

Part I Establishment of the Select Committee and its work

Chapter 1 Introduction

Background

1.1 Prior to the special meetings of the Legislative Council ("LegCo" or "Council") Finance Committee ("FC") to examine the Estimates of Expenditure 2013-2014, Members raised some questions regarding the actual expenditure of the Independent Commission Against Corruption ("ICAC") over the past years and its estimated expenditure for the coming year. A Member requested ICAC to provide the number of official duty visits undertaken by Mr Timothy TONG Hin-ming, the number of occasions on which he had presented government officials of different places with gifts paid out of public funds during his tenure as the Commissioner of ICAC and the expenditure involved. As revealed in the reply of ICAC, the total expenditure of the 34 duty visits outside Hong Kong headed by Mr Timothy TONG Hin-ming during his tenure as the Commissioner of ICAC was about \$3.9 million¹ whereas that of the gifts presented by him to government officials of different places and paid out of public funds during his tenure was about \$220,000. At the special FC meeting on 9 April 2013, some Members raised concerns over the official duty visits undertaken by Mr TONG and his practice of

¹ According to paragraph 76 of the Public Accounts Committee Report No. 60A, Mr TONG headed a total of 35 duty visits outside Hong Kong during his tenure as the Commissioner of ICAC. As revealed in the information provided by ICAC, Mr TONG also undertook one duty visit outside Hong Kong which was not charged to any ICAC vote, i.e. a one-day trip to Shenzhen, China on 19 August 2011 to exchange views and experience on anti-corruption work with the Shenzhen Municipal Commission for Discipline Inspection and the Shenzhen Municipal Supervision Department.

presenting gifts paid out of public funds during his tenure as the Commissioner of ICAC, and the Members requested ICAC to provide detailed information on such matters. ICAC provided the relevant written reply to FC on 22 April 2013.

1.2 On 17 April 2013, the Audit Commission presented the Director of Audit Report No. 60 to LegCo. According to Chapter 7 of the Report, the Audit Commission identified a number of inadequacies on the part of ICAC in providing preventive education and enlisting public support against corruption, including those in expenditure control on official entertainment.

1.3 In late April 2013, there was wide media coverage of the handling of official entertainment, gifts, and duty visits by Mr TONG during his tenure as the Commissioner of ICAC, which aroused concerns and discussions in the community. On 26 April 2013, it was reported by the media² that apart from the public money of \$220,000 spent by Mr TONG on bestowing gifts as shown in a document provided earlier by ICAC to FC, the expenditure on other gifts bestowed by Mr TONG during his tenure had not come to light. ICAC issued a press release on the same date, admitting the omission of food items from its reply to FC.

1.4 In the light of wide community concerns over media reports on the handling of official entertainment, gifts, and duty visits by Mr TONG, the Chief Executive ("CE") announced on 2 May 2013 the establishment of the Independent Review Committee on ICAC's Regulatory Systems

² A report entitled "廉署少報數十萬送禮費" of Ming Pao Daily News dated 26 April 2013.

and Procedures for handling Official Entertainment, Gifts and Duty Visits ("IRC").

1.5 At the meeting of the LegCo House Committee ("HC") on 3 May 2013, some Members proposed to appoint a select committee to consider matters relating to the conduct of the former Commissioner of ICAC, Mr Timothy TONG Hin-ming, and the arrangements for expenses on entertainment, duty visits outside Hong Kong and giving of gifts during his term of office; and to authorize the select committee to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). After discussion, HC negated the proposal.

Establishment of the Select Committee

1.6 At the Council meeting of 8 May 2013, Mr Dennis KWOK presented a petition jointly signed by Ms Cyd HO and himself ("the Petition") (**Appendix 1**). Under Rule 20(6) of the Rules of Procedure of LegCo ("RoP"), Ms Cyd HO requested that the Petition be referred to a select committee. Her request was supported by 25 Members and the Petition was thus referred to a select committee under RoP 20(6).

1.7 At the HC meeting on 24 May 2013, Members agreed to set up a subcommittee to undertake preparatory work for the operation of the Select Committee. The subcommittee submitted a report to HC on 7 June 2013. HC noted the subcommittee's recommendations on the

name and the terms of reference of the Select Committee, and endorsed the subcommittee's recommendations on the membership size of the Select Committee and the procedure for nomination and election of Members for appointment to the Select Committee.