

LegCo Panel on Public Service

Promotion of Integrity in the Civil Service

Supplementary Information

At the Panel Meeting on 18 April 2005, arising from the discussion of Agenda Item IV (on the promotion of integrity in the civil service), Members sought information on the following subjects. This paper provides the information sought.

	Response from the Administration
(a) To provide examples of cases involving “misconduct in public office” which were provided to civil servants for reference, including those subject to legal proceedings, investigations by the Independent Commission Against Corruption and disciplinary actions	As mentioned in paragraph 14 of the paper on “Promotion of Integrity in the Civil Service”, we have uploaded sample cases on precedents of convictions under the common law offence of “Misconduct in Public Office” onto the Resource Centre on Civil Service Integrity Management for reference by staff. In all these cases, the officers concerned were charged by the ICAC following their investigations, and were subsequently subject to disciplinary actions. A note showing the sample cases uploaded is attached at <u>Annex A</u> .
(b) To provide a breakdown of the number of civil servants convicted (Annex A to the paper provided by the Administration (LC Paper No. CB(1)1248/04-05(04)) by directorate and non-directorate grades	The breakdown is provided at <u>Annex B</u> .

**Sample cases of convictions
under the common law offence of “Misconduct in Public Office”**

Civil servants are expected to serve the public with integrity, honesty and impartiality. Misconduct in public office can occur without bribery, and an officer may commit this offence when he misuses his official position for pecuniary gains, whether for himself or others; when he dishonestly shows partiality to a contractor and when he negligently performs his duties, as illustrated in the following examples :

Case 1

An officer did not report to his supervisor that his spouse was the owner of a printing company when recommending the company for the award of a number of contracts for the production of some training materials for his department. To make sure that his spouse’s company could be engaged, he had also discarded the quotations with lower bids and falsely represented that the quotations of his spouse’s company were the lowest bids. He was criminally convicted of “Misconduct in Public Office” and “Obtaining Pecuniary Advantages by Deception”. The officer was subsequently punished by dismissal.

Case 2

A supervisor instructed his subordinate to offer contracts to pre-determined suppliers without obtaining quotations in accordance with the Stores and Procurement Regulations, with the full knowledge that one of the pre-determined suppliers was owned by his spouse. The supervisor also instructed his subordinate to make fictitious quotation records at prices higher than those from the pre-determined companies. The supervisor was criminally convicted of “Misconduct in Public Office”, and subsequently punished by dismissal.

Case 3

An officer was responsible for supervising two non-civil service contract staff working under him. He had acceded to the contract staff’s request for salary increase, and instructed his subordinates to arrange for the salary increase to be falsely processed as payments to some part-time workers in the names of the relatives of the contract staff, instead of following the proper

procedure to seek approval for salary increase from his supervisor and the departmental committee. He also signed on accounting forms monthly to effect payments to the relatives of the contract staff, knowing that they had not provided any service to the department. He was criminally convicted of “Misconduct in Public Office”, and subsequently punished by dismissal.

Case 4

A law enforcement officer is criminally convicted of “Misconduct in Public Office” for knowingly signing documents which contained false information, causing an innocent person to be summoned for a criminal offence. Although the summons had subsequently been withdrawn, the incident had embarrassed the department and brought the public service into disrepute. Formal disciplinary action was taken against the officer subsequent to his conviction of the offence.

**Number of civil servants convicted
for corruption and related offences**

Breakdown by Directorate and Non-directorate Officers

	2000	2001	2002	2003	2004
Directorate officers	2	0	1	0	0
Non-directorate officers	31	43	24	30	16
Total	33	43	25	30	16

Source : ICAC