

For information

Legislative Council's Panel on Public Service

Follow-up actions required arising from the meeting on 20 April 2009

Administration's response on Disciplinary mechanism and related procedures for disciplined services and civilian grades

The number of applications for legal representation received from civil servants subject to disciplinary proceedings under the relevant disciplined service legislation (“DSL”) since the handing down of a judgment by the Court of Final Appeal (“CFA”) in March 2009¹ and the number of applications approved, with breakdown by disciplined services departments, are appended in the following table -

| Department | Applications for legal representation during disciplinary proceedings conducted under the DSL | |
|----------------------------------|---|-------------------------------|
| | No. of applications received* | No. of applications approved* |
| Hong Kong Police Force | 1 | Under consideration |
| Correctional Services Department | 1 | |
| Fire Services Department | 1 | |
| Customs & Excise Department | 0 | NA |
| Government Flying Service | 0 | NA |
| Immigration Department | 0 | NA |
| Total | 3 | 0 |

* Figures as at 6.5.2009

Civil Service Bureau
May 2009

¹ This refers to the ruling in the case of *Lam Siu Po v Commissioner of Police (FACV No.9 of 2008)*, in which the CFA ruled on 26.3.2009 that the relevant provisions under the Police (Discipline) Regulations (Cap. 232A) which prohibited a barrister or solicitor from representing a defaulter and conducting the defence on his behalf during disciplinary proceedings was unconstitutional, null and void.