

For information

Legislative Council Panel on Security

**Appointment of Commissioner,
Independent Commission Against Corruption**

Purpose

This note provides information on the appointment of the Commissioner, Independent Commission Against Corruption (ICAC).

The Appointment

2. According to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Commissioner Against Corruption ("the Commissioner") is one of the principal officials who shall be nominated by the Chief Executive for appointment by the Central People's Government.

3. The office of the Commissioner is established by the Independent Commission Against Corruption Ordinance ("the Ordinance"). According to the Ordinance, the office of the Commissioner is not a civil service post. Should a serving civil servant be appointed to the office of the Commissioner, such an appointment is usually made by way of a secondment. Should a non-civil servant be appointed, the appointment would be made on contract terms. Since the office of the Commissioner is not a civil service post, its appointment will not affect the promotion opportunities of civil servants irrespective of whether the appointee is a civil servant, an ex-civil servant, a retired civil servant or a non-civil servant.

4. Mr Timothy Tong was appointed by the Central Government in 2007 as the Commissioner in the third term of the Government. In accordance with the prevailing practice, he was seconded from the civil service to take up the office. Upon reaching the retirement age in July 2009, Mr Tong retired from the civil service. The Government thus employed him by way of a contract. Mr Tong's appointment has been

made not because he was a civil servant and, therefore, does not end upon his reaching the retirement age of a civil servant.

5. Mr Tong's appointment was gazetted on 1 July 2007. As Mr Tong's appointment has yet to end, it was not necessary to make a separate notice or gazette.

Administration Wing
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