

## **Updated Civil Service Code**

### **Frequently Asked Questions**

Civil servants are the backbone of the Government and the key to improving governance. As the expectations and demands of the community towards the Government and civil servants have continuously grown, the Government updated the Civil Service Code (the Code) to spell out the constitutional basis and order of the Hong Kong Special Administrative Region (HKSAR), the constitutional roles and responsibilities of civil servants, and the core values and standards of conduct that present-day civil servants should uphold.

The Civil Service Bureau (CSB) issued a circular to all civil servants in June 2024 to promulgate the updated Code.

#### **Q1 Which types of employees have to comply with the updated Code?**

A1 All civil servants and other government employees (including Non-civil Service Contract staff, the Post-retirement Service Contract staff and staff appointed on other non-civil service terms) should comply with the Code. This is a requirement under the letters of appointment or employment contracts.

With regard to agency staff working in the Government (e.g. T-Contract staff), depending on the terms of the contract, they may also be bound by the Code.

#### **Q2 Does the Code apply only when civil servants are discharging official duties?**

A2 Most of the requirements of the Code are related to the discharge of official duties. That said, the core values on “upholding the constitutional order and national security” and “commitment to the rule of law” and relevant standards of conduct are applicable at any time. In addition, civil servants are required to pay due regard to the core values and relevant standards of conduct on “integrity” and “political neutrality” in handling their private matters as well. In fact, with frequent contact with the public, the public may associate the behaviour and conduct of civil servants with their official duties (including

their loyalty to the country and the HKSAR, their exercise of public power) and civil servants are hence to some extent subject to monitoring by the public. Therefore, civil servants should exercise due care at all times to avoid bringing disrepute to the integrity or reputation of the Government.

**Q3 I am a junior staff. I am only following the guidelines and instructions of supervisors during my work. Are some of the requirements of the Code (e.g. be innovative, have commitment, consider how to add value to services) not applicable to me?**

A3 The requirements of the Code on conduct and work attitude apply to civil servants and government employees at all levels. The higher the rank of civil servants, the greater their responsibilities. The Code has specifically set out the areas requiring attention by senior staff. As for junior staff, the public also has expectation on them. For example, frontline staff providing public service should have commitment and passion to serve the public, understand their needs and proactively solve problems. In most cases, frontline staff are civil servants with the most frequent contact with the public. Their behaviour and work attitude directly impact the public perception of the Government and its services.

In implementing guidelines and supervisors' instructions, if junior staff has any suggestion on matters relating to the actual operation or other areas of work (e.g. how to streamline work flow, utilise technology to enhance work efficiency or quality), they should reflect and discuss with their supervisors for guidance and assistance.

**Q4 Can I discuss or comment on government policies on social media, discussion forums or during other social occasions (e.g. gathering with friends)?**

A4 Civil servants have the responsibility to uphold the Constitution and the Basic Law, and fully support the Chief Executive (CE) and Principal Officials (POs). In the capacity as civil servants, civil servants must not criticise (including online and on social media or by other means) any government policies (particularly those relating to their official duties) or support the opposing views of others.

When expressing views (e.g. on social media) or taking part in activities in personal capacity, civil servants should avoid their views being mistaken as the Government's official position, nor cause the community to associate such views with their official capacity. Even if civil servants do not identify themselves as civil servants when expressing views or taking part in activities (e.g. in an anonymous way, or those views are intended to share with a limited group of people only), the public may identify them as civil servants through other means, and may consider their views or conducts being in conflict with their official duties, cast doubts on their impartiality in the discharge of duties or on the principles and core values upheld by they themselves, their departments or grades, or the entire civil service. In addition, private correspondences or behaviours may also be transmitted and made public. Departments will handle any complaints received seriously.

Improper conduct which constitutes a breach of the Code may take many different forms. Whether a particular behaviour violates the Code depends on the actual circumstances of the case, and it is not possible to list exhaustively all types of such improper conduct and comment on each case. In general, examples of matters that civil servants should take note of are as follows:

- Civil servants should exercise judgment depending on the occasion and persons involved;
- The higher the rank, the more vigilant the civil servant has to be; and
- If the issues involved fall within the scope of work of one's own department, it is very easy to associate them with one's official duties.

Detailed guidelines on expression of views or participation in activities by civil servants are set out in paragraphs 46 to 48 of the Code.

**Q5 I am a member of staff unions. Will the updated Code hinder staff unions from advocating for improvements to staff benefits (e.g. expressing dissatisfaction with the rate of pay adjustment)?**

A5 Staff unions are tasked to provide views on issues such as pay and benefits, conditions of service and occupational safety, etc. It is normal for staff

unions to hold different views from the Government on these issues. The Government has been consulting the staff side on these issues. After the promulgation of the updated Code, staff unions continue to have ample room to perform the inherent roles and to express their views on these issues as usual.

With regard to expressing views that are not related to the work of unions, members of staff unions should observe the requirements of the Code as other civil servants.

**Q6 Do civil servants enjoy the freedoms of speech, assembly and association protected by the Basic Law and the Hong Kong Bill of Rights Ordinance?**

A6 According to the Basic Law and the Hong Kong Bill of Rights Ordinance, civil servants, like other members of the public, enjoy freedom of speech, and the rights of peaceful assembly and association. The Code has no impact on the civil rights of civil servants. However, as with other jurisdictions, these rights are not absolute. When exercising such rights, one must bear in mind the need to safeguard national security, public peace and order. For civil servants, when exercising these rights, they must also comply with the responsibilities and requirements that come with their official positions.

**Q7 Can civil servants participate in political / party activities to express their demands?**

A7 The freedom and rights of civil servants, as members of the public, are protected by the Basic Law. Such freedom and rights are not free from restrictions. There have always been clear guidelines on civil servants' participation in political / party activities stipulating that civil servants should not engage in activities which give rise to conflict of interest with their official duties, and should refrain from engaging in any activities which may influence or cause misunderstanding among members of the public as influencing the impartiality of their official duties. Even if the views expressed may not be directly related to one's own duties, civil servants should consider whether such behaviour would cause embarrassment to the Government. Detailed guidelines on the participation of political activities by civil servants are set out in paragraphs 54 to 59 of the Code.

In any event, civil servants should never, directly or indirectly, organise or participate in any activity that impedes policy implementation by the HKSAR Government. With regard to certain officers at senior level and those of certain work nature (including all directorate officers, Administrative Officers, Information Officers and disciplined officers of the Hong Kong Police Force), they are prohibited from participating in political and electioneering activities according to established guidelines.

**Q8 Civil servants have to be loyal to the CE and the HKSAR Government. Does it mean that they are not allowed to put across different views in the course of work?**

A8 Civil servants are allowed to do so. 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.

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.

The above guidelines have been set out in paragraphs 62 to 63 of the Code.

**Q9 If civil servants consider that they are being treated unfairly by their own department or are dissatisfied, is there any complaint or appeal mechanism?**

A9 The Government has set out a mechanism to receive and handle staff complaints in the relevant CSB circular. Departments have, after taking into account of departmental condition and requirement, devised a set of departmental procedures to deal with staff complaints. If civil servants consider that they are being treated unfairly by their own departments or are dissatisfied, they may lodge a complaint according to the department's staff complaints procedure. Civil servants may also make representation according to the relevant provisions in the Civil Service Regulations and Public Service (Administration) Order.

**Q10 What will the Government do to ensure that civil servants understand the requirements of the Code?**

A10 To enhance civil servants' understanding on the Code, the Government will strengthen training and publicity. These include holding roving exhibitions at various government offices, inviting Heads of Departments to conduct briefing sessions in bureaux/departments, and including the content of the Code in the induction training for new recruits, in order to explain the requirements of the Code clearly.

Bureaux/departments are also required to provide a copy of the Code to all newly appointed staff as soon as possible after appointment, and to re-circulate the Code to staff every six months.

**Q11 What are the consequences of breaching the Code?**

A11 Some of the core values of the Code concern the behaviour and conduct of civil servants (e.g. commitment to the rule of law, dedication to duty, integrity, political neutrality). The Government attaches great importance to the conduct and integrity of civil servants and has put in place a mechanism to deal with the disciplinary matters. If a civil servant is involved in a misconduct which breaches the Code, the Government will, having regard to the specific circumstances of the case, take appropriate disciplinary action(s) in a fair and impartial manner and in accordance with the established mechanism against the officer for the misconduct committed. In determining the level of punishment, the fact that the misconduct is committed by a civil servant even though the Code has spelt out the standards of conduct which civil servants should uphold will be taken into account.

Some of the core values of the Code concern work performance and attitude (e.g. people-oriented, team spirit). The absence of such values will inevitably affect the work performance of civil servants, which will be reflected in their performance appraisals and have an impact on promotion, posting and the award of increment. Persistent sub-standard performance may lead to retirement of the civil servant in the public interest, and gross oversight in carrying out one's duties constituting negligence will lead to disciplinary action(s).