

立法會
Legislative Council

LC Paper No. CB(1)966/07-08
(These minutes have been
seen
by the Administration)

Ref : CB1/PL/PS/1

Panel on Public Service

**Minutes of meeting held on
Monday, 18 February 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Howard YOUNG, SBS, JP (Chairman)
Hon LI Fung-ying, BBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, MH
- Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon KWONG Chi-kin, MH
- Public officers attending** : **Agenda items IV to VI**

Miss Denise YUE, GBS, JP
Secretary for the Civil Service

Mr Andrew H Y WONG, JP
Permanent Secretary for the Civil Service

Ms Mimi LEE
Deputy Secretary for the Civil Service 3
- Clerk in attendance** : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Mr Noel SUNG
Senior Council Secretary (1)4

Miss Winnie CHENG
Legislative Assistant (1)5

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I Confirmation of minutes of meeting

(LC Paper No. CB(1)792/07-08 — Minutes of meeting on 21 January 2008)

The minutes of the meeting held on 21 January 2008 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)718/07-08(01) — Letter from the staff sides of the Police Force Council expressing concern about the change of the civil service Overseas and Local Education Allowance arrangements

LC Paper No. CB(1)718/07-08(02) — The Secretary for the Civil Service's reply to the staff sides of the Police Force Council)

2. Members noted the information papers issued since last meeting.

III Items for discussion at the next meeting scheduled for 11 March 2008

(LC Paper No. CB(1)764/07-08(01) — List of outstanding items for discussion

LC Paper No. CB(1)764/07-08(02) — List of follow-up actions)

3. Members agreed that the following items proposed by the Administration should be discussed at the next meeting scheduled for 11 March 2008 –

(a) Civil service-related issues featuring in the 2008 Budget Speech (covering civil service establishment and related matters); and

(b) Civil Service Code.

IV Civil servants standing for elections and participating in electioneering activities

(LC Paper No. CB(1)764/07-08(03) .— Administration's paper on civil servants standing for elections and participating in electioneering activities)

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Briefing by the Administration

4. The Secretary for the Civil Service (SCS) apprised members on the Government's guidelines on civil servants standing for elections and participating in electioneering activities, by highlighting the salient points in the paper.

Discussion

5. Mr WONG Kwok-hing asked why the Administration did not consult the Legislative Council before revising the rules and regulations in respect of civil servants standing for elections and participating in electioneering activities. Since civil servants in the four Restricted Groups (hereafter referred to as the Restricted Group) who were on final leave had to seek SCS' permission to stand for the National People's Congress(NPC)-related elections and/or participate in the electioneering activities, Mr WONG asked whether the Administration considered that such an arrangement gave SCS the authority to intervene with the NPC-related elections.

6. SCS responded that the Administration would take into consideration a number of factors in deciding whether it should consult the Legislative Council on an issue, e.g. whether the issue involved the introduction of a new policy, or the policy would have a significant impact on the civil service and/or on public finance, the complexity and implications of the issue, etc. On major policy issues, the Administration would invariably consult the Legislative Council. However, with regard to issues concerning the daily management of the civil service, the Administration did not consider it appropriate or necessary to consult the Panel. In the present case, the Administration took the view that the revision of the relevant regulations and guidelines to allow civil servants in the Restricted Group who were on final leave to apply to the SCS to stand for NPC-related elections and/or participate in NPC-related electioneering activities was only a minor change. The Panel was therefore not consulted on the issue. SCS pointed out that in dealing with an application from a civil servant in the Restricted Group who was on final leave to stand for election as the Hong Kong Special Administration Region (HKSAR) Deputies to the NPC or participate in the related electioneering activities, she would bear in mind the need to strike an appropriate balance between civil servants enjoying their civil and political rights as citizens on the one hand, and civil servants remaining impartial and avoiding any actual or potential conflict of interest on the other. Even when a civil servant was permitted to stand for election for the HKSAR Deputies to the NPC or participate in the related electioneering activities, he would be subject to certain conditions and safeguards as listed in paragraph 10 of the paper.

7. Mr CHEUNG Man-kwong was concerned that when an officer in the Restricted Group was on final leave, he was still a civil servant and had only left his office for a short period. If the officer had the intention of standing for election before proceeding on final leave, he might make use of his position in the civil service to pave the way for the election, which might have compromised his political neutrality as a civil servant. The recent revision of the relevant civil service regulations and guidelines to enable an

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administrative officer who was on final leave to participate in the election of HKSAR Deputies to the NPC gave the impression that the change was tailor-made for the officer concerned, as the revision was made only days before the officer was nominated as a candidate for the election. Mr CHEUNG opined that the recent revision of the civil service regulations and guidelines governing civil servants standing for elections had adversely affected the political neutrality of the civil service and raised suspicion on the possibility of an actual or potential conflict of interest.

8. SCS stressed that the recent revision of the civil service regulations and guidelines for civil servants standing for elections and participating in electioneering activities was applicable to all civil servants in the Restricted Group, and was not tailor-made for a particular officer. All civil servants, except those in the Restricted Group, were free to participate in the HKSAR Deputies to the NPC elections, irrespective of whether they were on active duty or on final leave, provided that the participation in such activities would not give rise to any actual or potential conflict of interest. Civil servants in the Restricted Group who were on final leave had to apply to the SCS for permission to participate in the NPC-related elections. SCS would take into consideration all relevant factors, including whether the participation in such activities by the civil servants concerned would give rise to any actual or potential conflict of interest with their previous official duties, before deciding whether or not to approve such applications.

9. Mr CHEUNG Man-kwong reiterated that the recent revision of the relevant civil service regulations and guidelines for officers in the Restricted Group participating in elections raised strong suspicion that the revision was tailor-made for a particular officer as the Civil Service Bureau (CSB) had been informed of the officer's intention to participate in the election of the HKSAR Deputies to the NPC and the revision was made only days before the deadline for nomination of candidates for the election.

10. SCS responded that CSB regularly conducted reviews on policy, regulations and guidelines on civil servants' participation in elections and electioneering activities in the light of changing circumstances and needs. Prior to a forthcoming election, CSB would review the relevant civil service regulations and guidelines in order to ensure that they were kept abreast of time and the latest development. Owing to the complexity of the process, it might not always be possible for CSB to announce the results of its review very much in advance of, say months before, an election. SCS reiterated that the recent revision of the relevant regulations and guidelines was made taking into account changing circumstances and needs, and was not tailor-made for any particular civil servant.

11. Mr LEE Cheuk-yan opined that the recent revision of the relevant civil service regulations and guidelines to allow those civil servants in the Restricted Group who were on final leave to apply for permission from SCS for participating in NPC-related elections gave the impression that the Administration had changed the rules for the sake of an individual officer. Mr LEE was of the view that the Administration did not consult the Legislative Council on the revision of the relevant civil service regulations and

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guidelines because it had to change the rules in a rush to enable the officer to participate in the election. Indeed, there was no reason to explain why the rules had to be changed in such a hasty manner. He also took the view that it would not seem to be a co-incident that the relevant civil service regulations and guidelines were revised only days before the civil servant was nominated as a candidate for the election for the HKSAR Deputies to the NPC. Mr LEE asked whether CSB reviewed and revised the relevant civil service regulations and guidelines after the concerned civil servant in the Restricted Group had indicated to the CSB of her intention to participate in the election for the HKSAR Deputies to the NPC. Mr LEE further asked when CSB was informed of the civil servant's intention to participate in the election.

12. SCS responded that as a matter of policy, the Administration would not reveal any detail of an application made by a civil servant to CSB, or the timing of such an application. SCS pointed out that from time to time CSB received enquiries from civil servants regarding regulations and guidelines on civil servants' participation in election and electioneering activities. For instance, before last year's By-election for the Legislative Council, enquiries from civil servants were received concerning their eligibility for election or participation in electioneering activities. CSB might, on its own volition or in response to enquiries from civil servants, review the relevant regulations and guidelines for civil servants participating in elections.

13. Regarding Mr LEE Cheuk-yan's question as to whether CSB had reviewed the relevant civil service regulations and guidelines only upon receiving an enquiry from the concerned civil servant who was in the Restricted Group and was on final leave about her intended participation in the election for the HKSAR Deputies to the NPC, SCS replied that as a matter of policy, it was not appropriate for the Administration to disclose or comment on any enquiry, request or application made by civil servants to CSB.

14. Mr LEE Cheuk-yan queried why CSB did not revise the relevant regulations and guidelines upon receiving enquiries from other civil servants, but amended the relevant regulations and guidelines after receiving an enquiry from the former Commissioner of Independent Commission Against Corruption (ICAC), Mrs Fanny LAW.

15. SCS reiterated that CSB would revise the relevant civil service regulations and guidelines for civil servants participating in elections only if and when there were justifications to do so, irrespective of whether an enquiry was received from a particular civil servant or not. In considering the revision of the relevant regulations and guidelines for civil servants participating in elections, CSB would not take into consideration the official position of the civil servant who had made the enquiry. Rather it would focus on the merits of the case put forward by the concerned civil servant.

16. The Deputy Chairman commented that given the timing of the recent revision of the relevant regulations and guidelines for civil servants participating in elections, it would be difficult to dispel members' or the public's suspicion that the change had been

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tailor-made for a particular civil servant. She asked whether, for future elections, CSB could lay down a time-table for review of the relevant civil service regulations and guidelines so that any change could be announced well before the relevant election was held. The Deputy Chairman further enquired, given that there were closer relations between the Mainland and the HKSAR since 1997, whether CSB would lay down or review any regulation on civil servants accepting political appointments, e.g. appointments to the national/local committee of the Chinese People's Political Consultative Conference, as such appointments for civil servants could also give rise to actual and potential conflict of interest.

17. SCS responded that CSB would endeavour to review the relevant civil service regulations and guidelines and announce changes, if any, as much in advance of an election as possible, in order to avoid raising any unnecessary suspicion or concern that a revision was made for the sake of any particular civil servant. SCS said that as far as the national/local committees of the Chinese People's Political Consultative Conference were concerned, there was at present no restriction for civil servants, irrespective of their grades and ranks, to accept such political appointments. SCS pointed out that in reviewing the regulations and guidelines for civil servants participating in elections for the HKSAR Deputies to the NPC, CSB had concurrently reviewed the existing arrangements for civil servants accepting appointments at the national/local committees of the Chinese People's Political Consultative Conference, which were mainly consultative in nature and did not have any executive authority, and had considered that no changes to the existing regulations and guidelines in this regard were required.

18. Mr James TO commented that even though SCS had maintained that the relevant regulations and guidelines were revised only when there were justifications to do so, the short time taken by the Administration to review the relevant civil service regulations and guidelines, and the timing for the recent revision had raised grave concern and skepticism among the public as to whether the change was tailor-made to facilitate Mrs Fanny LAW's participation in the election for the HKSAR Deputies to the NPC. Mr TO asked when CSB received the enquiry regarding civil servants participating in the election for the HKSAR Deputies to the NPC which led to the review of the relevant civil service regulations and guidelines, and the ultimate revision of the regulations on 2 January 2008. Mr TO further asked about the number of enquiries received by CSB concerning the NPC election.

19. SCS responded that from time to time CSB received, either directly from a civil servant or through the department of the civil servant concerned, enquiries regarding the regulations and guidelines concerning civil servants standing for elections and/or participating in electioneering activities. CSB did not maintain any statistics regarding these enquiries.

20. Mr James TO asked when the recent review of the relevant regulations and guidelines commenced which led to the revision of the regulations and guidelines on 2 January 2008 for civil servants standing for election for the HKSAR Deputies to the NPC and participating in electioneering activities.

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21. SCS responded that the review was conducted in the second half of 2007, covering the relevant regulations and guidelines on civil servants standing for election as HKSAR Deputies to the NPC and participating in the related electioneering activities, and the appointment of civil servants to national/local committees of the Chinese People's Political Consultative Conference.

22. Mr James TO asked whether the Administration could advise on the exact commencement date of the review on the civil service regulations and guidelines relating to civil servants standing for elections and participating in electioneering activities which led to the revision of the relevant regulations and guidelines on 2 January 2008.

23. SCS reiterated that the relevant review was conducted in the second half of 2007 covering civil servants standing for elections of HKSAR Deputies to the NPC and the appointment of civil servants to national/local committees of the Chinese People's Political Consultative Conference.

24. Mr CHEUNG Man-kwong opined that the Administration had attempted to avoid answering directly members' questions regarding the recent revision of the civil service regulations and guidelines on civil servants standing for elections and participating in electioneering activities, which only raised further suspicion that the Administration had not revealed all details of the incident. Mr CHEUNG pointed out that the fact was that the revision of the relevant civil service regulations and guidelines was made on 2 January 2008 and only days before Mrs Fanny LAW was nominated to stand for the election of HKSAR Deputies to the NPC. Mr CHEUNG opined that it was inconceivable for Mrs Fanny LAW to receive the largest number of nominations for the NPC election if she started seeking nominations only after the announcement of the revised civil service regulations and guidelines on 2 January 2008. Circumstantial evidence showed that it was possible that the civil servant was aware of the likely revision of the relevant civil service regulations and guidelines, and had started lobbying for nominations for the election of HKSAR Deputies to the NPC before the Government announced on 2 January 2008 the revision of the relevant regulations and guidelines. As a general policy consideration, Mr CHEUNG doubted whether it was proper to permit a civil servant on his final leave, i.e. who had only left his office shortly, to stand for elections as the officer might make use of his position while in office to seek nominations for the elections which in turn would undermine the impartiality of the civil service and lead to an actual or potential conflict of interest. Mr CHEUNG commented that a civil servant on final leave should not be allowed to stand for elections and/or participating in electioneering activities. Mr CHEUNG was of the view that the decision made by the Administration on 2 January 2008 to revise the civil service regulations and guidelines concerning civil servants in the Restricted Group to stand for elections and participating in electioneering activities was hasty and inappropriate, in view of the fact that the revision was made without any advance notice or consultation, and an affected officer could obtain a large number of nominations for the election of HKSAR Deputies to the NPC within days after the revision. Such a

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decision had raised grave skepticism among the public as to the fairness and appropriateness of the revision of the relevant civil service regulations and guidelines. Mr CHEUNG remarked that a senior Government official, such as a Permanent Secretary or a Commissioner, would have a wide network of contacts whilst in office and if there was not an effective check and balance system, e.g. a "sanitization period" after leaving the office, to prevent an officer making use of his official authorities to pave the way for his standing for elections, it would be most regrettable and should be subject to review. Mr CHEUNG opined that the "sanitization period" for an officer to stand for elections or participate in electioneering activities after leaving his office should not be too short so as to prevent any abuse of official authority and maintain the impartiality of the civil service.

25. SCS responded that she did not consider that the announcement of the revision of civil service regulations and guidelines for civil servants standing for elections and participating in electioneering activities on 2 January 2008 was hasty and inappropriate, although she accepted members' view that it would be more desirable if in future any such revision could be announced well in advance of the relevant election. SCS stressed that a proper balance had to be maintained in enabling civil servants to enjoy their civil and political rights as citizens on the one hand, and civil servants remaining impartial and avoiding any actual or potential conflict of interest on the other. SCS said that it would be an easy way out for her if she completely banned or permitted all civil servants to stand for elections and/or participate in electioneering activities, but she considered that she would not be doing her job properly if she adopted such an approach. After the revision of the relevant civil service regulations and guidelines, all civil servants in the Restricted Group who were on final leave intending to stand for NPC-related elections or participate in related electioneering activities had to apply, through the relevant head of department/grade who was required to comment on whether civil service impartiality would be affected if the application was accepted, for SCS' consideration.

26. Mr LEE Cheuk-yan opined that the revision of the relevant civil service regulations and guidelines raised strong suspicion among the public that it was made to facilitate Mrs Fanny LAW's participation in the election of the HKSAR Deputies to the NPC as the revision was announced only days before the deadline for the nomination of candidates for the election. Other civil servants in the Restricted Group who were on final leave intending to join the election would have been caught unprepared for the election and would not have sufficient time in seeking nominations for the election, whereas Mrs Fanny LAW seemed to be the only officer in the Restricted Group being on final leave who had made an enquiry/application and was aware of the change of the relevant civil service regulations and guidelines. As a result, Mrs Fanny LAW was able to obtain a large number of nominations within days. Mr LEE opined that it would only be fair to all officers in the Restricted Group who were on final leave that they were informed of the revision of the relevant civil service regulations and guidelines well in advance of the nomination deadline for the NPC election. Mr LEE further queried why permission was given for Mrs Fanny LAW, a former Commissioner of the ICAC, to stand for election as a HKSAR Deputy to the NPC, as the Commissioner of ICAC held a very special position in which she possessed highly sensitive information concerning

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corruption cases which might involve personalities in Hong Kong and in the Mainland. It might also lead to a potential conflict of interest situation for her to seek nominations in the election of HKSAR Deputies to the NPC. Mr LEE also asked why the former Commissioner of ICAC did not have to seek permission from the Chief Executive to stand for election and instead her application was considered by SCS.

27. SCS responded that, speaking from memory, the deadline for nomination as candidates for the election of HKSAR Deputies to the NPC was 16 January 2008, and civil servants affected by the revision of the relevant civil service regulations and guidelines on 2 January 2008 should still have adequate time to seek nominations if they so wished. SCS clarified that Mrs Fanny LAW was an Administrative Officer seconded to the ICAC to work as the Commissioner, and when she ceased to be the Commissioner of ICAC and proceeded on final leave, she reverted to the Administrative Officer grade of the civil service. Therefore Mrs Law's application to stand for election of the HKSAR Deputies to the NPC was considered by the Head of the Administrative Officer Grade in the first instance, with a recommendation to her for decision. SCS pointed out that when a civil servant in the Restricted Group who was on final leave was granted permission to participate, in his personal capacity, in NPC-related elections or electioneering activities, the civil servant was still subject to certain restrictions and safeguards relating to the protection of official confidential information, etc, as spelt out in paragraph 10 of the paper. SCS explained that a civil servant who was on final leave would be subject to restrictions in taking up outside work as he was still receiving remuneration from the civil service. If an officer who had completed his final leave wanted to take up employment during the sanitization period, he had to apply for permission to do so.

28. Ms Margaret NG remarked that while appreciating the need to strike an appropriate balance between civil servants enjoying their civil and political rights as citizens on the one hand, and civil servants remaining impartial and avoiding any actual or potential conflict of interest on the other, the short time taken to review the relevant civil service regulations and guidelines and the timing of the recent revision had caused serious suspicion among the public that the Administration wanted to pave the way for Mrs Fanny Law to be elected as a HKSAR Deputy to the NPC as a political reward for the officer. The haste in revising the relevant regulations and guidelines had created an impression that the revision was tailor-made for Mrs Fanny LAW. Ms NG opined that on balance the impartiality of the civil service should come before the civil servants' civil and political rights. Ms NG enquired as to the overwhelming and compelling reasons for SCS in granting permission for Mrs Fanny LAW to participate in the election of HKSAR Deputies to the NPC while she was still on final leave. Ms NG pointed out that in considering matters relating to the interest of the Legislative Council, members would, for the purpose of avoiding possible conflict of interest, normally propose that the new measures be implemented at the next Legislative Council term of office. Ms NG was concerned that the safeguards mentioned in paragraph 10 of the paper, e.g. the Official Secrets Ordinances, might not be adequate to ensure the civil service's political impartiality if a civil servant in the Restricted Group being on final leave was permitted to stand for NPC-related elections or participate in electioneering

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activities. Ms NG asked about the measures to be taken by the Administration to remove the public's suspicion that the revision of the relevant civil service regulations and guidelines was tailor-made for Mrs Fanny LAW's participation in the election of HKSAR Deputies to the NPC.

29. SCS reiterated that it was a normal practice for CSB to review the relevant civil service regulations and guidelines prior to an election. The recent review in relation to the NPC-related election was concluded close to the end of 2007 and the revised arrangements were promulgated on 2 January 2008. SCS stressed that the review was conducted based on objective circumstances and none of the civil servants involved in the review had anything to gain from the revision of the relevant civil service regulations and guidelines. The review was not conducted for the sake of a particular civil servant, but rather because of the public's growing awareness of the affairs of the Mainland.

30. Mr James TO opined that the Administration should be extremely careful in granting permission for civil servants in the Restricted Group and were on final leave to stand for elections and/or participate in electioneering activities. For instance, the Commissioner of ICAC handled highly sensitive information which might involve nominators for the election of HKSAR Deputies to the NPC, or the Permanent Secretary for Commerce and Economic Development would have close contacts with people in the financial, commercial and industrial sectors. A potential conflict of interest situation might arise when the former Commissioner or the Permanent Secretary was permitted to seek nomination from such persons for NPC-related elections. Mr TO asked how the heads of department/grade concerned could ascertain if a conflict of interest situation had arisen under such circumstances in considering applications from civil servants in the Restricted Group and were on final leave to stand for NPC-related elections or participate in electioneering activities.

31. SCS responded that she would exercise extreme care in considering applications from civil servants in the Restricted Group who were on final leave to stand for NPC-related elections or participate in electioneering activities. SCS pointed out that the perceived conflict of interest situation should not be exaggerated, drawing the analogy that a member of the Legislative Council seeking nomination for a NPC election from a person affected by possible enactment/amendment of certain Bills or legislations might too easily be accused of conflict of interest.

32. Mr James TO reiterated that he was concerned how SCS and the heads of departments/grades could verify, as stipulated in paragraph 10(b) of the paper, that allowing an applicant to stand for a NPC-related election and/or participate in the related electioneering activities would not give rise to any conflict of interest with the officer's previous official duties. Mr LEE Cheuk-yan shared Mr TO's concern and pointed out that the operation of the Legislation Council was extremely transparent whereas the Commissioner of ICAC dealt with a lot of highly sensitive and confidential information. He asked whether SCS had considered that a potential conflict of interest might arise if the former ICAC Commissioner was allowed to participate in NPC-related elections.

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Ms Margaret NG added that the Commissioner of ICAC was a principal official under the Basic Law and unlike the 60 Legislative Council members and other senior Government officials, the Commissioner's position was extremely unique. Ms NG asked whether, in approving Mrs Fanny LAW's application, SCS had considered the duties and uniqueness of the position of the Commissioner of ICAC.

33. SCS responded that senior civil servants, such as the Permanent Secretary for Commerce and Economic Development and the Commissioner of ICAC, inevitably had dealings with many people in different sectors. Unlimited scenarios of conflict of interest situations could be perceived under such circumstances. In considering an application from a civil servant for participation in an election and/or electioneering activities, SCS said she would invariably take into consideration the officer's recent postings and his duties in the previous few years.

34. Mr LEE Cheuk-yan opined that a conflict of interest situation would inevitably arise if the former Commissioner of ICAC was allowed to participate in NPC-related elections, given that the Commissioner handled highly sensitive and confidential information involving many personalities in different fields in Hong Kong and in the Mainland. He was concerned that the Chief Executive was not consulted in allowing the former Commissioner of ICAC to participate in NPC-related elections although technically, the officer had reverted to the Administrative Officer grade whilst on final leave.

35. SCS pointed out that the Head of the Administrative Officer Grade was the Permanent Secretary for the Civil Service (PSCS) whose views had been taken into consideration in granting the permission for an Administrative Officer who was on final leave to participate in NPC-related elections. SCS reiterated that the relevant Permanent Secretary/head of department or grade had to make recommendation to the SCS regarding applications from civil servants in the Restricted Group and were on final leave for participation in NPC-related elections.

Motion moved by Mr CHEUNG Man-kwong

36. Mr CHEUNG Man-kwong put forward the following motion which was seconded by Mr LEE Cheuk-yan for the Panel's consideration. The motion was circulated to members at the meeting.

"政府最近就公務員四個受限制組別參選人大作出的決定是草率和不當的。"

(Translation)

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"The decision made by the Government recently in respect of civil servants in the four restricted groups standing for National People's Congress-related elections is hasty and inappropriate."

37. Mr Tam Yiu-chung stated that he supported in principle to relax the restriction on civil servants participating in NPC-related elections, although the timing of the recent revision of the relevant civil service regulations and guidelines might give an impression that the revision was made in a hasty manner. He pointed out that the NPC election was held every five years, and if the Government did not revise the relevant civil service regulations and guidelines in January 2008, potential candidates might have to wait for another five years before they could participate in the election.

38. Ms Margaret NG opined that the decision in permitting the former Commissioner of ICAC to participate in the NPC-related elections was inappropriate as the Administration did not seem to have taken into account the sensitivity of the Commissioner's position. Mr LEE Cheuk-yan added that the timing of the revision could not dispel the public's impression that the revision was tailor-made for Mrs Fanny LAW's participation in the NPC elections.

39. The Chairman considered that the proposed motion was directly related to the agenda item under discussion and that it was appropriate for the Panel to deal with it. All members present agreed that the proposed motion should be processed. The Chairman put the motion to vote. Four members voted for the motion and two against. One member abstained from voting. The Chairman declared the motion passed.

(Post-meeting note: The Administration was requested on 19 February 2008 to provide the Panel with a written response to the motion by 4 March 2008. A copy of the motion was circulated to members vide LC Paper No. CB(1)846/07-08 on 19 February 2008.)

V Update on national studies and Basic Law training for civil servants

(LC Paper No. CB(1)764/07-08(04) — Administration's paper on update on national studies and Basic Law training for civil servants)

40. The Deputy Chairman was concerned whether there was an open and fair system in selecting civil servants to attend the national studies and Basic Law training programmes, so that the training programmes would not cater for the same group(s) of officers only.

41. SCS responded that civil servants of the targeted grades/ranks would be encouraged to join the national studies and Basic Law training programmes if they had not attended the programmes before. The Government aimed to provide Basic Law training to all senior and middle ranking civil servants within three to five years. A

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monitoring system would be put in place to ensure that all civil servants in the targeted grades/ranks had the opportunity to attend the training programmes.

42. The Chairman asked whether the officers had to take leave to attend the training programmes.

43. SCS responded that the civil servants were released from their duties to attend the training programmes during office hours, most of which lasted for a couple of hours or half a day.

Admin 44. In response to the request of Mr James TO, SCS undertook to provide information regarding the content/course outline and trainers/speakers of the following training programmes:

- (a) Tsinghua/Peking University Programmes;
- (b) National School of Administration Programme;
- (c) Foreign Affairs Studies Programmes; and
- (d) other training programmes held in the Mainland for Hong Kong disciplined services officers.

45. Mr James TO suggested that in order to optimize the use of resources, the e-learning materials on the Basic Law should be made available, possibly on a reciprocal basis, to public/statutory bodies such as the Legislative Council Secretariat, the Equal Opportunities Commission, Urban Renewal Authority, etc. and Legislative Council members as well.

46. SCS responded that the e-learning materials were provided through the Government intranet system. In order to protect the security and integrity of the Government intranet, the e-learning materials could not be made accessible to bodies outside the civil service through the said intranet. However, the Administration could provide, on request, hard copies of relevant Basic Law training materials to bodies such as the Legislative Council Secretariat.

VI. Integrity enhancement initiatives for civil servants

(LC Paper No. — Administration's paper on integrity
CB(1)764/07-08(05) enhancement initiatives for civil
servants)

47. Noting that the number of corruption reports/cases involving civil servants had dropped in the past five years as shown in the Annex of the paper, Mr CHEUNG Man-kyong requested the Administration to provide a breakdown, on a departmental basis, the numbers of alleged corruption reports against civil servants, civil servants

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prosecuted and convicted for corruption and related offences, and civil servants named in cases that were referred by ICAC to bureaux/departments for consideration of disciplinary/administrative action from 2003 to 2007.

48. SCS undertook to provide the information after the meeting.

49. Mr CHEUNG Man-kwong was concerned that in a recent case, a Senior Clerical Officer was convicted of false accounting involving about \$13.7 million. The officer was found to have used false receipts between 2004 and 2006 to defraud the Government of such a large amount of money. Mr CHEUNG queried whether there were serious loopholes in Government's accounting/management system as the offence was committed by a relatively junior officer for a number of years before it was detected. He opined that the Government should review the delegated financial authorities of individual officers and reinforce the checks and balances in the accounting system of departments.

50. SCS responded that the Administration would not comment on individual cases especially in view of the fact that the legal proceedings of the relevant case had yet to be completed. SCS pointed out that all civil servants had to abide by the Financial and Accounting Regulations, and the Treasury carried out surprise audits in Government departments to ensure compliance of the Regulations. The Treasury also conducted regular reviews of the Regulations taking into account any malpractice detected.

51. Mr James TO pointed out that from time to time, there were cases of loss of bail money in Police stations. He queried whether there were loopholes in the system which could be exploited in handling Police bail money. Mr TO opined that the Hong Kong and Mainland enforcement authorities should exchange views and share experience in the prevention of corruption cases.

52. SCS responded that the attention of the Secretary for Financial Services and Treasury would be drawn to members' concerns.

VII. Any Other Business

53. There being no other business, the meeting ended at 12:45 pm.