

LCQ 20: Complaints against unlawful acts and improper remarks by civil servants

Following is a question by the Hon Holden Chow and a written reply by the Secretary for the Civil Service, Mr Joshua Law, in the Legislative Council today (November 27):

Question:

Recently, some civil servants made remarks on the Internet discrediting the "one country, two systems", and a civil servant was arrested for alleged participation in an unlawful assembly. Moreover, the Education Bureau (EDB) earlier on issued a letter of condemnation to two teachers who had made hostile remarks on the Internet against the Police. Some parents hold the view that such disciplinary action is inadequate to reflect the severity of that kind of incidents as the relevant remarks may incite students to take part in unlawful activities. In this connection, will the Government inform this Council:

(1) of the number of complaints received, since June this year, about civil servants taking part in unlawful assemblies or violent activities, or openly making remarks that discredit the "one country, two systems"; the disciplinary mechanism established for those complaints substantiated, including the circumstances under which the person under complaint will be interdicted; the to-date number of persons interdicted for such acts; and

(2) of the number of complaints received by EDB, since June this year, about teachers of government schools making hostile remarks against the Police or/and seditious remarks; the disciplinary mechanism established for those complaints substantiated, including the circumstances under which the person under complaint will be suspended from duty; the to-date number of persons suspended from duty for such acts?

Reply:

President,

The Government adopts a zero-tolerance attitude towards civil servants who violate the law. We have from time to time reminded civil servants that they must not take part in any unlawful activities. We are extremely concerned about the arrest of individual civil servants for their suspected involvement in unlawful public activities. The Government would not tolerate civil servants breaching the law. It would be difficult for the community to accept if a civil servant arrested for participating in illegal activities could still return to work as normal and continue to exercise the powers and functions of his office.

Having consulted the Education Bureau (EDB), my consolidated reply to the Hon Holden Chow's question is as follows:

(1) Since June this year, the Civil Service Bureau has received complaints against 43 civil servants, alleging their participation in unlawful assemblies or violent activities, or openly making remarks that discredit the "one country, two systems". Under the established mechanism, these complaints have been referred to their respective departments for follow up.

In accordance with the established mechanism, the Government will, having regard to public interest, interdict a civil servant who is under investigation for serious misconduct or criminal offence or that disciplinary or judicial proceedings have been or are to be taken against him or her. There are currently only an extremely small number of officers being interdicted. The vast majority of civil servants remain to be dedicated to serve the community and committed to the rule of law.

Civil servants convicted of criminal offence would not only be penalised under the law, the Government would also take disciplinary action against them in accordance with the established mechanism with zero tolerance. On disciplinary action, if there is evidence that a civil servant has misconducted himself upon investigation, or a civil servant has been convicted of criminal offence by the Court, the management will take appropriate follow-up actions, including imposing disciplinary punishment of verbal warning, written warning, reprimand, severe reprimand, reduction in rank, compulsory retirement and dismissal. In determining the appropriate punishment, the disciplinary authority will examine the record of the court proceedings and sentence and take into account factors including the nature and gravity of the misconduct or criminal offence, level of punishment for similar misconduct or criminal offence, any mitigating factors, and the concerned civil servant's rank, service and disciplinary records.

(2) Since June this year, the EDB has received a total of four complaint cases about government school teachers making hate messages against the Police on the social media. If a complaint is found substantiated and the officer concerned is found guilty of disciplinary offence upon investigation, the EDB will take appropriate follow-up actions against the officer according to established civil service disciplinary mechanism having regard to the gravity, particulars and merits of individual case. If the officer is a registered teacher, the EDB will follow up the case in the light of the professional code of conduct of registered teacher and in accordance with the relevant provisions of the Education Ordinance (Cap. 279).

If criminal or disciplinary proceedings have been instituted against an officer or his conduct is under investigation by the EDB, the Independent Commission Against Corruption, the Police or other law enforcement agencies and the EDB considers that he should cease exercising the powers and functions of his public office, the officer may be interdicted from duty. In considering whether an officer should be interdicted, the EDB should take into account the nature and gravity of the alleged misconduct or criminal charges, possible conflict between the misconduct and his official duties, possibility of recurrence of the same misconduct or offence and availability

of alternative posting.

Regarding the complaints mentioned above, one case was found to be unsubstantiated while three cases are still under investigation. So far, no officer has been interdicted from duty. Yet, for the interests of students, two civil service teachers have been redeployed temporarily from government schools to other positions in the EDB during the course of investigation.