

**Response to request for statistics on investigation of cases
of civil servants obtaining residential property mortgage loan
exceeding the 70% loan-to-value ratio**

Background

At the meeting of the Legislative Council Panel on Financial Affairs held on 29 January 2008, Members requested for supplementary information on the number of investigation cases conducted on civil servants who obtained residential property mortgage loans exceeding the 70% loan-to-value ratio since November 1991, the number of cases where the civil servants obtaining such loans were found to have conflict of interest, and the number of cases where no irregularity was detected. This note addresses Members' request for the relevant information.

Response

2. Under our existing mechanism, if there is an allegation of misconduct by a civil servant (other than by a civil servant subject to the disciplined services legislation referred to in paragraph 3 below), the bureau/department (B/D) concerned will conduct preliminary investigation where appropriate to establish whether the civil servant implicated has committed any act of misconduct. If the B/D concerned considers that there is a prima facie case of misconduct and depending on the seriousness of the misconduct, it will either administer summary disciplinary action (e.g. verbal/written warning) to the civil servant concerned direct, or refer the case to the Civil Service Bureau ("CSB") for initiating formal disciplinary action.

3. If there is an allegation of misconduct by a civil servant subject to the disciplined services legislation (mainly the rank-and-file and middle-ranking officers in the disciplined services departments), the department concerned will initiate and conduct disciplinary proceedings in accordance with the relevant legislation.

4. The CSB does not have information on the number of preliminary investigations conducted by B/Ds (including the disciplined services) which did not result in any disciplinary action. It keeps civil service-wide statistics on the number of disciplinary cases subject to summary or formal disciplinary action according to the nature of misconduct, for example, acceptance of advantage, use of official information/authority for personal gains and breach of departmental instruction/order/ordinance/government regulation, etc. There is no further breakdown under each category of misconduct, such as the number of cases involving the obtaining of residential property mortgage loan exceeding the 70% cap.