

**For information**

**Legislative Council Panel on Security**

**Integrity Checking for Disciplined Forces**

**Purpose**

This note sets out the Administration's response to various requests made by Members when discussing the item on integrity checking for the disciplined forces at the meeting on 13 May 2004. These requests are -

- (a) to advise whether integrity checking on disciplined forces between 2001 and 2003 had resulted in disciplinary actions such as interdiction from duty or termination of employment;
- (b) to provide a comparison between the integrity checking on civil servants and background checks on persons to be appointed to advisory committees and persons to be appointed Justices of the Peace;
- (c) to advise on the government department, besides the Fire Services Department and the Hong Kong Police Force, where the promotion of an officer was denied as a result of information revealed from integrity checking in the past three years;
- (d) to provide a paper explaining -
  - (i) the types of integrity checks applicable to civil servants and other public officers, such as principal officials and the chairmen and members of advisory bodies;
  - (ii) the types of integrity checks conducted at different stages, such as those conducted on appointment or promotion;
  - (iii) the persons responsible for conducting integrity checks and how integrity checks were conducted; and
  - (iv) measures to ensure that integrity checks were conducted independently;

- (e) to provide the Police's new internal guideline on the declaration by a police officer on his spouse's or dependent's interest in the entertainment business; and
- (f) to advise whether disciplined forces other than the Police had laid down reporting requirements on the interest of an officer's spouse or dependent in the entertainment business.

### **Disciplinary actions**

2. Integrity checking is a tool to assist the management in deciding whether to appoint a candidate/officer to a post/rank. It would not directly lead to disciplinary action. However, if integrity checking reveals information indicating possible misconduct/malpractice of an officer, the department concerned may conduct further investigation as appropriate. Whether disciplinary action would be taken against the officer would depend on the findings of the department's investigation.

### **Checking for different purposes**

3. Please see the note at **Annex A**.

### **Denial of promotion**

4. During the period from 2001-03, besides disciplined services departments, one civilian department denied promotion of officers upon the management's conscious decisions taking account of information revealed from integrity checking and other relevant factors.

### **Police internal guideline on declaration of interest in the entertainment business**

5. A copy of Chapter 51-02 of the Police General Orders, entitled "*Conflict of Interest with Private Investments*", is at **Annex B**. It stipulates, inter alia, the requirement for police officers to declare the interest of their spouse or dependent in the entertainment business.

### **Reporting requirements on interest in the entertainment business**

6. No other disciplined force has a specific requirement to report interest in the entertainment business. However, the need to avoid conflict of interest applies to all civil servants. Where appropriate, interests in the entertainment business may have to be reported in order to comply with the

general requirement on declaration.

**Security Bureau**  
**July 2005**

## Integrity Checking System for Different Purposes

There are different arrangements of integrity checking for civil servants, Advisory and Statutory Bodies (ASBs) and Justices of the Peace (JPs).

### **Civil servants**

2. The purpose of the integrity checking system for civil servants is to ensure that serving civil servants and prospective appointees for civil service posts are of good character and high integrity. The system is meant to contribute to public confidence in the civil service.

3. The integrity checking system provides for three levels of checks, namely appointment checking, normal checking and extended checking. The level of checking applicable depends on the nature or rank of the civil service post concerned. None of the checks involves any form of political vetting and no investigation is conducted on the political beliefs or affiliations of a serving officer or prospective appointee.

4. The three levels of checks and how they are conducted are detailed below -

(a) Appointment checking

Appointment checking is carried out as part of the recruitment procedure before a prospective appointee is offered appointment to a civil service post. The appointment checking is undertaken by the Police and ICAC. It involves checking of details provided by the prospective appointee against criminal and ICAC records.

(b) Normal checking

Normal checking applies to serving officers or candidates who are being considered for appointment to ranks or posts having access to material that offers scope for possible corrupt activities or other forms of pressure on the post holders. It is undertaken by the Police and ICAC and involves the checking of information provided by the officers/prospective appointees against records kept by the Police and ICAC.

(c) Extended checking

Extended checking applies to serving officers or candidates who are being considered for appointment to very senior posts or posts requiring a particularly high degree of trust and integrity. The extended checking is undertaken by the Police with input from the ICAC where necessary. It involves interviews with the officer/prospective appointee, his referees and supervisors as well as checks against records kept by the Police and ICAC.

5. Under the Accountability System, candidates for appointment as Principal Officials are subject to extended checking. The arrangement is modelled on the extended checking for civil servants.

**Non-official members of ASBs**

6. The Government relies on a large number of ASBs to provide advice on Government policies and the delivery of public services, to perform statutory functions and to deal with appeals against Government decisions. Each advisory body gives advice to the Government in a specified area of activity according to its terms of reference. The areas covered range from fundamental livelihood issues such as housing, labour issues, education, social welfare, medical care and transport to highly specialized and technical matters, such as the operation of our securities and futures markets or radiological protection. Statutory bodies are set up primarily to perform an executive function. Some of these manage publicly-owned corporations such as the Kowloon-Canton Railway Corporation; others, such as the Hospital Authority and the Airport Authority, are responsible for the provision of public services and facilities. Statutory boards have also been set up to deal with appeals under a number of ordinances.

7. We aim to appoint the best available persons to meet the requirements of the board or committee concerned. Each appointment is made on the basis of the merit of the individual concerned, taking into account the candidate's ability, expertise, experience, integrity and commitment to public service. Depending on the nature of the ASB, the responsible bureau or department may arrange for integrity checking of potential candidates prior to appointment in order to ascertain the candidates' suitability of appointment.

8. As regards the need for integrity checking, the following considerations are relevant :

- (a) public expectations of integrity and honesty in members appointed to the ASB;
- (b) whether there have been previous cases of corruption in the areas of responsibility under the ambit of the ASB;
- (c) whether the ASB concerned has executive powers;
- (d) whether the appointees are given classified papers or sensitive information;
- (e) whether the ASB manages or uses a large sum of public funds; and
- (f) whether the advice or decisions made by members of the ASB have the potential to benefit individuals.

9. ASBs to be included under the integrity checking system are reviewed from time to time.

10. Where checking is required, it is undertaken by the Police and ICAC and involves the checking of the prospective member's details against criminal and ICAC records.

### **JPs**

11. Candidates for appointment as JPs should also be persons of integrity and social standing. All appointments other than ex-officio ones are also subject to the comments of the Police and ICAC.

**Civil Service Bureau  
Home Affairs Bureau  
Administration Wing**

**July 2005**

**Extracts of Police General Orders**

**POLICE GENERAL ORDERS**

**CHAPTER 51**

**INVESTMENTS**

19/01

**51-02 Conflict of Interest with Private Investments**

A police officer shall not acquire any investment which could lead to a real or apparent conflict of interest with his official duties. An officer shall keep himself abreast of the Civil Service Regulations, supplemented by CSB circulars and circular memoranda that are issued from time to time which may be relevant on this subject. In case of doubt, an officer shall, before making any investment which may be in conflict with his duties, report in writing to ACP P (Attn. SP D) forthwith and seek instructions on whether such investments should be avoided or declared.

2. A police officer must report to his Formation Commander if he is called upon to deal with any matter which affects his investments or those of his/her spouse or a dependent person, or those of an individual or company acting on his behalf. Another officer shall normally be assigned to deal with the matter. In case of doubt, the Formation Commander shall refer the matter to ACP P (Attn. SP D) for advice and guidance.

3. A police officer shall report to the Commissioner (ACP P) if he makes any investment or undertakes business activity with members of public or private bodies, including the Legislative Council or District Councils of the HKSAR, with which he has official dealings.

4. A police officer who, in the opinion of the Commissioner, possesses an investment which is, or may be, a conflict of interest may be required to divest himself of any or some of the investments, refrain from acquiring or disposing of the investments or place the investments in a blind trust.

5. A police officer who contravenes any of the provisions of this chapter may, in addition to being required to divest himself of investments, be liable to disciplinary proceedings.

6. All 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.

7. If it later appears that an officer has dealt with any matter without declaring his interest, the burden of proof in any disciplinary proceedings will be on the officer to show that he had no personal knowledge of such investment.

8. A serving police officer whose spouse or dependent has or acquires an interest in the entertainment business shall declare this interest in writing to the Commissioner (ACP P) forthwith. If he is in any doubt as to what constitutes an interest in the entertainment business, he shall report in writing to ACP P (Attn: SP D) forthwith and seek guidance. An entertainment business includes, but is not confined to, a business/premise regulated under the following pieces of legislation: 26/03

- (a) Dutiable Commodities Ordinance, Cap.109
- (b) Miscellaneous Licences Ordinance, Cap.114
- (c) Public Health and Municipal Services Ordinance, Cap.132
- (d) Places of Amusement By-Laws, Cap.132
- (e) Gambling Ordinance, Cap.148
- (f) Societies Ordinance, Cap.151
- (g) Places of Public Entertainment Ordinance, Cap.172
- (h) Firearms and Ammunition Ordinance, Cap.238
- (i) Massage Establishments Ordinance, Cap.266
- (j) Clubs (Safety of Premises) Ordinance, Cap.376
- (k) Amusement Games Centres Ordinance, Cap.435