

21 May 2021

**CIVIL SERVICE BUREAU CIRCULAR NO. 4/2021**

**Declaration Requirement  
for Government Staff appointed on Non-Civil Service Terms  
on or after 1 July 2020**

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<b>To: Directors of Bureau Permanent Secretaries Heads of Department Heads of Grade</b>	<b>c.c. Commissioner, Independent Commission Against Corruption Judiciary Administrator Secretary, Public Service Commission</b>
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*(Note: Distribution of this circular is **Scale A**. It should be read by all officers.  
A Chinese version is attached.)*

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**Purpose**

This circular promulgates the arrangements for requiring staff appointed on non-civil service terms (“non-civil service government staff”) by the Government of the Hong Kong Special Administrative Region of the People’s Republic of China (“HKSAR Government”) on or after 1 July 2020 to declare 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 of the People’s Republic of China (“HKSAR”), be dedicated to their duties and be responsible to the HKSAR Government.

2. For the purpose of this circular, non-civil service government staff refer to the following types of staff directly employed by the HKSAR Government –

- (a) those employed under the Non-Civil Service Contract (“NCSC”) Staff Scheme pursuant to Civil Service Bureau (CSB) Circular No. 2/2001;

- (b) those employed under the Post-retirement Service Contract (“PRSC”) Scheme pursuant to CSB Circular No. 13/2015; and
- (c) those employed on non-civil service terms holding public offices that do not fall under the categories of (a) or (b) above.

## **Background**

3. Article 6 of “The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region” (“National Security Law”), which was enacted and promulgated in Hong Kong on 30 June 2020 and came into effect at 11 p.m. on 30 June 2020, stipulates that “*[a] resident of the [HKSAR] who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China in accordance with the law*”. Public office includes offices held by staff appointed on non-civil service terms.

4. It has consistently been the duty of public servants to be dedicated to their duties and be responsible to the HKSAR Government under Article 99 of the Basic Law. All staff appointed on non-civil service terms of the HKSAR Government are public servants and they should therefore in no uncertain terms acknowledge and accept these duties.

5. This circular introduces the requirement that non-civil service government staff whose employment contracts commenced on or after 1 July 2020 should declare that they will uphold the Basic Law, bear allegiance to the HKSAR, be dedicated to their duties and be responsible to the HKSAR Government. This is an open acknowledgement of the acceptance and a genuine manifestation of the responsibilities of and expectations on non-civil service government staff, which will further safeguard and promote the core values that should be upheld by all government employees, and ensure the effective governance of the HKSAR Government. This requirement accords with the requirement stipulated in Article 6 of the National Security Law.

6. Against the background set out above, all non-civil service government staff whose employment contracts commenced **on or after 1 July 2020** will be required to sign a declaration in the manner specified below.

**Requirement to be Applicable to Non-civil Service Government Staff Appointed on or after 1 July 2020 and Non-civil Service New Appointees covered by Paragraph 2**

7. Bureaux/Departments (B/Ds) shall require serving non-civil service government staff whose employment contract commenced on or after 1 July 2020 and prospective non-civil service government appointees to sign a declaration (at **Annex A** or **B** as appropriate), regardless of the duration of the employment, or whether their employment is full-time<sup>1</sup> or part-time<sup>2</sup>, or whether the appointment is made by the signing of a new contract or a renewed contract.

***Serving Non-civil Service Government Staff whose Employment Contracts Have Commenced / Have Been Renewed between 1 July 2020 and the Date of this Circular (Both Dates Inclusive)***

8. For serving non-civil service government staff whose employment contracts have already commenced/been renewed on or after 1 July 2020 and are still in force as of the date of this circular, B/Ds shall require them to sign and return the declaration at **Annex A**.

9. Neglect, refusal or failure to duly sign and return the declaration by the stipulated deadline without reasonable excuse reflects the staff's refusal to comply with the requirement under Article 6 of the National Security Law and to acknowledge, accept and discharge the duties of public servants provided under Article 99 of the Basic Law, and a serious lack of commitment to adhere to the core values of government employees. The relevant employing B/Ds should, based on the facts of each case, initiate action to terminate the employment of the non-civil service government staff concerned.

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<sup>1</sup> Full-time employment means employment under a "continuous contract" as defined by the Employment Ordinance ("EO") (Cap. 57). According to the EO, an employee is regarded as being employed under a continuous contract if he or she works continuously for the same employer for four weeks or more, with at least 18 hours in each week.

<sup>2</sup> Part-time employment refers to those employment not fulfilling the criteria of "continuous contract" as defined by the EO (Cap. 57) and as set out in footnote 1 above.

***New Contracts and First Renewal of Employment Contracts to Commence after the Date of this Circular***

10. B/Ds should specify in the letters of appointment that the signing of the declaration is one of the conditions for employment. A prospective non-civil service government appointee will only be considered as having met the relevant condition for employment upon having signed the declaration (at **Annex B**), and having returned the signed declaration to the B/D issuing the letter of appointment.

11. In case a prospective appointee neglects, refuses or fails to duly sign and return the declaration, B/Ds should treat the prospective appointee as failing to meet the condition(s) for employment and the conditional offer shall lapse accordingly.

***Renewal of Contract, Concurrent and/or Successive Employment with or without a Break***

12. Subsequent to the signing of declaration as required under paragraphs 8 to 11 above, for any renewal of contracts thereafter, B/Ds shall require the non-civil service government staff concerned to complete and return the reply slip at **Annex C** confirming that he/she will continue to abide by the declaration he/she previously signed.

13. Upon assumption of a different position under concurrent<sup>3</sup> and/or successive employment contracts with or without a break, the non-civil service government staff concerned is required to sign a fresh declaration (at **Annex B**) unless he/she can provide record of his/her previous declaration and confirm that he/she will continue to abide by the previously signed declaration by completing the reply slip at **Annex C**.

14. If the staff concerned neglects, refuses or fails to duly sign and return the declaration at **Annex B** or fails to return the reply slip at **Annex C** confirming that he/she will continue to abide by the declaration he/she previously signed, B/Ds should treat the staff as refusing to accept the offer.

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<sup>3</sup> For non-civil service government staff with more than one employment contract at the same time.

15. Notwithstanding paragraph 13 above, if the change of jobs within the HKSAR Government involves a change in the type of terms of appointment, for example, from civil service terms to PRSC terms, or from non-civil service terms to civil service terms, the staff concerned, upon being offered an employment contract on terms of appointment of a different type, is required to sign a fresh declaration applicable to the relevant terms of appointment.

### **Mechanism for Handling Misconduct that Constitutes a Breach of Declaration**

16. The misconduct cases of non-civil service government staff are handled in accordance with the existing mechanisms for handling disciplinary matters of non-civil service government staff. Where a misconduct also constitutes a breach of the declaration, the fact that the non-civil service government staff concerned has signed the declaration and has a clear understanding of the duties and expectations on him/her will be taken into consideration in the determination of the disciplinary sanctions to be imposed in accordance with the existing mechanisms. Reference may be made to Annex B of CSB Circular No. 2/2021 for elaboration on the content of declaration and deciding what constitutes a breach of the declaration. The requirements applicable to civil servants therein are also applicable to non-civil service government staff. B/Ds will provide copies of the said Annex to non-civil service government staff and prospective non-civil service government appointees.

### **Enquiries**

17. Enquiries on this circular should be directed to the Departmental Secretaries who, if in doubt, should contact the following officers of this Bureau –

#### For NCSC and PRSC staff

Principal Assistant Secretary (Manpower) at 2810 2746

Chief Executive Officer (Manpower) at 2810 3060

Senior Executive Officer (Manpower)<sup>2</sup> at 2810 3055

Senior Executive Officer (Manpower)<sup>3</sup> at 2810 3067

For Other Non-civil Service Government Staff

Principal Assistant Secretary (Appointments) at 2810 3063

Assistant Secretary (Appointments) at 2810 2559

Senior Executive Officer (Appointments)2 at 2810 3589

A handwritten signature in black ink, appearing to read "Angelina", written in a cursive style.

( Mrs Angelina Cheung )  
*for* Secretary for the Civil Service

致： [部門首長(經辦人： \_\_\_\_\_) ]  
To: [Head of Department (Attn: \_\_\_\_\_) ]

聲 明  
**Declaration**

我謹此聲明：本人為中華人民共和國香港特別行政區政府以非公務員聘用條款聘用的僱員，定當擁護《中華人民共和國香港特別行政區基本法》，效忠中華人民共和國香港特別行政區，盡忠職守，對香港特別行政區政府負責。

I declare that, as an employee of the Government of the Hong Kong Special Administrative Region of the People's Republic of China appointed on non-civil service terms, I will uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, be dedicated to my duties and be responsible to the Government of the Hong Kong Special Administrative Region.

姓名：  
Name: \_\_\_\_\_  
香港身份證號碼：  
Hong Kong Identity Card No.: \_\_\_\_\_  
職位：  
Position: \_\_\_\_\_  
  
簽署：  
Signature: \_\_\_\_\_  
日期：  
Date: \_\_\_\_\_

註 如對聲明書內容作出更改、增加或刪減，此聲明書即告無效。  
Note In case of any variation, addition or deletion to / of the declaration, the declaration will be rendered null and void.

致： [部門首長(經辦人： \_\_\_\_\_)]  
To: [Head of Department (Attn: \_\_\_\_\_)]

聲 明  
Declaration

我謹此聲明：本人受聘為中華人民共和國香港特別行政區政府以非公務員聘用條款聘用的僱員，定當擁護《中華人民共和國香港特別行政區基本法》，效忠中華人民共和國香港特別行政區，盡忠職守，對香港特別行政區政府負責。

I declare that, being appointed as an employee of the Government of the Hong Kong Special Administrative Region of the People's Republic of China on non-civil service terms, I will uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, bear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, be dedicated to my duties and be responsible to the Government of the Hong Kong Special Administrative Region.

姓名：  
Name: \_\_\_\_\_  
香港身份證號碼：  
Hong Kong Identity Card No.: \_\_\_\_\_  
職位：  
Position: \_\_\_\_\_

簽署：  
Signature: \_\_\_\_\_  
日期：  
Date: \_\_\_\_\_

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Note In case of any variation, addition or deletion to / of the declaration, the declaration will be rendered null and void.



確認回條  
**Confirmation Reply Slip**

致： [部門首長(經辦人： \_\_\_\_\_) ]  
To: [Head of Department (Attn: \_\_\_\_\_) ]

本人謹此提供本人過往按公務員事務局通告第4/2021號簽署的聲明記錄(見附件)及確認就任現時職位後繼續依據該聲明行事。

I hereby provide the record of my previous declaration required under the Civil Service Bureau Circular No. 4/2021 (at Annex) and confirm that I will continue to abide by the previously signed declaration for my current position.

姓名：  
Name: \_\_\_\_\_  
香港身份證號碼：  
Hong Kong Identity Card No.: \_\_\_\_\_  
職位：  
Position: \_\_\_\_\_  
  
簽署：  
Signature: \_\_\_\_\_  
日期：  
Date: \_\_\_\_\_

註 如對聲明書內容作出更改、增加或刪減，聲明書即告無效。  
Note In case of any variation, addition or deletion to / of the declaration, the declaration will be rendered null and void.