

For information on
14 April 2012

LEGISLATIVE COUNCIL PANEL ON PUBLIC SERVICE

Mechanism Governing Acceptance of Advantages and Entertainment by Civil Servants

Purpose

In response to Members' concern about the acceptance of advantages and entertainment by public officers, this paper sets out for Members' information the relevant mechanism governing civil servants and the efforts made to promote integrity in the Civil Service.

Probity and integrity

2. The Civil Service is a permanent, honest, meritocratic, professional and politically neutral institution. "Integrity" is one of the moral values which underlie an impartial, fair and just society. The Administration has all along attached great importance to the probity and integrity of civil servants. Civil servants are required to uphold the highest standards of conduct at all times so as to gain and retain the respect and confidence of the public to facilitate effective governance.

Control mechanism

3. The Administration adopts a multi-pronged approach to govern the conduct of civil servants. On the legal front, the Prevention of Bribery Ordinance (Cap. 201) ("POBO") imposes specific restrictions on the acceptance or solicitation of advantages by civil servants. Any civil servant who, without lawful authority, solicits or accepts any advantages shall be liable for a criminal offence under the POBO. Civil servants are also subject to the common law offence of "Misconduct in Public Office". If a civil servant seriously abuses his/her official position and, willfully and without any reasonable excuse, misconducts himself/herself by act or omission, he/she may be liable to criminal prosecution even if the misconduct does not involve any acceptance of bribe or pecuniary advantage.

4. On the system front, civil servants must comply with Government regulations, rules and guidelines governing their conduct by

virtue of their employment contracts. The Civil Service Code promulgated by the Civil Service Bureau (“CSB”) sets out the core values and standards of conduct which civil servants are expected to uphold, including commitment to the rule of law; honesty and integrity; objectivity and impartiality; political neutrality; accountability for decisions and actions; and dedication, professionalism and diligence. All civil servants are required to follow the standards of conduct based on these core values.

5. In handling conflict of interest, civil servants should avoid any actual, perceived or potential conflict of interest between their official duties and private interests. When a situation involving a conflict of interest cannot be avoided, civil servants must declare to their supervisors any conflict that may arise or has arisen as soon as possible. Having made a declaration, the civil servants should refrain from taking part in any part of the work in question unless otherwise authorised by their supervisors. In addition, civil servants holding designated posts (including all directorate posts) which have access to sensitive information are required to declare their private investments and the occupation of their spouses on a regular basis. The Administration will assess how likely they may be confronted with conflict of interest situations and take appropriate management or preventive measures. The upper echelons in the Civil Service (e.g. Permanent Secretaries) are required, on appointment and annually thereafter, to register their financial interests for public inspection on request.

6. Civil servants shall not accept advantages offered to them in their private capacity unless they have been given general or special permission under the Acceptance of Advantages (Chief Executive’s Permission) Notice 2010. Any advantages (e.g. gifts) offered to civil servants by virtue of their official position are regarded as advantages to their bureaux/departments. Where for protocol reasons or avoiding offence or embarrassment, it is inappropriate to refuse the acceptance of such advantages (e.g. being offered souvenirs when attending social or ceremonial occasions in their official capacity), civil servants should take the gifts back to their bureaux/departments and report to the approving authority. The relevant decision and disposal method of the gifts will be properly recorded.

7. As regards acceptance of entertainment, civil servants should not accept lavish, or unreasonably generous or frequent entertainment in order to avoid causing embarrassment in the discharge of their official duties, or bringing the Government into disrepute, or giving rise to any potential or real conflict of interest. Where acceptance of entertainment in an official capacity is considered necessary, the civil servants should report or seek approval in accordance with relevant departmental guidelines.

8. The above control mechanism has been working effectively. Civil servants are also familiar with and have to abide by the relevant legislation, Government regulations, rules and guidelines. The Administration takes a serious view of criminal offences and misconduct acts involving a breach of trust in the public office or misuse of power held by civil servants. Alleged acts of misconduct are investigated promptly or referred to the relevant enforcement agencies for follow-up actions, and disciplinary actions or prosecutions will be taken against civil servants with established misconduct.

Integrity education

9. Apart from putting in place effective control mechanism for compliance by civil servants, the Administration also entrenches the culture of integrity and honesty in the Civil Service through on-going integrity education. The “Ethical Leadership Programme” rolled out by CSB and the Independent Commission Against Corruption embeds a high probity ethical culture in bureaux/departments through the leadership of their senior management. Under the programme, the senior management of bureaux/departments develop integrity management plans which suit their operational needs and promote integrity enhancement initiatives in bureaux/departments. In the three years ended 2011, over 1 800 training courses on corruption prevention and talks on integrity and avoidance of conflicts of interest were attended by some 63 000 civil servants at various ranks. The Administration also continues to enrich and update the contents of the online “Resource Centre on Civil Service Integrity Management”, which is accessible to all civil servants. Sample cases of misconduct have been uploaded onto the website to remind all civil servants to keep vigilance against such acts.

Conclusion

10. The Administration is keenly aware that there is no room for complacency in its efforts to uphold an honest and clean Civil Service. The Civil Service will, as always, remain steadfast in its commitment to fully supporting the Government of the day in achieving effective governance and serving the community in an honest, professional and impartial manner.