

For information  
on 13 May 2004

## **Legislative Council Panel on Security**

### **Integrity Checking for Disciplined Forces**

#### **Purpose**

This paper sets out, in response to Members' request, information on the integrity checking for the disciplined services.

#### **Integrity Checking for the Civil Service**

2. The Government's overall policy on integrity checking for the civil service is applicable to all Government servants, including those in the disciplined services. The aim is to ensure that potential and serving employees are of good character and high integrity.

3. There are three levels of checking, namely, appointment checking, normal checking and extended checking. The level of checking applicable will depend on the nature or rank of the post to which a candidate is to be appointed. Briefly, the three levels are as follows.

- (a) The first level is appointment checking. This will be carried out as part of the recruitment procedure before a candidate is offered appointment to any post.
- (b) The second level is normal checking. This will apply to candidates or serving officers who are being considered for appointment to ranks or posts having access to information which offer scope for possible corrupt activities or other forms of pressure on the officer. In considering which ranks and posts should fall under this category, a useful benchmark is whether or not such positions involve access to information classified as confidential or above.

- (c) The third level is extended checking. Officers who are being considered for appointment to very senior posts or posts requiring a particularly high degree of trust and integrity are subject to this form of checking.

4. Among other things, the Management will take into consideration the results, if any, from the integrity checking to decide on the overall suitability of the candidate or officer for appointment to a post, promotion to a rank or in some cases continuing to discharge his duties in his current capacity. The Management will usually consider the reliability of the information; the gravity of any allegations against the officer and what action had been taken since that piece of information came into light. Integrity checking is a risk assessment tool and is not the sole factor for determining the suitability of an individual for appointment or promotion. Each case has to be dealt with on its own merits having regard to individual circumstances, including the nature and severity of any adverse comment and its relevance to the officer's posting. It remains a conscious decision of the appointment authority as to whether a particular individual should be appointed or promoted if the checking reveals information that may need to be taken into account.

5. After assessing the overall suitability of the candidate or officer, the Management will make a decision on whether his appointment to a rank or post of sensitive nature should be endorsed or denied.

### **Integrity Checking for the Disciplined Services**

6. The disciplined services follow the Government's overall policy on integrity checking set out in paragraphs 2 to 5 above. From 2001 to 2003, there were a total of 9 instances of promotions being denied as a result of information revealed from checking, having taken into account all relevant considerations.

7. The Panel on Security has asked for the number of officers who "failed to pass integrity checking" resulting in interdiction from duty and termination of employment. In practice, such cases do not arise. If an officer

has committed a misconduct which is so serious that interdiction from duty or termination of employment is called for, the Management should have dealt with the case immediately.

### **Guidelines on Avoidance of Conflict of Interest**

8. The Government has issued guidelines on the avoidance of conflict of interest, which apply to all officers. The underlying principle is that all civil servants should be honest, impartial and objective in carrying out their duties and in their dealings with members of the public and with their staff. A conflict of interest situation arises where the “private interests” of an officer compete or conflict with the interests of the Government or the officer’s official duties. “Private interests” include the financial and other interests of the officer himself; his family or other relations; his personal friends; the clubs and associations to which he belongs; any other groups of people with whom he has personal or social ties; or any person to whom he owes a favour or is obligated in any way.

9. The guidelines also provide that all officers must avoid situations which might compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest. An officer must not use his official position to further his private interests or those of his family, friends or associates, nor put himself in a position which gives rise to suspicion that he has done so. In particular, an officer should –

- (a) refrain from acquiring any investment or any financial or other interest which may lead to a conflict of interest with his official duties;
- (b) refrain from taking part in the deliberation, decision-making, investigation or enforcement process in connection with any matter in which he has a private interest;
- (c) avoid putting himself in a position of obligation to his subordinates or any person who has or may have official dealings with his department;

- (d) decline to provide assistance, advice or information to relations, friends, etc. in connection with his work where this would give the recipient an unfair advantage over other people. All legitimate requests for assistance, advice and information should be referred to the proper subject officer to be dealt with in the normal way; and
- (e) report to his superior officer any private interest that might be seen to compromise his personal judgement in the performance of his duties.

10. The disciplined services have brought to the attention of their officers and new recruits the contents of the Prevention of Bribery Ordinance, the need to avoid conflict of interest and relevant sections of the Civil Service Regulations. Moreover, staff's attention is also drawn to the contents of the Resource Centre on Civil Service Integrity Management from time to time.

11. Essential points in guidelines specific to the disciplined services are set out below.

*Correctional Services Department (CSD)*

12. CSD has issued specific guidelines in the form of Standing Orders / Standing Procedures (SO / SP) to its officers on the avoidance of conflict of interest. The SO / SP expressly provide that all CSD officers should make a conscious effort to avoid and declare, as appropriate, any conflict of interest, which may arise or has arisen in exercise of their office. In particular, an officer -

- (a) shall not associate with undesirable characters or visit places of poor or doubtful reputation except in the course of their duty. Under no circumstances should an officer allow himself to be drawn into a situation where his official status or duty may be compromised;

- (b) shall abstain from any activity which is likely to interfere with the impartial discharge of his duties, or which is likely to give rise to the impression that it may so interfere; and
- (c) shall report cases in which his family members, relatives or friends are involved in a criminal offence as the accused, or as a victim and the subject concerned may be placed in the institution to which the officer is posted.

13. All officers and new recruits are given a pocket-size “Handbook on Conduct and Discipline for CSD Staff”. The handbook has been compiled with the assistance of the Civil Service Bureau (CSB) and the Independent Commission Against Corruption (ICAC). The importance of integrity and avoiding conflict of interest is emphasized from time to time at meetings and training sessions.

*Customs and Excise Department (C&ED)*

14. C&ED has published a Code on Conduct and Discipline for its staff. Amongst other things, the Code provides that every officer should take it as his personal responsibility to avoid engaging in situations that may lead to or involve conflict of interest. An officer should at all times ensure that his dealings with members of the public, suppliers, contractors, traders or other related personnel and colleagues will not place him in a position of obligation that may lead to a conflict of interest situation.

15. In cases where an officer or his immediate family member is engaged or considered to have been engaged in businesses or activities that may have actual or perceived conflict with his official duties, it is the responsibility of the officer to make full disclosure in writing to the Deputy Commissioner, Branch Head or Formation Head, as appropriate.

16. In cases of unforeseen circumstances under which a conflict of interest situation arises before an officer can report to the Department, he should take the initiative to make a verbal declaration to his supervisors on the scene. Such a declaration should be properly recorded and filed by his supervisors.

Failure to avoid or to declare a conflict of interest may result in disciplinary action being instituted against the officer.

*Fire Services Department (FSD)*

17. FSD has published a Guide on Conduct and Discipline which was written with the assistance of CSB and ICAC. The Guide highlights the potential conflict of interest situations in the normal course of operations (including vetting of applications for a fire certificate, inspection of fire service installations, acceptance tests of fire services equipment, and tender evaluation in the procurement process); officers' responsibility to disclose actual or perceived conflict of interest; and the departmental procedures for declaring and administering conflict of interest situations, etc. The guidelines are issued to all relevant staff. Staff are also reminded to make a conscious effort at all times to avoid or declare, as appropriate, any conflict that may arise or has arisen. Failure to take the necessary steps to avoid or declare a conflict of interest may result in disciplinary proceedings against the staff concerned.

*Government Flying Service (GFS)*

18. All members of GFS are issued with a copy of the Guide on Conduct and Discipline which was written with the assistance of CSB and ICAC. Staff of GFS are reminded to adhere to the core values of commitment to the rule of law; honesty and integrity above private interests; accountability and openness in decision-making and in all actions; political neutrality in conducting official duties; impartiality in the execution of public functions; and dedication and diligence in serving the community.

*Hong Kong Police Force (HKPF)*

19. All police officers are strongly reminded that they should at all times make a conscious effort to avoid or declare, as appropriate, any conflict that may arise or has arisen. Failure to do so may render an officer liable to disciplinary action. Besides, other than in the course of duty, a police officer shall not associate with known criminals or triad personalities. Officers are

also advised that they should not associate with persons of doubtful or undesirable reputation.

20. The definition of conflict of interest and the reporting requirements are clearly explained in the Force's internal guidelines. The salient points of the guidelines are set out below.

- (a) A Police officer should not acquire any investment which could lead to a real or apparent conflict of interest with his/her official duties.
- (b) A Police officer should report to the Assistant Commissioner of Police (Personnel) any existing private interest that might influence, or appear to influence, his/her judgment in the performance of duties.
- (c) A Police officer must report to his/her Formation Commander if he/she is called upon to deal with any matter which affects his/her interests or those of his/her spouse or a dependant, or those of an individual or company acting on his/her behalf.
- (d) A Police officer whose spouse or dependant has or acquires an interest in the entertainment business shall declare such interest in writing to the Assistant Commissioner of Police (Personnel).
- (e) A Police officer who, in the opinion of the Commissioner of Police, possesses an interest which leads to, or may lead to, a conflict of interest may be required to divest himself/herself of any or some of the interests, to refrain from acquiring or disposing of the interests or to place the interests in a blind trust.
- (f) A Police officer who contravenes any of the orders pertaining to conflict of interest may, in addition to being liable to

disciplinary action, be required to divest himself/herself of the interests.

*Immigration Department (ImmD)*

21. All immigration officers are issued with a Guide on Conduct and Discipline which is a booklet written with the assistance of CSB and ICAC. Amongst other things, the booklet reminds all officers to comply with the rules governing conflict of interest. Every Service member should make a conscious effort to avoid and declare, as appropriate, any conflict of interest, whether actual or perceived, which may arise or has arisen. Failure to do so may lead to disciplinary action which may result in removal from service.

22. An officer should not associate himself with undesirable characters or visit places of poor or doubtful reputation except in the course of duty. He should not act as a sponsor or reference in any immigration matter without the consent of an Assistant Director. He must ensure that there is no conflict of interest between his official duties and his private investments, including those of his spouse, relations, any dependant and any individual person or company acting on his behalf. It will be deemed to be a conflict of interest if he is able to profit financially as a result of information obtained in his official capacity.

23. Classified information, such as information relating to investigation, special operations and strategic planning, should under no circumstances be disclosed without proper authorization. An officer must obtain prior permission before he takes up any paid outside work. Any unpaid outside work must not give rise to any actual or perceived conflict of interest with his official duties or embarrassment to the Department.

**Security Bureau**

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