

**LegCo Panel on Public Service
Meeting on 18 February 2002**

**Further information provided by the Administration
on Agenda Item V — Promotion of integrity in the Civil Service**

(1) Required information

- (a) A copy of the Independent Commission Against Corruption (ICAC)'s recent annual report on corruption and malpractices in the civil service, and the follow-up actions taken by the Administration to address the problems and issues stated in the report.
- (b) Referring to the Administration's advice that ICAC had recommended 248 cases, 295 cases and 188 cases to the Administration in 1999, 2000 and 2001 respectively for consideration of disciplinary or administrative action, the Administration was requested to advise the number of cases where sanctions or disciplinary actions had been taken on the civil servants concerned after investigations conducted by the Administration.

Response from the Administration

Cases which the ICAC referred to the Administration are suspected cases of misconduct, as opposed to established cases of misconduct on which immediate disciplinary actions can be taken. On receipt of an ICAC referral, the Administration will investigate into the facts of the case. Where there is prima facie evidence of misconduct, disciplinary actions will follow.

In the past 3 years, the ICAC had referred the following number of cases to the Administration for consideration:-

<u>Year</u>	<u>Number of cases</u>
1999	248
2000	295
2001	188

It is our established practice not to discuss in public the details of individual referral cases. That said, we wish to stress that all the cases referred to us by the ICAC are promptly acted upon. The Operations Review Committee of the ICAC is kept informed of the outcome of departmental investigations into each case.

As at 28.2.2002, of the 731 cases that the ICAC had referred to the Administration in the past 3 years, actions on 522 had been completed. Out of these 522 cases, there are 253 in which disciplinary punishments have been imposed following completion of investigations.

General observations made in ICAC's annual report on corruption and malpractices in the civil service are duly taken into consideration when we plan and roll forward our integrity management efforts. An account of our recent efforts and how we work closely with ICAC in promoting a clean civil service has been given in the main text of LC Paper No. CB(1)1034/01-02(03) and is not repeated here.

(2) Required information

Of the 188 cases recommended by ICAC in 2001 for consideration of disciplinary or administrative action, 38 cases involved civil servants who had undesirable associations. The Administration was requested to:

- (i) explain the meaning of "undesirable associations"; and
- (ii) provide a breakdown of the 38 cases, showing the departments and grades involved, and nature of the undesirable elements.

Response from the Administration

In 2001, the ICAC referred to the Administration 38 cases under the description of "Others, including undesirable associations".

According to the ICAC, the term "undesirable associations" is defined as government officers associating with people involved in criminal activities and triad elements. Of the 38 cases, 15 come under this category, broken down as follows:-

Department	Officers	Rank-and-file/ junior civilian staff
Police	2	7
Customs & Excise	2	4

The remaining 23 cases fall under the "others" category.

(3) Required information

- (a) Referring to paragraphs 6, 7 and 8 of the paper provided by the Administration (LC Paper No. CB(1)1034/01-02(03)), the Administration was requested to provide the statistics in recent three years on the number of cases involving:

- (i) conflict of interest between an officer's duty and his private interests, including his investments;
- (ii) indebtedness; and
- (iii) acceptance of advantages and gifts or entertainment.

The Administration was also requested to provide the number of civil servants subsequently prosecuted or subject to disciplinary actions.

- (b) Referring to paragraph 13 of the paper provided by the Administration (LC Paper No. CB(1)1034/01-02(03)), the Administration was requested to provide the statistics in recent three years on the number of civil servants:
 - (i) prosecuted under the Prevention of Bribery Ordinance;
 - (ii) prosecuted under the Crimes Ordinance; and
 - (iii) criminally convicted under (i) or (ii) above and subject to disciplinary action under the Public Service (Administration) Order.

Response from the Administration

Statistics showing the number of civil servants disciplined in the three years ending 2000/01 for abuse of official position are given below:-

Offence (Note 1)	1998/99	1999/00	2000/01	Total
Conviction under the Prevention of Bribery Ordinance (Cap. 201)	14	4	13	31
Unauthorised acceptance of advantages/entertainment from persons with official dealings	17	11	3	31
Unauthorised outside work for persons with official dealings	0	2	0	2
Unauthorised disclosure of official information	1	5	3	9

Offence (Note 1)	1998/99	1999/00	2000/01	Total
Abuse of Government properties	7	19	10	36
Use of official information/ authority for personal gains	11	7	18	36
Total	50	48	47	145 <i>(Note 2)</i>

Note 1: Cases involving abuse of official position are covered in this table, be they the result of criminal or disciplinary investigations. Not all criminal convictions involve abuse of official position. For cases where an officer's criminal conviction does not reveal circumstances pointing to abuse of official position, they are not covered here.

Note 2: Of these 145 officers, **68** were warned verbally or in writing; **33** were punished with a reprimand, severe reprimand, demotion and/or a financial penalty; and the remaining **44** officers were compulsorily retired or dismissed from the civil service.

(4) Required information

Referring to the Administration's advice that 655 civil servants were bankrupt in 2001, the Administration was requested to provide a breakdown of the source of application for bankruptcy, showing whether the applications were made by the civil servants concerned, financial institutions or other parties.

Response from the Administration

We keep statistics on the number of bankruptcy cases involving civil servants mainly for purposes related to the management of the civil service. We have no information on whether the applications for bankruptcy are filed by the civil servants concerned, the financial institutions or other parties.

Civil Service Bureau
March 2002