

Questions put by the Hon. HO Sau-lan, Cyd to officers of the Office of Strategic Research (OSR), ICAC:

- As the officers requested to answer the questions put by the Hon. HO Sau-lan, Cyd may be invited to act as witnesses in the criminal investigation and the legal proceedings, if any, relating to Mr Timothy TONG, the officers cannot answer those questions to avoid affecting the impartiality of the relevant investigation and proceedings. Nevertheless, based on the information currently available, the Commission replies as follows:

1. Before deployment to the OSR, what was your position and serving department? Who was your immediate supervisor?

- Officers deployed to the OSR were holding the ranks of Commission Against Corruption Officer (Upper) or Commission Against Corruption Officer (Middle/Lower) in the three departments of ICAC. Before the redeployment, they were respectively responsible for investigation, corruption prevention and education/publicity work. Their supervisors were in the rank of Senior Commission Against Corruption Officers or Commission Against Corruption Officers (Upper) in their respective groups or sections.

2. After deployment to the OSR, were you informed of the terms of reference relating to your research duties? If you were, were you informed verbally or in writing and by whom?

- Same as the Government's practice, the ICAC has drawn up a duty list specifying the responsibilities and functions of each and every position in the Commission, including the OSR.

3. Who was the direct supervisor of the OSR? Apart from that supervisor, was there any other officer involved in passing down orders given by the said supervisor?

- The OSR was under the Administration Branch with the Assistant Director/Administration (AD/A) as its direct supervisor who reported to the Commissioner, ICAC. Apart from AD/A, the Commissioner also gave instructions to the OSR.

4. After deployment to the OSR, were you officially transferred away from your previously serving department? Were the relevant salary expenses placed under the expenditure of the OSR or your previously serving department? Were you informed that you could not disclose your work in the OSR to your supervisor in your previously serving department?

- The officers were deployed to the OSR under a cross-posting scheme. They were transferred back to their parent department after completing their work in OSR. As the OSR was under the Administration Branch, those officers' salary expenses and establishment were placed under the Administration Branch. All ICAC officers are required to strictly comply with the Security Regulations of the HKSAR Government and adhere to the "need-to-know" principle in handling information as promulgated in the CSO.

5. What strategies were covered in your research areas when you were serving the OSR? Were your duties consistent with the terms of reference that you were informed of when you were deployed to the OSR?

- The terms of reference of the OSR included strengthening the Commission's capabilities in policy planning, strategy formulation and administration as well as enhancing the overall performance of the ICAC by optimising coordination of the three functional departments. The OSR had conducted several research studies.

6. When serving the OSR, were you involved in any entertainment-related duties, such as buying or arranging for someone to buy cookies or other food or gifts and souvenirs? Who gave orders relating to such entertainment activities and who passed down such orders?

- We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.

7. If you received an order as referred to in (6) above, were you in doubt at the time as to the relationship between such duties and anti-corruption work? If you were, did you ask the officer passing down the order or your supervisor in the OSR or previous supervisor in your originally serving department? What was their response? If you did not ask them, for what reasons?

- We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.

8. Did you ever participate in any entertainment function taking place in or outside Hong Kong? If you did, were you in doubt as to the relationship between such entertainment and anti-corruption work? If you were, did you ask the officer passing down the order or your supervisor in the OSR or previous supervisor in your originally serving department? What was their response? If you did not ask them, for what reasons?

➤ We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.

9. Are you aware that civil servants are required to comply with the guidelines on presenting or receiving gifts? Were you in doubt as to whether the procurement of gifts like a digital camera, a scarf or a stone craved display were against the relevant guidelines? If you were, did you ask the officer passing down the order or your supervisor in the OSR or previous supervisor in your originally serving department? What was their response? If you did not ask them, for what reasons?

➤ We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.

The question put to the Head of L Group by the Hon. Cyd HO Sau-lan:

- As the officer requested to answer the questions put by the Hon. HO Sau-lan, Cyd may be invited to act as a witness in the criminal investigation and the legal proceedings, if any, relating to Mr Timothy TONG, the officer cannot answer those questions to avoid affecting the impartiality of the relevant investigation and proceedings. Nevertheless, based on the information currently available, the Commission replies as follows:
 - 1. During the tenure of the former Commissioner, were there any received complaints against the Commissioner or officers of other ranks about the improper handling of entertainment and bestowing of gifts and/or duty visit arrangements? If yes, please answer the following questions.**
 - We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.
 - 2. What were those complaints about? What were the ranks of the officers who lodged the complaints?**
 - We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.
 - 3. How did L Group follow up on those complaints? How would L Group handle a complaint lodged against the Commissioner of the ICAC? Please inform this committee the general procedures without making reference to the case details.**
 - L Group adheres to the principle of confidentiality in following up and investigating all complaints against ICAC officers, irrespective of their ranks, in a fair and just manner. If a complaint relates to corruption or other criminal malpractice, the ICAC will seek advice from the Department of Justice (DoJ). If it is decided that the ICAC should look into the case, as a general rule, L Group will take follow-up action and report to the Head of Operations before submitting the investigation report to the DoJ. In addition, an internal investigation report will be submitted to the Operations Review Committee when the case is closed. If the complaint does not involve any criminal element, L Group will follow up on the case and report to the Director of Investigation/Private Sector. Regarding complaints not lodged by internal staff, L Group will submit the investigation reports to the ICAC Complaints Committee.

The question put to the Senior Staff Officer/Management and Administration 2 (SSO) of the Administration Branch by the Hon. Cyd HO Sau-lan:

- As the officer requested to answer the questions put by the Hon. HO Sau-lan, Cyd may be invited to act as a witness in the criminal investigation and the legal proceedings, if any, relating to Mr Timothy TONG, the officer cannot answer those questions to avoid affecting the impartiality of the relevant investigation and proceedings. Nevertheless, based on the information currently available, the Commission replies as follows:

1. During the tenure of the former Commissioner, was there any receipt for the expenses on entertainment, bestowing of gifts or duty visits found to have breached the ICAC's guidelines on expenditure and the relevant rules that civil servants are required to observe? If yes, was any claim for reimbursement rejected? How to follow up on a claim with the claimant? If a claim was rejected, did the claimant's supervisor follow up on the claim for reimbursement with the SSO of the Administration Branch? What was the justification? Was such justification accepted? Why was it accepted? How many claims for reimbursement of expenses on entertainment, bestowing of gifts and duty visits were rejected?

- We cannot disclose the relevant information as the question falls within the scope of criminal investigation by the ICAC.

2. What is the mechanism for dealing with a situation in which the SSO of the Administration Branch and the claimant's supervisor held different views on a claim?

- If the SSO of the Administration Branch and the claimant's supervisor held different views on a claim, the SSO would explain the relevant regulations to the officer concerned in writing and request him/her to act in accordance with the regulations. The SSO would not reimburse the expenses unless the officer has taken appropriate action. If necessary, the SSO will also report to and seek advice from his/her supervisor.