

Ref.: DSCR/1-3/15

Government Secretariat  
Hong Kong

28 July 2023

## CIVIL SERVICE BUREAU CIRCULAR NO. 4/2023

### Reporting Requirement for Arrest

---

<b>To :</b> <b>Directors of Bureau</b> <b>Permanent Secretaries</b> <b>Heads of Department</b> <b>Heads of Grade</b>	<b>c.c. Judiciary Administrator</b> <b>Commissioner, Independent</b> <b>Commission Against Corruption</b> <b>Secretary, Public Service Commission</b>
---	--

*(Note: Distribution of this circular is **Scale A**. It should be read by all officers.  
A Chinese version is attached.)*

---

### Purpose

This circular promulgates the new requirement with immediate effect that all officers should report to their Heads of Department (“HoDs”) if they are arrested by any law enforcement agency<sup>1</sup>, on top of the current requirement for them to report if criminal proceedings are being instituted against them.

### New and On-going Reporting Requirements

2. The Government attaches great importance to the conduct and integrity of civil servants, as well as the need to maintain public confidence in the civil service. HoDs need to ensure that public confidence in their departments is not compromised. To this end, there is a need for an HoD to be apprised, as early as possible, of any matter that might affect public confidence in his / her department, including a law enforcement agency’s arrest of a staff member. An officer’s misdeed, whether he/she is on or off duty, may have conduct and discipline implication, especially if he/she is arrested for suspected involvement in criminal offences.

---

<sup>1</sup> Some disciplined services departments have already required their officers to report to their HoDs of their arrest in accordance with their respective departmental internal orders. Such requirement would not be affected by this circular.

3. In order to better enable bureaux / departments (“B/Ds”) to monitor whether any of their staff has been arrested for any criminal offence and take follow-up action, where necessary, in a timely manner, we will introduce, with immediate effect, the new requirement that any officer who has been arrested by a law enforcement agency should report the arrest to his / her HoD<sup>2</sup>. Such report should be made as early as practicable, and in any event no later than seven calendar days from the date of arrest (or any other timeframe as prescribed by departmental internal circulars or orders applicable to the officer). Such a report shall cover the date of arrest, the alleged offence(s) for which the arrest is made, and whether he / she is being detained in custody or has been released (on bail or otherwise). The officer is also required to update the HoD when there is a change to his / her arrest status (e.g. from being on bail to unconditional release, or upon being charged<sup>3</sup>) no later than seven calendar days from the date of the change.

4. Meanwhile, the current requirement for an officer to report to his / her HoD any criminal proceedings being instituted against him / her continues to apply<sup>4</sup>. Such requirement to report criminal proceedings has been set out under section 13(1) of the Public Service (Disciplinary) Regulation or departmental internal circulars or orders as appropriate.

5. In case an officer has been arrested and charged at the same time or within seven calendar days, a report on criminal proceedings would suffice, and no separate report on arrest would be required.

6. The HoD shall, upon receipt of any report in paragraphs 3 and 4 above, consider the need to interdict the officer under section 13 of the Public Service (Administration) Order (“PS(A)O”)<sup>5</sup> or make other administrative arrangement as appropriate, based on the circumstances of the case and in accordance with the prevailing arrangements<sup>6</sup>. The HoD shall also forthwith inform CSB’s Conduct and Discipline Division (“CDD”) and

---

<sup>2</sup> “HoDs” in this context include Permanent Secretaries who act as the HoDs of their respective Bureaux/Branches. In case the officer being arrested is the Head of Department, he / she shall make the report to the Secretary for the Civil Service.

<sup>3</sup> Please see paragraph 4 below for the reporting requirement for an officer upon being charged of any criminal offence.

<sup>4</sup> Applicable to cases where an officer has been served with a summons to appear as a defendant before a court of criminal jurisdiction or charged with a criminal offence.

<sup>5</sup> An officer should be put on interdiction, for example, if he / she is arrested for an offence serious enough to render it not in the public interest for him / her to continue to exercise the powers and functions of his / her office for the time being.

<sup>6</sup> The delegated authority for interdicting officers below MPS Point 34 or equivalent under PS(A)O rests with HoD, while for officers at MPS Point 34 and above or equivalent, B/Ds should put up the case to CSB’s Conduct and Discipline Division for seeking approval. For junior-ranking and middle-ranking disciplined services officers who are regulated under the disciplined services legislation, the authority of interdiction rests with HoD.

the Secretariat on Civil Service Discipline (“SCSD”) of the arrest and interdiction (if applicable) unless the suspected offence, in his / her opinion, is of a minor nature.

### **Exemptions from the reporting requirements**

7. In view of the exemption arrangements for reporting minor non-duty related traffic offences as set out in CSB Circular No. 2/2009<sup>7</sup>, officers are also exempted from the reporting requirement for arrest in paragraph 3 above for minor non-duty related traffic offence. However, for the avoidance of doubt, there is no exemption from the reporting requirements for duty-related traffic offences and non-traffic offences. Such exemption also does not apply to disciplined services staff of the Hong Kong Police Force, the Fire Services Department, the Customs and Excise Department and the Correctional Services Department, where operational needs and/or governing legislation will continue to require the reporting of any arrest, criminal proceedings and conviction by their disciplined services staff, as appropriate.

### **Consequence of non-compliance with the reporting requirements**

8. All officers should bear in mind that any officer who fails to comply with the reporting requirements as set out in paragraphs 3 and 4 above is liable to disciplinary action, regardless of whether he / she is subsequently charged and convicted of any criminal offence or proven to have misconducted himself / herself in any way. Subsequent conviction or coming to light of misconduct will render the officer liable to separate disciplinary action.

### **Effective Date**

9. The new reporting requirement set out in paragraph 3 above will take immediate effect. In other words, an officer who is arrested on or after the promulgation date of this circular should report the arrest as required.

### **Circulation**

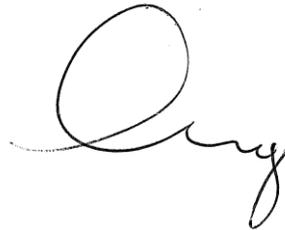
10. B/Ds are requested to re-circulate this circular every six months to all staff who are subject to the government rules and regulations as applicable.

---

<sup>7</sup> CSB Circular No. 2/2009 sets out the conditions for exempting an officer from reporting of criminal proceedings and conviction of minor non-duty related traffic offence to HoD after the court has convicted and sentenced him / her in respect of the offence.

## **Enquiries**

11. Enquiries about the content of this circular should be addressed to Departmental Secretaries who, if in doubt, should contact Chief Executive Officers (Disciplinary Secretariat) of SCSD at 2231 4085 or 2231 4086. For enquiry related to the general policy and procedures of interdiction from duty arising from criminal offence, Departmental Secretaries should contact the respective subject officers of CSB's CDD.

A handwritten signature in black ink, appearing to read 'Wong Che-kan', with a large, stylized initial 'W'.

( WONG Che-kan )  
for Secretary for the Civil Service