



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

廉政專員 Commissioner, ICAC

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Y/Ref: CB (4/PAC/R60)

16 May 2013

Hon. Mr. Abraham SHEK Lai-him, SBS, JP  
Chairman of Public Accounts Committee

[ By Fax: 2840 0716 ]

Dear *Abraham,*

In response to your invitation for me to attend the meeting of the Public Accounts Committee (PAC) on Saturday, 18 May 2013, I have undertaken to attend and render my full co-operation as I consider it a part of my constitutional and legal duty to account for the spending of public funds as the Controlling Officer for the Independent Commission Against Corruption (ICAC).

My attention has been drawn to the fact that Mr. Timothy TONG, former Commissioner, ICAC will also attend the same meeting upon the invitation of the PAC.

As you are aware, it has been made public that a special investigation team has been set up under my direct supervision to conduct a criminal investigation into alleged offences under the Prevention of Bribery Ordinance (Cap. 201) and the common law offence of "Misconduct in Public Office" in relation to Mr. TONG.

The scheduled PAC meeting on Saturday has been proposed to take place with the attendance of Mr. TONG, who is now the subject of investigation, and myself, who is overseeing the investigation. This matter has caused me concern as to the perceived appropriateness of it, given that the criminal investigation is now underway. It is a fundamental principle that any investigation be carried out, and be seen to be carried out, in a fair and impartial manner at all times. The investigation is a fact-finding and evidence gathering process. For both the subject of investigation and the investigating officer to attend a public hearing in anticipation of questions being asked of them which might impact on the investigation, is something that should be avoided as far as possible, in order to protect the integrity of the investigation and to ensure that it is not prejudiced or undermined in any way.

I therefore ask that you consider making separate arrangements for Mr. TONG and myself to appear in separate sessions on either Saturday, 18 May 2013 or on some other date convenient to the PAC.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Y. L. PEH', written in a cursive style.

( Simon Y.L. PEH )

Commissioner

Independent Commission Against Corruption

cc: Director of Public Prosecutions