability to Hong Kong. Since every grade, be it a professional, departmental or general grade, is professional in its own way, civil servants should stay current with the latest skills and knowledge relevant to their positions through continuous learning. Civil servants should also actively participate in the programmes offered by the Civil Service College to deepen their understanding of the developments of the country, the constitutional order of the HKSAR and national security; enhance their leadership skills; acquaint themselves with the application of innovative technology; and broaden their international outlook and raise their global awareness. Only through continuous learning can the Civil Service maintain its vitality and energy.

(ix) Team spirit

62. Livelihood issues are often multidimensional and complex, and those which are controversial usually involve more than one department and policy area. The Government and the Civil Service are assessed not so much by the performance of individual departments operating independently as by their ability to collaborate as a whole. The Civil Service should have a "one government" mindset. Civil servants should bear in mind the big picture when performing their duties, and should not evade responsibilities or pass the buck. Where appropriate, departments should consider joining hands to provide "one-stop shop" so as to add value and boost efficiency, rather than just mind their own business. Heads of department have the responsibility to encourage and facilitate inter-departmental collaborative measures that can bring convenience and benefits to the public. The public expect the Civil Service to be efficient, innovative and agile. Civil servants should be proactive in solving problems, going the extra

mile to consider the advantages of joined-up services, which can promote cooperation and foster team spirit among departments.

63. In case of emergency, civil servants should follow the manpower deployment, posting and work arrangements and mobilisation plan made by their respective heads of department, and take part in or render support to the emergency response so that the Government can intervene promptly to resolve crises and maintain social stability.

(x) Outcome-focused

64. Under “One Country, Two Systems”, the HKSAR Government has a duty to maintain Hong Kong’s prosperity and stability. The Civil Service should have the courage and determination to address intractable problems and boost the competitiveness of Hong Kong. The ultimate goal of the HKSAR Government is to promote Hong Kong’s development and provide services that meet the needs of the public while reinforcing the role of Hong Kong under “One Country, Two Systems”.

65. Our society has ever-rising expectations on the Government, and judges its performance by the outcomes. The quality of governance is only as good as how members of the public actually perceive it. No matter how much time and effort has been spent on devising a policy and designing the details of a service, if targets are not met after the policy is implemented or the arrangements are chaotic when the service is launched, the public will lose confidence in the Government. Implementation of public policies and services is complicated because the Government not only has to balance the interests of various parties but also has to strictly ensure the proper use of taxpayers’ money. Although the results of some public policies and services cannot be completely quantified or objectively measured by performance indicators, civil servants should still look beyond procedures and inputs, and focus on outcomes so as to resolve problems effectively for the good of the people.

66. As service designers and providers, civil servants should have foresight, accurately anticipating the changing needs of the public and providing the necessary services in a timely manner. An enterprising Civil Service should dare to be innovative in devising proposals to address social problems and changes in the external environment. In formulating policies, civil servants should consider different options, including deregulation and regulation by legislation, streamlining procedures, re-engineering service delivery modes, strengthening

law enforcement, introducing public-private partnership and/or launching new services to meet emerging needs. Anticipatory governance has become the norm and civil servants need to be “future-ready” and aware of the challenges ahead.

(xi) Accountability for performance

67. Civil servants should act in accordance with government policies and procedures. They are responsible for decisions and actions taken in their official capacity and for the use of public resources. They are accountable for the exercise of statutory powers conferred on them under the Laws of Hong Kong. Civil servants appointed as controlling officers under the Public Finance Ordinance (Chapter 2 of the Laws of Hong Kong) are accountable for all public moneys, property and expenditure under their charge, and the use of such resources in compliance with the directions and decisions made by their POs⁷. They are responsible for the efficient and effective use of resources under their charge. They are required to ensure compliance with all the regulations made and directions or instructions given by the Financial Secretary under the Public Finance Ordinance.

68. Although they do not need to shoulder political accountability under the Political Appointment System, civil servants have administrative accountability for their part in policy formulation, promotion and implementation and service delivery to the public. Under the “executive-led” system, civil servants have to be highly efficient in implementing the policies of the HKSAR Government. The HKSAR Government has a rigorous performance management system for the Civil Service, under which the actual work performance, work attitude and commitment and long-term potential for promotion of civil servants of different ranks are regularly assessed. In this connection, civil servants who are supervisors have the responsibility to supervise their subordinates and appraise their performance in an honest and objective manner with a view to maintaining the quality of the Civil Service and public services. Promotion of civil servants has all along been based on merit. Through a fair process, the most suitable and meritorious officers are selected and promoted on the basis of a set of objective criteria, which take into account the character, ability, experience and potential of the officers and the qualifications prescribed for the promotion rank.

⁷ Controlling officers designated under the Public Finance Ordinance are responsible and accountable for all expenditure of the policy bureaux or departments or agencies falling within their purview, and that controlling officers are required to obey all regulations made and directions or instructions given by the Financial Secretary for the safety, economy and advantage of public moneys and government property. Politically appointed officials have a duty to give fair consideration and due weight to honest, informed and impartial advice from the controlling officers.

69. Failure to perform up to standard will not only be reflected in a civil servant's performance appraisal but will also have an impact on promotion, posting and the award of increment. Serious or persistently sub-standard performance may lead to compulsory retirement of the civil servant in the public interest, and gross oversight in carrying out one's duties constitutes negligence, which is a misconduct. Understandably, directorate civil servants are held to higher accountability standards compared with their subordinates, whom they are expected to lead by example.

70. Civil servants are subject to monitoring by various statutory organisations such as the Audit Commission and the ICAC.

(xii) Confidentiality

71. Civil servants should use information gained by virtue of their official position for authorised purposes only. They should not disclose documents, information or knowledge received in confidence from others in the course of their official duties or by virtue of their official position, and must comply with the Official Secrets Ordinance (Chapter 521 of the Laws of Hong Kong) and other applicable requirements of secrecy and confidentiality. Unauthorised disclosure of any official information protected under the Official Secrets Ordinance, including those relating to security and intelligence, defence, criminal investigation, international relations, and the prevention and detection of offences, or other statutory obligation of secrecy, may constitute an offence.

72. Moreover, civil servants must respect the privacy of individuals and observe the provisions of the Personal Data (Privacy) Ordinance (Chapter 486 of the Laws of Hong Kong).

V. CIVIL SERVICE AND THE POLITICAL APPOINTMENT SYSTEM

Role of Civil Servants

73. Article 48(7) of the Basic Law empowers the CE to appoint or remove holders of public office in accordance with legal procedures. Therefore, civil servants must be responsible to the HKSAR Government headed by the CE. POs are responsible for their respective portfolios designated to them by the CE and lead the executive departments within their respective portfolios. POs are

responsible for formulating, explaining and defending government policies as well as canvassing support from the public and LegCo. They are accountable to the CE for the success or failure of their policies. Civil servants have the responsibility to support the CE and POs in formulating, promoting and implementing government policies.

74. Civil servants, particularly senior professionals or equivalent ranks and directorate officers, are responsible for developing policy options or proposals and assessing their full implications, including the financial and manpower implications and the possible consequences of adopting or not adopting a particular policy option or course of action, based on intellectual rigour, objective research, professional knowledge and expertise. Where necessary, they are to attend before the Executive Council to assist their POs in explaining proposed policy initiatives or government policies. They also have to assist their POs in presenting and explaining proposed policy initiatives or government policies to LegCo, DCs, the community, stakeholders, political parties, the media, etc., and securing LegCo's approval for funding and other resources.

75. Civil servants who serve as controlling officers have a particular responsibility to see to that appropriate advice is tendered to their POs on all matters of financial propriety and regularity, prudent and economically-sound administration, efficiency and effectiveness, and value for money.

Relationship between Civil Servants and Politically Appointed Officials

76. The CE and POs are appointed by the CPG and are primarily responsible for administering Hong Kong under "One Country, Two Systems". By virtue of their integrity and professionalism, civil servants should contribute their utmost and should respect and follow the leadership of the HKSAR Government. Civil servants should provide honest, informed and impartial advice and support to their POs, and follow the directives given and work priorities determined by the latter. As mentioned in the part on professionalism above, it is the duty of civil servants to articulate their professional views to seniors in good faith during internal discussions in the decision-making process. Under the Political Appointment System in Hong Kong, final decisions on policy rest with the POs. Once a decision is made, it is the duty of the Civil Service to implement it to the full. Civil servants should exert themselves to render full support to the CE and POs in delivering on policy pledges and achieving the promised results in a timely manner.

77. Over the years, the Civil Service and political appointed officials have already nurtured a culture of mutual trust and confidence. The politically appointed officials have to respect and properly address civil servants' views on policy constraints and read-across implications put forward in good faith, and secure necessary political support for policies.

78. Civil servants must ensure that the policies or decisions of the POs are not frustrated by the use or disclosure outside the Government of any information to which they have access as civil servants, including the internal policy advice they have tendered to the POs.

79. For the duties of politically appointed officials, please refer to the Code for Officials under the Political Appointment System.

VI. INDEPENDENT ROLE OF THE PUBLIC SERVICE COMMISSION

80. Civil servants are appointed, managed and promoted on the basis of merit and in accordance with the principles of openness and fairness and with the prevailing rules and regulations applicable to the Civil Service. They are subject to the prevailing disciplinary system for the Civil Service, under which allegations of misconduct against individual civil servants are determined through an impartial process based on consideration of factual evidence. The Public Service Commission is an independent statutory body with its remit stipulated in the Public Service Commission Ordinance and its subsidiary regulations (Chapter 93 of the Laws of Hong Kong). Under the Ordinance, the Commission independently advises the CE on the appointment, promotion, conduct and discipline of civil servants. Its mission is to safeguard the impartiality and integrity of the appointment and promotion systems in the Civil Service and to ensure that fairness and broad consistency in disciplinary punishment are maintained throughout the service. All members of the Commission are non-officials, who perform a monitoring and advisory role.

VII. CONCLUSION

81. Hong Kong's present achievements are hard earned. Since its return to the motherland, Hong Kong, with the staunch support of the country and by the relentless efforts of its people, has flourished as an international financial,

commercial and trade centre under “One Country, Two Systems” while enjoying steady economic and social development. Looking ahead, Hong Kong cannot afford to stand still, but should continue to innovate and develop in a bid to improve people’s lives, and overcome the challenges posed by an increasingly complicated international landscape. Hong Kong has to enhance its competitiveness, realise the full potential of its strengths under “One Country, Two Systems”, proactively integrate into the country’s overall development and establish its positioning as a development centre in eight key areas, i.e. international financial centre, international innovation and technology centre, East-meets-West centre for international cultural exchange, international trade centre, international shipping centre, international aviation hub, centre for international legal and dispute resolution services in the Asia-Pacific region as well as regional intellectual property trading centre. The people of Hong Kong have great expectations on the HKSAR Government and high requirements for civil servants. Given the trust that the country and the people of Hong Kong place in the HKSAR Government, civil servants must make concerted efforts to forge ahead with an unyielding spirit, driven by their love of the country and Hong Kong. As a pillar to Hong Kong’s sustained prosperity and stability, the Civil Service can certainly help ensure the steadfast and successful implementation of “One Country, Two Systems”, and make contribution to the great rejuvenation of the nation.

Civil Service Bureau
2023

**Civil Service Regulations (CSRs) and
Civil Service Bureau (CSB) Circulars and Circular Memoranda
Relating to Conduct and Integrity of Civil Servants**

Oath-taking and Declaration Requirement to Uphold the Basic Law, Bear Allegiance to the HKSAR, be Dedicated to their Duties and be Responsible to the HKSAR Government

- (1) CSB Circular No. 4/2020 on “New Requirement for Appointment to the Civil Service on or after 1 July 2020”
- (2) CSB Circular No. 2/2021 on “Oath-taking/Declaration Requirement for Civil Servants Appointed to the Civil Service before 1 July 2020”
- (3) CSB Circular No. 4/2021 on “Declaration Requirement for Government Staff Appointed on Non-Civil Service Terms on or after 1 July 2020”

Disciplinary Action and Punishment

- (4) CSR 410 on “Disciplinary Action and Punishment”

Conflict of Interest

- (5) CSB Circular No. 2/2004 on “Conflict of Interest”

Acceptance of Advantages and Entertainment

- (6) CSB Circular No. 3/2007 on “Acceptance of Advantages Offered to an Officer in his Private Capacity”
- (7) CSB Circular No. 4/2007 on “Advantages/Entertainment Offered to an Officer in his Official Capacity and Gifts and Donations to a Department for the Benefit of Staff”
- (8) CSB Circular No. 11/2007 on “Sponsored Visits”
- (9) CSRs 431-435 on “Acceptance of Entertainment”

(10) CSR 444 on “Acceptance of Advantages”

(11) CSR 448 on “Retirement Gifts”

Investments

(12) CSB Circular No. 8/2006 on “Declaration of Investments by Civil Servants”

(13) CSB Circular Memorandum No. 14/2008 on “Declaration of Investments by Civil Servants - Revised Declaration and Report Forms”

(14) CSRs 461-466 on “Investments”

Outside Work

(15) CSB Circular No. 7/2011 on “Taking Up Outside Work by Directorate Civil Servants on Final Leave and Former Directorate Civil Servants”

(16) CSB Circular No. 9/2015 on “Taking Up Outside Work by Non-directorate Civil Servants Retiring/Retired from the Government”

(17) CSRs 397-398 on “Taking Up Outside Work after Ceasing Active Service”

(18) CSRs 550-564 on “Outside Work”

Indebtedness

(19) CSB Circular No. 4/2002 on “Managing Personal Finance and Management Measures on Staff Indebtedness in the Civil Service”

(20) CSRs 455-459 on “Insolvency and Bankruptcy”

(21) CSRs 480-482 on “Lending Money at Interest”, “Acting on Behalf of a Money-lender” and “Borrowing Money at Interest”

(22) CSR 483 on “Use of Subordinates as Guarantors”

Reporting Crime and Corruption

- (23) CSB Circular No. 7/2012 on “Reporting of Criminal Offences including Corruption-related Offences”
- (24) CSB Circular Memorandum No. 9/2012 on “Handling of Allegations of Corruption”

Production by Government Officers of Publications Containing Paid Advertisements

- (25) CSB Circular No. 6/77 on “Production by Government Officers of Publications Containing Paid Advertisements – CSR 530”
- (26) CSB Circular No. 23/77 on “Production by Government Officers of Publications Containing Paid Advertisements – CSR 530”
- (27) CSR 530 on “Publications”

Public Communications by Officers

- (28) CSRs 520-525 on “Public Communications by Officers”

Public Donations

- (29) CSR 531 on “Public Donations”

Participation in Political Activities by Civil Servants

- (30) CSB Circular No. 26/90 on “Civil Servants Joining Political Organisations and Participating in Political Activities”
- (31) CSB Circular No. 15/97 on “Civil Servants Standing for Elections and Participating in Electioneering Activities”
- (32) CSB Circular No. 4/2005 on “Civil Servants Standing for the Election Committee Subsector Elections and Participating in Electioneering Activities for the Chief Executive Election”
- (33) CSB Circular Memorandum No. 20/2007 on “Civil Servants Participating in

Electioneering Activities for the District Council Elections”

- (34) CSB Circular Memorandum No. 2/2008 on “Civil Servants Standing for Elections and Participating in Electioneering Activities”
- (35) CSB Circular No. 6/2008 on “Civil Servants Participating in Electioneering Activities for the Legislative Council Elections”
- (36) CSB Circular No. 5/2014 on "Civil Servants Standing as Candidates in Rural Representative Elections"

Avenues for Complaint/Seeking Redress

- (37) CSB Circular No. 20/91 on “Staff Complaints Procedure”
- (38) CSR 486 on “Representation to the Chief Executive”
- (39) Section 20 of the Public Service (Administration) Order - Representations by Officers