

**Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues**

**Administration's response to
issues raised at the meeting on 24 May 2002**

This paper sets out the Administration's response to the list of issues raised at the meeting on 24 May 2002 as set out in LC Paper No. CB(2)2079/01-02(01).

Code of Principal Officials

- (1) Issue raised: whether para 5.10 of the Code is consistent with the relevant provisions of the Prevention of Bribery Ordinance.

Administration's response: Para 5.10 of the Code is consistent with the relevant provisions of the Prevention of Bribery Ordinance. If the visit is official, the sponsorship would be deemed to be given to the HKSARG which will use the sponsorship in place of government funds to send the official on the visit as a representative of the government. There is therefore no requirement for the official to seek permission to take up the sponsorship. That said, for the avoidance of doubt and possible misconception, we will amend the relevant provision in the Code to specify that permission will be needed to accept any sponsorship in relation to an official visit.

- (2) Issue raised: to consider some members' view that principal officials should not accept any invitation to make a sponsored visit in private capacity (para 5.12 of the Code refers).

Administration's response: As explained at the meeting on 24 May 2002, we consider para 5.12 of the Code is in order. Accepting any such invitation will be subject to the Chief Executive's approval.

- (3) Issue raised: to stipulate that a principal official cannot be company directors during the term of his office.

Administration's response: We will make clear in the employment contract and in the Code that a principal official cannot, without the consent of the Chief Executive, be a company director. However he may retain or accept honorary posts in non-profit making organisations or charitable bodies

provided that there is no conflict of interest between his interests in such organisations or bodies and his official duties and that his interests in such organisations or bodies would not cause embarrassment to the Government, the Chief Executive or other principal officials.

- (4) Issue raised: to stipulate in the Code that principal officials are required to declare membership of political organizations or parties.

Administration's response: We will require principal officials to inform the Chief Executive in writing of membership in political parties as defined in the Chief Executive Election Ordinance.