

Response to enquiries on oath-taking or signing a declaration by civil servants

In response to media enquiries today (October 13) on the new requirement for appointment to civil service on or after July 1, a spokesman for the Civil Service Bureau (CSB) gave the following reply:

According to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (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 Hong Kong Special Administrative Region (HKSAR) and be responsible to the HKSAR Government. This has all along been what the Government and the society expect and require of them. Appointees to civil service posts should in no uncertain terms acknowledge and accept these duties.

The CSB issued a circular to all departments yesterday, promulgating a new requirement for appointment to the civil service on or after July 1, 2020. All civil servants joining the HKSAR Government on or after this date are required to take an oath or sign a declaration that they will uphold the Basic Law, bear allegiance to the HKSAR and be responsible to the HKSAR Government.

The requirement for civil servants to take an oath or sign a declaration is an open acknowledgement of the acceptance and a genuine manifestation of the responsibilities of and expectations on civil servants, which will enable them to have clearer awareness of the responsibilities and requirements brought on them by their official positions. It will also further safeguard, reinforce and promote the core values that should be upheld by civil servants, and thereby ensure the effective governance of the HKSAR Government. This arrangement also accords with the relevant provisions of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region.

Where an officer is suspected or is found to have breached the declaration or oath while in service, the case will be dealt with according to civil service rules and regulations, including disciplinary action under the Public Service (Administration) Order or the relevant disciplined services legislation.

Regarding the arrangements of oath-taking or signing a declaration for serving civil servants, the CSB is consulting the staff side in accordance with the established mechanism to gauge their views. After receiving their feedback and studying the matter, the CSB will work out and announce the implementation details.

Civil servants, like other members of the public, enjoy the rights

enshrined in the Basic Law and the Hong Kong Bill of Rights Ordinance, such as freedom of speech, peaceful assembly and association. However, like in any other jurisdiction, these rights are not absolute. Civil servants must be well aware of the expectations and responsibilities brought on them by their official positions.

On the concerns expressed by some civil service unions that the requirement to take an oath or sign a declaration would affect their striving for remuneration and benefits for civil servants, the spokesman stressed that the main objectives of civil service unions registered under the Trade Unions Ordinance were to promote understanding and co-operation between the Government and civil servants as employers and employees, and to liaise and discuss with the Government on matters affecting the well-being of civil servants. The requirement to take an oath or sign a declaration would not have any impact on civil service unions' communication with the Government as long as they are operating within the aegis of the provisions of the Trade Unions Ordinance and their constitutions.