

Requirement for civil servants appointed to civil service before July 1, 2020, to take oath or sign declaration

The Civil Service Bureau (CSB) issued a circular to all policy bureaux and departments today (January 15), promulgating the requirement for civil servants appointed to the civil service before July 1, 2020, to take an oath or sign a declaration.

A spokesman for the CSB said, "All civil servants who were appointed to the civil service before July 1, 2020, are required to sign a declaration that they will uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law), bear allegiance to the Hong Kong Special Administrative Region (HKSAR), be dedicated to their duties and be responsible to the HKSAR Government. Civil servants should sign and return their declaration within four weeks after the department issues the letter concerned. Civil servants appointed to senior positions such as Heads of Department will be additionally required to take an oath.

"Under the Basic Law and the Civil Service Code, it has consistently been the duty of civil servants to uphold the Basic Law, bear allegiance to the HKSAR, be dedicated to their duties and be responsible to the HKSAR Government. This has all along been what the Government and the society expect and require of them. All civil servants should in no uncertain terms acknowledge and accept these basic duties. Taking an oath or signing a declaration is an open acknowledgement of the acceptance and a genuine manifestation of the responsibilities and expectations on civil servants, which will enable civil servants to have clearer awareness of the duties, responsibilities and requirements entailed by their official positions, thereby further safeguarding, strengthening and promoting the core values that should be upheld by civil servants, and ensuring in turn the effective governance of the HKSAR Government."

Taking into account that the content of the oath/declaration only reflects the basic duties of all civil servants with no additional requirement introduced, and the views of the civil service unions, the CSB decided to require all civil servants to comply with the requirement of taking the oath or signing the declaration in one go.

On October 12 last year, the CSB required all civil servants who joined the HKSAR Government between July 1, 2020 and that date to take an oath or sign a declaration, and all of them signed the declaration by the end of October last year. For those who received an appointment offer after October 12 last year, one of the conditions for appointment is that they must sign and return the signed declaration as part of their acceptance of the offer of

appointment. During the period from July 1 last year till now, a total of over 4 000 civil servants joined the HKSAR Government and duly made the declaration.

The HKSAR Government also held an oath-taking ceremony for civil servants at the Central Government Offices on December 18 last year. Permanent Secretaries, Heads of Department and directorate civil servants at the rank of D6 or above took an oath which was witnessed by the Chief Executive, Mrs Carrie Lam.

"Negligence or refusal to take the oath or to duly sign and return the declaration by a civil servant casts serious doubts on his or her willingness to take up these basic duties and his or her suitability to remain in the civil service to continue discharging his or her official duties. The Government will, with regard to the specific circumstances of each case, decide whether to initiate action in accordance with the mechanisms under the Public Service (Administration) Order (PS(A)O) or the relevant disciplined services legislation as appropriate to terminate the service of the officer. The officer concerned will be given an opportunity to make representations in the process," the spokesman said.

"The Government has an established mechanism to handle disciplinary matters of civil servants. If a civil servant commits a misconduct which also involves a breach of the oath or declaration, the Government will, having regard to the specific circumstances of the case, take appropriate disciplinary action(s) against the officer for the misconduct committed in accordance with the established mechanism. In determining the punishment in accordance with the PS(A)O or the relevant disciplined services legislation, the Government will take into account the circumstances, nature and gravity of the case, etc, and will certainly also take into consideration the fact that the misconduct is committed by the civil servant even though the officer has taken an oath or signed a declaration to acknowledge the expectations and responsibilities brought by the official position on him or her."