

LCQ1: Police officers publicly expressing views

Following is a question by the Hon Andrew Wan (Hon Wu Chi-wai to ask on his behalf) and a reply by the Secretary for the Civil Service, Mr Joshua Law, in the Legislative Council today (November 6):

Question:

On July 26 this year, the Chief Secretary for Administration (CS) apologised to members of the public for the Police's handling of the incident of some white-clad men attacking members of the public in the MTR Yuen Long Station. On the same day, the Junior Police Officers' Association of the Hong Kong Police Force (JPOA) issued a statement in response, "lodging the most severe condemnation" against the drawing of a rash conclusion publicly by CS about the right or wrong of the Hong Kong Police Force, and asking those incumbents with insufficient ability to lead the civil servants to vacate their positions for more capable persons. However, in respect of some civil servants initiating a public meeting, the Government issued a solemn statement on August 1 this year, pointing out that according to the Civil Service Code, civil servants must uphold their political neutrality, and must serve the incumbent Chief Executive (CE) and Government with total loyalty. On October 21 this year, a police sergeant made a remark on a social networking platform, criticising CE and the Secretary for Home Affairs for having had an in-depth dialogue with demonstrators earlier on. However, according to the Police General Orders, a police officer should at all times abstain from any activity which is likely or appears to be likely to interfere with the impartial discharge of his/her duties, including speaking publicly on matters of a political nature other than in the course of official duties. In this connection, will the Government inform this Council:

(1) whether it has assessed if the office-bearers of JPOA, by issuing the aforesaid statement, and the said police sergeant, by making the aforesaid remarks, have breached the Police General Orders and the Civil Service Code; if it has assessed and the outcome is in the affirmative, of the details and the follow-up actions; if the assessment outcome is in the negative, the justifications for that;

(2) whether it has assessed if the office-bearers of JPOA have overstepped their authority by issuing the statement to condemn CS; if it has assessed and the outcome is in the affirmative, of the follow-up actions; if the assessment outcome is in the negative, the justifications for that; and

(3) given that the Government issued a solemn statement in respect of the public meeting initiated by civil servants but kept silent about the statement issued by JPOA and the remarks made by that police sergeant, of the reasons why the Government adopted different approaches towards the aforesaid situations?

Reply:

President,

The Government attaches great importance to the conduct of civil servants. Civil servants are required to comply with the Civil Service Code, which sets out, among others, the core values of the civil service that civil servants should uphold, including commitment to the rule of law, dedication, impartiality and political neutrality, etc. According to the Civil Service Code, civil servants must maintain political neutrality. No matter what their own political beliefs are, civil servants shall serve the Chief Executive and the Government of the day with total loyalty and to the best of their ability. Civil servants shall also at all times ensure that their views would not impede their performance of official duties in a professional and fair manner. Apart from the Civil Service Code, Heads of Department may, in light of their operational needs, lay down further regulations for compliance by their staff, so as to serve the same purpose.

Civil servants, like other members of the public, must abide by the law. The Government will not tolerate or condone any civil servant violating the law. If a civil servant is convicted of a criminal offence, we will seriously follow up each case in accordance with the established mechanism.

Having consulted the Security Bureau, my consolidated reply to the Hon Andrew Wan's question is as follows:

(1) and (2) We do not comment on individual cases. That said, in general, police officers, like other civil servants, are required to comply with the Civil Service Code and when expressing their views, they shall ensure that their views would not impede their performance of official duties in a professional and fair manner.

Police officers should also comply with the Police General Orders in abstaining from any activity which is likely to interfere with the impartial discharge of his/her duties, or which is likely to give rise to the impression amongst members of the public that it may so interfere. Except for in certain circumstances, a police officer shall not participate in political activities.

The purpose of the above restriction is to ensure all police officers do adopt a fair, just and impartial approach in discharging their duties. The restriction balances the civil rights of officers and the requirement for them to impartially discharge their duties. It also enables the public to appreciate police officers are politically neutral in order to maintain public's confidence and trust in Police's execution of duties.

At present, the four Police staff associations are registered societies under the Societies Ordinance (Cap. 151) and deal with affairs of the association in accordance with their charter, including maintaining the rights of their members, submitting the views on matters which will directly

or indirectly affect members to the Commissioner of Police or other concerned authorities, etc.

With regard to statements made by individual police officers on social media, the Complaints Against Police Office (CAPO) has received one reportable complaint and 14 notifiable complaints, and the cases are under investigation. As regards a police officer criticising the Chief Executive and the Secretary for Home Affairs for having had an in-depth dialogue with demonstrators earlier on, CAPO has not received any complaint.

Besides, with regard to the Junior Police Officers' Association issuing a statement in response to the Chief Secretary in respect of the July 21 incident in Yuen Long, CAPO has received a notifiable complaint, and investigation is underway.

(3) The government statement issued on August 1 aims at reminding the civil service of the core values set out in the Civil Service Code. These core values are to ensure that the personal beliefs of civil servants would not affect the effective operation of the Government, as otherwise this may undermine public confidence in civil servants discharging their duties impartially. They are not only the core values of the civil service, but also what the general public expects of civil servants. At the inter-departmental press conference held on October 10, I have also reiterated the importance of the principle of political neutrality and that civil servants shall at all times ensure that their behaviour would not impede their performance of official duties in a professional and fair manner, so as not to undermine public confidence in civil servants' remaining politically neutral and impartial. In fact, the concerned principles apply to all civil servants, including police officers.

The Government has all along been handling civil service disciplinary matters in accordance with rules and regulations of the civil service under the established mechanism, with due regard to the principle of fairness and impartiality. We will not comment on the disciplinary matters of individual civil servants. Under the current established mechanism, complaints against civil servants will be handled by their respective departments. As such, the cases mentioned in question have been referred to the Hong Kong Police Force to handle and follow up in accordance with the mechanism.

Thank you, President.