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Panel on Public Service Meeting on 22 February 2010

Background brief on integrity enhancement initiatives for civil servants

Purpose

This paper provides background information on the work of the Civil Service Bureau (CSB) in the promotion of integrity in the civil service, and summarizes the major views and concerns expressed by the Panel on Public Service (the Panel) on the subject in past discussions.

Background

2. In May 1998, a high-level seminar on “Maintaining Integrity in the Civil Service” was jointly organized by CSB and the Independent Commission Against Corruption (ICAC). Following the seminar, a civil servants’ guide to good practices was issued. The guide set out the standards of behaviour expected of civil servants from the most senior managers down to front-line officers. It contained guidance on how to avoid conflict of interest and advice on how to maintain high standards of integrity in both official businesses and private life.

3. To sustain the effort in promoting civil service integrity, CSB and ICAC jointly organized a two-day “Ethical Leadership Forum 2000” in March 2000. In 2000, CSB further commissioned a company to conduct a survey among directorate officers in the civil service on work ethics. The information so gathered had been taken into account in the promotion of integrity in the civil service. A greater variety of integrity enhancement efforts have since been made and, over the years CSB and ICAC have developed the following three-pronged approach for working with bureaux and departments (B/Ds) to promote integrity in the civil service –

- (a) Prevention: Clear policies, guidelines and procedures are available to provide guidance to individual civil servants. Proper checks and balances have been built into B/Ds’ operational and service systems;

- (b) Education: Sustained efforts are made to promote good standards of conduct at all levels in the civil service. These include induction, training, seminars, and the promulgation of rules and guidebooks to enhance understanding and awareness of the high standards of probity required of civil servants; and
- (c) Sanction: During the five-year period from April 2004 to March 2009, 140 civil servants had been subject to disciplinary action for offences or misconduct related to abuse of official position¹. Of them, 39 or about 28% were awarded removal punishments (i.e. compulsory retirement or dismissal).

4. The Administration regularly updates the Panel on the integrity enhancement initiatives for civil servants. From the latest update in May 2009, the Panel noted the efforts that the Administration had made on the prevention and education front as summarized in **Appendix I**. As shown by the key indicators in **Appendix II**, the overall corruption scene in the civil service remained stable in recent years. According to the annual report of the Transparency International released in 2008, Hong Kong was ranked the 12th least corrupt place among 180 countries and cities in the Corruption Perception Index (CPI), two places up as compared with 2007. In the 2009 CPI table, Hong Kong was again ranked the 12th least corrupt place.

Major views and concerns expressed by the Panel in past discussions

Prevention

5. Some members opined that civil servants should not be lightly granted discretionary power in recognition of the difficulty in monitoring the exercise of such power. Proper checks and balances should be built into the procedures to be followed in the exercise of discretionary power in order to prevent abuses. Some members also considered it necessary to guard against the following trends of “soft corruption” which might develop into more serious forms of corruption and erode the integrity of the civil service –

- (a) Increase in the number of civil servants involved in "acceptance of gifts and free/discounted meals or entertainment"; and
- (b) Increase in the number of cases involving civil servants who had "undesirable associations", i.e. association with people involved in criminal activities and triad elements.

¹ Acts of misconduct classified as cases of abuse of official position include –

- (a) conviction under the Prevention of Bribery Ordinance (Cap. 201);
- (b) unauthorized acceptance of advantages or entertainment from persons with official dealings;
- (c) unauthorized outside work for persons with official dealings;
- (d) unauthorized disclosure of government information;
- (e) abuse of government properties; and
- (f) use of official information or authority for personal gains.

6. The Administration advised that there was a need to allow the exercise of discretionary power by designated officers in justified circumstances in order to better serve the public. For example, there was a need for the exercise of discretion on compassionate or other justified grounds to waive the stated years of residence requirement for public rental housing or eligibility for Comprehensive Social Security Assistance. However, where the exercise of discretionary power by concerned officers would have significant implications, the B/Ds concerned would seek ICAC's assistance in conducting corruption prevention studies and putting in place the necessary checks and balances. As to the concerns about "soft corruption", clearer guidelines on the acceptance of advantages by civil servants and gifts or entertainment offered to an officer in his official capacity would be provided.

Education

7. Members opined that more corruption prevention and integrity training courses should be organized for civil servants. Training should also be provided to prepare civil servants for likely changes in trade and corruption practices that might occur with the growing number of Mainland companies listed in Hong Kong.

8. The Administration pointed out that ICAC already regularly conducted corruption prevention and integrity promotion talks and seminars for civil servants. Through case studies, civil servants were also alerted to new trends in the overall corruption scene and how to deal with them. CSB and ICAC had also jointly launched the online Resource Centre on Civil Service Integrity Management (RCIM) for all civil servants in 2001, and had been uploading typical examples of misconduct cases onto RCIM to provide civil servants with up-to-date and handy reference materials.

Sanction

9. To ensure that proper sanctions would be imposed to deter corruption, members were keen to ascertain whether follow-up actions would be taken on ICAC's annual report on corruption and malpractices in the civil service. The Administration assured members that all cases referred by ICAC were promptly acted upon.

10. Members were keen to ensure that there would be adequate provisions under the existing legislation against different types of "misconduct in public office", and that the Government would provide guidelines on the circumstances which determined whether a type of misconduct should be dealt with as a disciplinary matter or as a criminal case; and that civil servants would be made aware of such circumstances, so that they would not be inadvertently involved in misconduct which could result in criminal liability because of the ambiguity in the definition of "misconduct in public office".

11. The Administration explained that rules and guidelines governing the conduct of a civil servant in particular activities were provided in respective civil service regulations and circulars. Corrupt conduct contrary to the ethical standards that a public official was expected to apply when discharging his/her official duties might not be dealt with merely as an in-house disciplinary matter. It might be

criminally actionable, under the common law offence of “misconduct in public office”. For cases with prima facie evidence of misconduct with criminal liability, the disciplinary authority would refer them to the law enforcement authority for further investigations, and the disciplinary proceedings would then be suspended. Irrespective of whether legal proceedings were then taken against the officers concerned and whether they were convicted of the offences, the evidence collected by the law enforcement authority and/or the judgment of the Court would be taken into account by the disciplinary authority when considering sanctions against the officers, if any.

Management of staff indebtedness

12. Concerned about the impact of the problem of indebtedness on the integrity of civil servants, some members saw a need to ascertain whether there was any relationship between the increase in misconduct in public office and the economic climate. They also saw a need to expand the scope of the declaration system of investments to cover liabilities over a certain amount, say \$100,000. Certain members, however, opined that bankruptcy had no bearing on the integrity and probity of a person, and considered it unfair that it should be regarded as an act of misconduct.

13. The Administration explained that in requiring civil servants to declare their personal information, a proper balance between public interests and civil servants' right to privacy should be maintained. CSB, having consulted the Department of Justice and ICAC, came to the view that it was inappropriate to require civil servants to declare their liabilities if the loans were obtained through legal means and their performance had not been affected.

Promotion of integrity enhancement measures for non-civil service contract staff

14. Some members opined that corruption prevention and integrity training courses should be organized for non-civil service contract (NCSC) staff and staff of Government contractors. The Administration responded that in the induction training provided to NCSC staff, there was a segment that reminded them of the high standards of probity expected of general staff at all levels. Talks were also organized in collaboration with ICAC for contractors of public works projects and their management staff. The Government also considered it necessary to require NCSC staff to uphold the same high standards and relevant requirements were stipulated in their terms of employment.

Latest developments

15. The Administration has proposed to update members at the Panel meeting on 22 February 2010 on the initiatives to promote and educate civil servants on integrity management.

Relevant papers

16. A list of relevant papers is in **Appendix III**.

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Integrity enhancement efforts made by the Administration (summarized from the paper entitled "Integrity enhancement initiatives for civil servants" submitted by the Civil Service Bureau in May 2009)

On the prevention and education front, the efforts that the Administration has made on integrity management in the past few years are summarized below.

Service-wide guidelines

2. The Civil Service Bureau (CSB) keeps under constant review service-wide guidelines on conduct matters to ensure that they remain clear and adequate in present-day circumstances. These include the issue, and regular updating, of circulars on various subjects, including conflict of interest; declaration of private investments; and acceptance of advantages, entertainment and sponsored visits offered to civil servants in their official and private capacities.

Integrity management and promotion programmes

3. Throughout the years, CSB and the Independent Commission Against Corruption (ICAC) have been working in close partnership towards deepening integrity education and entrenching the value of integrity at all levels in the civil service. Among others, CSB and ICAC jointly launched the Civil Service Integrity Entrenchment Programme in 2004. Under this Programme, outreach teams comprising directorate officers from CSB and ICAC visited 34 bureaux and departments (B/Ds) with a combined workforce of 124 000 to exchange views on integrity-related management issues. In 2005, CSB and ICAC jointly held a leadership forum on the theme of "Successes through ethical governance". The forum provided an opportunity for leaders in the public and business sectors to examine ethical challenges and share experience in ethical leadership. In 2006, the Works Branch of the then Environment, Transport and Works Bureau, in collaboration with CSB and ICAC, launched an Enhanced Integrity Management Programme for its works departments. Under the Programme, an integrity management manual was produced for reference by the works departments, six presentations for directorate staff and 150 integrity training workshops for 7 700 professional staff and site supervisors were held, and training seminars for contractors and their employees were organized.

4. In December 2006, CSB and ICAC jointly launched the Ethical Leadership Programme (ELP) as their flagship initiative which would continue for the years to come. The objective is to further consolidate the value of integrity in the civil service through the leadership and commitment of the senior management in B/Ds, so that a sustaining ethical culture can flourish in the service.

5. To drive home the importance of promoting integrity management within the civil service, CSB and ICAC continue with their efforts to reach out to individual B/Ds under ELP. CSB and ICAC visited the senior management of the Lands Department and Housing Department in 2007-2008. This was followed by several rounds of presentations on the subjects of conflict of interest, corruption, misconduct in public office, supervisory accountability, etc. for the directorate staff of the two departments. CSB and ICAC are planning more such visits and presentations in the years to come.

Online resource and experience sharing

6. CSB and ICAC jointly launched the online Resource Centre on Civil Service Integrity Management (RCIM) for all civil servants in 2001. RCIM serves as a one-stop repository providing updated service-wide regulations on conduct matters, publications on integrity related subjects, sample guides or codes of conduct, and answers to frequently asked questions. To provide civil servants with up-to-date and handy reference materials, CSB and ICAC have been updating and adding examples of misconduct cases which cover the subjects of conflict of interest, misconduct in public office, supervisory responsibility, unauthorized absence, falsification of attendance records, acceptance of entertainment from persons with official dealings, criminal conviction cases involving fraud, forgery, theft and assault, etc.

Publications

7. The Administration also promotes civil service integrity on the prevention and education front by publishing and updating booklets and manuals. The more notable examples include the updating and distribution of the Civil Servants' Guide to Good Practices to government employees at all levels in 2005; and the compilation and publication of an Ethics Officer Manual in 2007.

Management of staff indebtedness

8. The number of insolvency or bankruptcy cases in the civil service fell from 138 in 2007 to 95 in 2008. CSB has been closely monitoring indebtedness in the civil service through regular returns from departments with a higher number of indebted cases. CSB has issued service-wide guidelines reminding civil servants of the importance of prudent financial management. Appropriate action would be taken against an officer if his financial problems have given rise to misconduct (e.g. acceptance of unauthorized loans) or if his personal financial difficulties are due to a reprehensible cause (e.g. gambling). The Administration would continue to implement proactive measures at the departmental level to ensure that personal financial problems, if any, of individual civil servants would not impair operational efficiency or the integrity of the civil service as a whole.

Training and induction

9. In the three years ending 2008, over 1 700 training courses, including talks

on corruption prevention and briefings on integrity and avoidance of conflict of interest, were held for some 66 700 civil servants in various ranks.

Appendix II

Key Indicators of Corruption Reports in the Civil Service (Updated annex to LC Paper No. CB(1)1646/08-09(04))

	2004	2005	2006	2007	2008	2009
Number of alleged corruption reports against civil servants received by ICAC	1 286	1 161	1 068	975	960	1 061
Number of civil servants prosecuted for corruption and related offences (Note 1)	38	25	24	25	12	Not available from the ICAC website
Number of civil servants convicted of corruption and related offences (Note 2)	26	16	19	17	4	Not available from the ICAC website
Number of civil servants named in cases that are referred by ICAC to bureaux/departments for consideration of disciplinary or administrative action (Note 3)	161	170	150	123	105	66

Note (1) : Prosecutions instituted in the year.

Note (2) : Civil servants convicted resulting from prosecutions instituted in the year.

Note (3) : For cases where no prosecution is made against individual civil servants but possible misconduct or malpractice has been revealed during the ICAC investigation, ICAC may, on the advice of its Operations Review Committee, refer them to the bureaux/departments concerned for consideration of disciplinary or administrative action.

Source : ICAC

Integrity enhancement initiatives for civil servants

List of relevant papers

Date of meeting of Panel on Public Service	Minutes / Paper	LC Paper No.
19.6.2000	<p>Administration's paper on "Promotion of Integrity in the Civil Service"</p> <p>Minutes of meeting</p>	<p>CB(1)1837/99-00(02)</p> <p>http://www.legco.gov.hk/yr99-00/english/panels/ps/papers/a1837e02.pdf</p> <p>CB(1)2112/99-00</p> <p>http://www.legco.gov.hk/yr99-00/english/panels/ps/minutes/ps190600.pdf</p>
18.2.2002	<p>Administration's paper on "Promotion of Integrity in the Civil Service"</p> <p>Supplementary information provided by the Administration</p> <p>Minutes of meeting</p>	<p>CB(1)1034/01-02(03)</p> <p>http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0218cb1-1034-3e.pdf</p> <p>CB(1)1291/01-02(01)</p> <p>http://www.legco.gov.hk/yr01-02/english/panels/ps/papers/ps0218cb1-1291-1e.pdf</p> <p>CB(1)1285/01-02</p> <p>http://www.legco.gov.hk/yr01-02/english/panels/ps/minutes/ps020218.pdf</p>
18.4.2005	<p>Administration's paper on "Promotion of Integrity in the Civil Service"</p> <p>The updated version of the "Civil Servants' Guide to Good Practices"</p>	<p>CB(1)1248/04-05(04)</p> <p>http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1248-4e.pdf</p> <p>CB(1)1193/04-05</p> <p>http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/pscb1-1193-e.pdf</p>

Date of meeting of Panel on Public Service	Minutes / Paper	LC Paper No.
	<p>Supplementary information provided by the Administration</p> <p>Minutes of meeting</p>	<p>CB(1)1500/04-05(01)</p> <p>http://www.legco.gov.hk/yr04-05/english/panels/ps/papers/ps0418cb1-1500-1e.pdf</p> <p>CB(1)1521/04-05</p> <p>http://www.legco.gov.hk/yr04-05/english/panels/ps/minutes/ps050418.pdf</p>
8.2.2007	<p>Administration's paper on "Integrity enhancement initiatives for civil servants"</p> <p>Minutes of meeting</p>	<p>CB(1)843/06-07(04)</p> <p>http://www.legco.gov.hk/yr06-07/english/panels/ps/papers/ps0208cb1-843-4-e.pdf</p> <p>CB(1)1245/06-07</p> <p>http://www.legco.gov.hk/yr06-07/english/panels/ps/minutes/ps070208.pdf</p>
18.2.2008	<p>Administration's paper on "Integrity Enhancement Initiatives for Civil Servants"</p> <p>Supplementary information provided by the Administration on corruption-related statistics</p>	<p>CB(1)764/07-08(05)</p> <p>http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps0218cb1-764-5-e.pdf</p> <p>CB(1)989/07-08(03)</p> <p>http://www.legco.gov.hk/yr07-08/english/panels/ps/papers/ps0218cb1-989-3-e.pdf</p>

Date of meeting of Panel on Public Service	Minutes / Paper	LC Paper No.
	Minutes of meeting	CB(1)966/07-08 http://www.legco.gov.hk/yr07-08/english/panels/ps/minutes/ps080218.pdf
29.5.2009	Administration's paper on " Integrity Enhancement Initiatives for Civil Servants" Minutes of meeting	CB(1)1646/08-09(04) http://www.legco.gov.hk/yr08-09/english/panels/ps/papers/ps0529cb1-1646-4-e.pdf CB(1)2019/08-09 http://www.legco.gov.hk/yr08-09/english/panels/ps/minutes/ps20090529.pdf

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