

## **PART II      Matters relating to Mr Timothy TONG Hin-ming's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC**

### **Chapter 5      Official entertainments**

#### **Relevant policy/regulatory systems during Mr Timothy TONG Hin-ming's tenure as the Commissioner of ICAC**

5.1      According to the information provided by ICAC (**Appendices 18 to 20**), ICAC follows government policy, rules and guidelines in drawing up its policy and rules on entertainment functions in the form of ICAC's CSO, internal circulars and guidelines.

5.2      Entertainments related to ICAC's major events or involving visitors of prominent status are normally discussed at the Commissioner's Weekly Meeting<sup>21</sup>, with others handled by individual Heads of Departments. Formal approval from the following approving authorities for entertainment expenditure must be sought in writing in advance with justifications for holding the function, details of the guests invited and officers to attend etc. by the subject officers in order to be eligible for reimbursement of official entertainment expenses:

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<sup>21</sup> According to the information provided by ICAC to the Select Committee (**Appendix 21**), members of the ICAC's Commissioner's Weekly Meeting include: Commissioner of ICAC, Head of Operations, Director of Community Relations, Director of Corruption Prevention, Assistant Director of Administration and Chief Staff Officer/Management & Administration. In addition, Assistant Director/Community Relations 1 and Principal Press Information Officer also attend the meeting in relation to the public relations items.

- (a) the Commissioner: for Commission-wide functions or for entertainments hosted by the Corruption Prevention Department and the Administration Branch and for operational liaison lunch with government servants, normally from disciplined services departments;
- (b) the Deputy Commissioner (being also Head of Operations): for entertainments hosted by the Operations Department; and
- (c) the Director of Community Relations: for functions hosted by CRD.

5.3 Unless the Commissioner of ICAC has approved otherwise, the expenditure per person, inclusive of food, beverages and tips, is subject to the following ceiling rates:

- (a) Operational liaison lunch: \$150
- (b) Lunch: \$300 (revised to \$350 from 1 January 2011); and
- (c) Dinner: \$400 (revised to \$450 from 1 January 2011).

## **Official entertainments hosted by Mr TONG during his tenure as the Commissioner of ICAC**

### Expenditure control on official entertainments

5.4 The Select Committee notes from paragraphs 3.2 and 3.24 of the IRC Report that, during the term of Mr TONG's office, ICAC hosted 899 entertainments at a total expenditure of \$3,576,000<sup>22</sup>, of which 240 were hosted by Mr TONG<sup>23</sup>. Among these 240 lunches and dinners, 85 (i.e. about 35%) of them exceeded the expenditure ceilings set out in paragraph 5.3 above, if taking into account the cost of food and alcoholic drinks procured separately.

5.5 The Select Committee takes note of IRC's finding that, during Mr TONG's tenure as the Commissioner of ICAC, the cost of alcoholic drinks procured separately had not always been included when calculating the expenditure for entertainments. Generally, the Operations Department and the Administration Branch did include such cost in the calculation of entertainment expenditure while CRD and the Office of Strategic Research<sup>24</sup> had different practices. The Corruption Prevention Department rarely organized entertainments. To illustrate

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<sup>22</sup> The expenditure did not include the \$205,000 for procurement of alcoholic drinks and the \$11,000 for procurement of gifts by ICAC officers when attending local social functions.

<sup>23</sup> There is no mention of the total expenditure on the 240 entertainments in the IRC Report.

<sup>24</sup> According to the information provided by ICAC to PAC, the Office of Strategic Research was set up in August 2007 under the Administration Branch with a view to strengthening the capabilities of ICAC in the areas of policy planning, strategic and administrative management, and to enhance the coordination of work among the Operations Department, CRD and the Corruption Prevention Department to achieve maximum efficiency in performance. The Office of Strategic Research was finally disbanded in September 2012.

the inconsistent practices, IRC cited two examples, one being the lunch organized by the Operations Department on 15 August 2007, the other being the dinner organized by CRD on 18 September 2007. The entertainment expenses on both occasions were approved by Mr TONG as the then Commissioner of ICAC<sup>25</sup>.

5.6 The Select Committee further notes from the PAC Report another instance<sup>26</sup> where Mr TONG, the then Commissioner of ICAC, approved a budget of \$450 per head for a dinner organized by CRD on 6 December 2011. The actual cost of the dinner charged by the restaurant concerned was \$431 per head. However, when including six bottles of wine bought separately for the dinner and dessert consumed at a separate shop (totalling \$92 per head), the actual expenditure was \$523 per head.

5.7 According to the information provided by ICAC (**Appendices 19 and 22**), in June 2008, ICAC introduced the ICAC Form 569 (**Appendix 23**), a standard form by which ICAC officers were required to include beverages, in addition to food and tips, in the expenditure of a meal in their application for approval and reimbursement of entertainment expenses<sup>27</sup>. In July 2009, ICAC revised its CSO to

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<sup>25</sup> Please refer to paragraph 3.7 of the IRC Report.

<sup>26</sup> Please refer to paragraph 141 of the PAC Report.

<sup>27</sup> According to paragraph 3.8 of the IRC Report, when asked by IRC, the then Assistant Director of the Administration Branch said that, to better comply with the spirit of the Government guidelines on entertainment expenditure per person, the cost of alcoholic drinks procured separately should be included in the calculation of the total expenditure for entertainments. The Administration Branch attempted to improve the practice by introducing the ICAC Form 569 in mid-2008.

explicitly spell out the requirement that "beverages" should also be counted towards the expenditure per head in entertainment expenses.

5.8 In his response to PAC, Mr TONG stated that he was aware of the ICAC Form 569 as he had signed the Form before. However, he was also aware that file minutes were sometimes used by ICAC officers in seeking approval for entertainment expenditure. To his understanding, both approaches were acceptable as the use of the ICAC Form 569 was not mandatory<sup>28</sup>. Regarding the aforesaid amendment to ICAC's CSO, Mr TONG said in his reply to PAC that he did not have any impression of the amendment then, as he was on vacation leave when the amended CSO was promulgated on 10 July 2009<sup>29</sup>. With hindsight, he admitted that he was not sensitive to the requirements of ICAC's CSO on "Entertainment Expenses", albeit the making of ICAC's CSO was the duty of the Commissioner of ICAC under the ICAC Ordinance<sup>30</sup>.

5.9 According to the information provided by ICAC to PAC, Mr TONG, the then Commissioner of ICAC, was not involved in the revision of Form 569 and the ICAC's CSO referred to in paragraph 5.7 above. Nonetheless, ICAC staff, including Mr TONG, were kept posted of the revisions in ICAC's CSO chapters vide ICAC's intranet emails.

5.10 The Select Committee asked Mr TONG at its hearing why some ICAC departments, when seeking approval for reimbursement of

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<sup>28</sup> Please refer to paragraph 148 of the PAC Report.

<sup>29</sup> According to the information provided by ICAC to the Select Committee, the promulgation of the revised ICAC's CSO chapter was made on 10 July 2009 while Mr TONG took leave from 6 July to 1 August 2009.

<sup>30</sup> Please refer to paragraph 153 of the PAC Report.

entertainment expenses in respect of official entertainments, did not follow the internal guidelines and complete Form 569 which clearly set out that beverages should be included in the entertainment expenses. Mr TONG responded that ICAC had already confirmed that the use of the form was not mandatory<sup>31</sup>. The reason for some ICAC departments seeking approval for entertainment expenditure by file minute instead of Form 569 was that this could facilitate the provision of more detailed information on the justifications for having such entertainments. Regarding the exclusion of the cost of alcoholic drinks procured separately from the expenditure for official entertainments, Mr TONG responded that Ms Julie MU Fee-man, Director of Community Relations, had explained to PAC the background to CRD's adoption of such a practice in the calculation of entertainment expenditure<sup>32</sup>, and had highlighted that this was a long-established practice. As such, he did not consider it a case of non-compliance. As to whether the splitting of bills for the procurement of alcoholic drinks would lead to overspending, Mr TONG stated that the issue was only raised and described as "grey area" for the first time in the Director of Audit's Report (of early 2013)<sup>33</sup>.

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<sup>31</sup> According to ICAC's reply to PAC, since it was not a mandatory requirement of ICAC's CSO that ICAC staff must seek approval for entertainment expenditure using Form 569, the decision to stop using the Form did not contravene the ICAC's CSO.

<sup>32</sup> Please refer to paragraph 155 of the PAC Report.

<sup>33</sup> It is stated in paragraph 3.24 of Chapter 7 of the Director of Audit's Report No. 60 that "Audit is also concerned that the Commission Standing Orders do not clearly specify that the costs of all food and beverages (e.g. the wine and dessert mentioned in para. 3.23(a)) should be included as part of the lunch/dinner expenditure for control purposes. In Audit's view, the ICAC needs to tighten the control over the expenditure on official entertainment." In his subsequent reply to PAC's enquiry, the Commissioner of Audit advised that in the course of the value for money audit, the Audit Commission was not given any information regarding ICAC Form 569 (please refer to paragraph 157 of the PAC Report for details).

### Serving of hard liquor

5.11 According to the information provided by ICAC to PAC, there were significant increases in the purchases of wine and hard liquor, notably moutai, by CRD and the Administration Branch for use in official entertainments during Mr TONG's tenure as the Commissioner of ICAC. The stock of wine and hard liquor was purchased on the instruction of Mr TONG. All the hard liquor consumed (totalling 114.5 bottles) was used in official entertainments attended by Mr TONG, and all the wine consumed (totalling 748 bottles), with the exception of a few occasions where the presence of Mr TONG was not required, was also used in the official entertainments attended by Mr TONG<sup>34</sup>.

5.12 At the hearing of the Select Committee, when being questioned as to why hard liquor was served at official entertainments, Mr TONG responded that since the considerations and needs for entertainments differed at different times, the then arrangement was made having regard to the prevailing customs and serving liquor to guests was considered conducive to entertainment functions. He also indicated that about two bottles of hard liquor and 12 bottles of wine were consumed at official entertainments each month during his tenure. He had no impression that consumption of the said amount of hard liquor and wine had caused any inconvenience to his work or adversely affected any matters of confidentiality. In his view, a sensible and moderate consumption of hard liquor would not affect one's work.

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<sup>34</sup> Please refer to paragraph 195 of the PAC Report.

## Dinner hosted for the Consuls General in Hong Kong on 8 September 2011

5.13 In the course of the Select Committee's inquiry, there was a press report<sup>35</sup> stating that a dinner hosted by ICAC for the Consuls General in Hong Kong at ICAC Staff Mess on 8 September 2011 was catered by five chefs from the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region ("OCMFA"), and CRD bought five tankards worth nearly \$8,000 in total for the chefs as gifts. The report also stated that the banquet, which comprised a pre-dinner cocktail reception, karaoke singing sessions and beer drinking contests, cost nearly \$1,200 per head.

5.14 In the light of the above report, the Select Committee requested ICAC to provide details on the six lunches/dinners hosted by Mr TONG for the Consuls General in Hong Kong during the period between 2007-2008 and 2012-2013<sup>36</sup>, including the dates, venues, nature of the banquets (be they lunches or dinners), number of guests, expenditure per head, gifts bestowed, and whether any external institutions were engaged to provide services. However, ICAC said in its reply (**Appendices 24 and 25**) that it could not provide the information requested since such

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<sup>35</sup> A press report entitled "廉署宴客 外交部大廚主理" of Ming Pao Daily News dated 4 February 2014.

<sup>36</sup> ICAC informed PAC that from 2007-2008 to 2012-2013, Mr Timothy TONG, the former Commissioner of ICAC and Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, had respectively hosted a total of six and one official lunches/dinners for the Consuls General, i.e. three in 2008-2009 and one in each year from 2009-2010 to 2012-2013 for the liaison purpose of enhancing working relationship and thus international co-operation with the countries represented by the consular corps.



information fell within the scope of ICAC's criminal investigation in relation to whether Mr TONG has contravened POBO and committed the common law offence of misconduct in public office.

5.15 In order to find out more about the dinner hosted by ICAC for Consuls General in Hong Kong at ICAC Staff Mess on 8 September 2011, the Select Committee repeatedly asked Mr TONG at its hearing on 1 March 2014 about what had transpired at the dinner, including whether the OCMFA had deployed five chefs to cater for the dinner at the ICAC Staff Mess; whether ICAC had paid any fees to the five chefs concerned; whether beer drinking contests and karaoke singing sessions were arranged on that occasion; and whether any ICAC staff had raised objection to the arrangements for the dinner etc.

5.16 In response, Mr TONG said that the dinner hosted for the Consuls General in Hong Kong at ICAC Staff Mess was a large-scale event involving the highest representatives of dozens of countries stationed in Hong Kong as well as the OCMFA, and that the event was conducted under the sun and there was nothing to hide. He also believed that detailed records were kept of everything about the event. But he pointed out that as ICAC had already indicated to the Select Committee that it would not provide the relevant information in its possession on the grounds that this event fell within the scope of ICAC's investigation against him, under this circumstance, he did not consider that he was in the position to give any details of the event.

5.17 As to the reasons for ICAC hosting official lunches/dinners for various Consuls General in Hong Kong, Mr TONG said that although the Consuls General were neither responsible for enforcement of law nor investigation of cases, they represented the countries with which ICAC had established collaboration. Hence, it was important for ICAC to maintain liaison with the Consuls General in Hong Kong.

5.18 In this regard, Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, informed the Select Committee that in the course of investigation, it was often necessary for ICAC to seek assistance from relevant law enforcement agencies overseas in gathering evidence, interviewing witnesses and obtaining information where transnational or cross-border crimes were involved. Hence, there was a need for ICAC to maintain good relationships with law enforcement agencies overseas in work-related contexts, and the Consuls General and consulate staff were representatives of those countries in Hong Kong. On this basis, ICAC has maintained regular contacts with various Consuls General in Hong Kong by holding annual meetings with them.

5.19 At its hearing, the Select Committee enquired whether Mr TONG played a leading role in making decisions on the content, scope and mode of major events of ICAC during his tenure as the Commissioner of ICAC. In response, Mr TONG said that for major events organized by ICAC, a programme outline must be submitted to the Commissioner's Weekly Meeting for discussion which would be led by him. As for the details of the events, the ICAC officers responsible for

organizing the activities would inform him of the relevant arrangements. If he had no objection, the events would be taken forward accordingly.

5.20 The Select Committee also enquired whether Mr TONG had given approval for organizing beer drinking contests or karaoke activities for the official functions of ICAC during his tenure as the Commissioner of ICAC. Mr TONG responded that for events which required his approval, he would take into account the nature of the particular event and whether such activities, if included, would have merits on the event. He would grant approval if he considered that the relevant arrangements would have such merits.

5.21 The Select Committee asked Ms Julie MU Fee-man, Director of Community Relations of ICAC, at its hearing what recommendations she had made to Mr TONG on the activities for the dinner hosted by ICAC for the Consuls General in Hong Kong on 8 September 2011. Ms MU responded that she was not in a position to comment on the incident since ICAC's criminal investigation against Mr TONG, which covered an extensive scope, was under way and some ICAC officers might have to serve as witnesses in future. Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, shared the view that it was not appropriate for Ms MU to reply to the question as this might prejudice ICAC's criminal investigation against Mr TONG.

5.22 As the media report indicated that the dinner for the Consuls General in Hong Kong was held in the ICAC Staff Mess, the Select Committee requested ICAC at its hearing to provide information

regarding the management committee tasked to oversee the operation of ICAC Staff Mess. ICAC advised in its reply (**Appendix 26**) that the ICAC Staff Mess caterer comes under the supervision and monitoring of the ICAC Staff Club through its General Committee. In accordance with the ICAC Staff Club Constitution, the General Committee is responsible for, inter alia, the selection of Mess contractor and negotiation with the said contractor regarding the terms of contracts, and the monitoring and supervision of the operation of the Mess through the Mess Monitor who is assisted by other General Committee members.

5.23 The Select Committee also requested ICAC at its hearing to provide the records relating to ICAC functions held at the ICAC Staff Mess for which chefs from other institutions were engaged to provide catering services before Mr TONG took the office of the Commissioner of ICAC. ICAC said in its reply (**Appendix 27**) that it did not have such records.

#### Entertainments with Mainland officials

5.24 The Select Committee notes that Mr TONG was questioned by PAC whether he had made use of official entertainments with Mainland officials who were not the counterparts of ICAC<sup>37</sup>, say, from the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("LOCPG"), to pave his way for becoming a member of the National Committee of the Chinese People's Political

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<sup>37</sup> The Mainland counterparts of ICAC are the Supreme People's Procuratorate of the People's Republic of China and its system of procuratorates and the Ministry of Supervision.

Consultative Conference ("CPPCC") after he left the office of the Commissioner of ICAC. Mr TONG refuted such allegations and stressed to PAC that the purpose of hosting official lunches/dinners for officials from the Mainland as well as from other places was to promote the work of ICAC and foster co-operation on anti-corruption. The idea of becoming a Hong Kong CPPCC member had never crossed his mind, until he was approached for the post some six months after he left the office of ICAC<sup>38</sup>.

5.25 In this connection, the Select Committee asked Mr TONG whether he had participated in any entertainment activities with CPPCC members or persons associated with them. Mr TONG responded that during his visits to the Mainland, persons in the capacity of CPPCC members were amongst the subjects of his visits or entertainments. Yet, he did not meet them because of their capacity as CPPCC members. He also said that during his visits to the Mainland, he had never discussed with the persons whom he entertained or visited about the arrangement for his post-retirement public service, nor had he discussed with them any arrangement for him to serve as a CPPCC member.

5.26 The Select Committee also asked whether Mr TONG knew if these people in their capacity of CPPCC members had the power to recommend other persons to serve as CPPCC members when he entertained them. Mr TONG responded that the idea of becoming a Hong Kong CPPCC member or seeking recommendations for such membership from incumbent CPPCC members had never crossed his

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<sup>38</sup> Please refer to paragraph 61 of the PAC Report.

mind at that time, nor had he thought about whether these people had the power to make recommendations for CPPCC membership.

5.27 Regarding his relationship with Mr LU Xinhua, the then Commissioner of OCMFA, Mr TONG told the Select Committee in his evidence that working relationship had laid the foundation for the fundamental relationship between OCMFA and ICAC as well as that between the two heads. He and Mr LU had work acquaintances and friends in common. They got in contact and met each other at social functions hosted by these people.

Information that ICAC has refused to provide to PAC and the Select Committee

5.28 The Select Committee has requested ICAC to provide the details of all the official entertainment activities hosted by Mr TONG during his tenure as the Commissioner of ICAC as well as his role and involvement in the arrangements for these activities. However, ICAC has refused to provide the information to the Select Committee on the grounds that such information fell within the scope of ICAC's criminal investigation against Mr TONG.

5.29 The Select Committee further notes that, ICAC had declined on the same grounds to disclose to PAC the information relating to the official lunches/dinners hosted by Mr TONG for LOCPG officials and also the information on the number of times which Mr TONG had taken

his friends to official lunches/dinners and whether he had reimbursed ICAC for the costs of the lunches/dinners attended by his friends<sup>39</sup>.

## **Findings**

### Level of official entertainment expenditure

5.30 According to the IRC Report, of the 240 official meals hosted by Mr Timothy TONG Hin-ming during his tenure, 85 (about 35%) of them exceeded the expenditure ceilings, after the cost of food and alcoholic drinks procured separately were included. The Select Committee has no knowledge of the extent of and reasons for the overspending because it has not been able to obtain detailed information relating to Mr TONG's entertainments, including the expenditure per person for each meal. Nevertheless, the Select Committee notes from paragraph 6.1(h) of the IRC Report that some of the lunches and dinners hosted by Mr TONG were very expensive.

5.31 The Select Committee considers that the percentage of overspending meals hosted by Mr TONG was unduly high. Not only did he fail to act with prudence in exercising his discretionary power for approving official entertainment expenditure, he also ignored the principle of frugality and the need to avoid extravagance in entertaining guests with public funds. The Select Committee is also of the view that Mr TONG had not properly fulfilled his responsibilities as a controlling

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<sup>39</sup> Please refer to paragraphs 62 and 63 of the PAC Report.

officer designated under the Public Finance Ordinance. The manner he entertained guests of official entertainment activities is not commensurate with the values of probity and integrity advocated by ICAC, and has damaged the image of ICAC, thus tarnishing its reputation.

5.32 The Select Committee notes that in order to enhance checks and balances, ICAC has amended its CSO (**Appendix 28**) to provide that the Head of the Operations Department will endorse official entertainments hosted by the Commissioner of ICAC; whereas the Assistant Director of Administration will check compliance of those attended by both the Commissioner of ICAC and Head of the Operations Department. Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, advised at the hearing of the Select Committee that all entertainments which exceeded the expenditure ceilings must be reported to ACOC. ACOC has accepted this mechanism as part of the standing mechanism.

#### Expenditure control on official entertainments

5.33 Regarding the exclusion of expenses on alcoholic drinks procured separately from the expenditure for entertainment by CRD and the Office of Strategic Research, the Select Committee considers that the crux of the problem does not lie in whether alcoholic drinks should be procured separately or in what form the application should be submitted (i.e. by file minute or ICAC Form 569) but in whether all accountable expenditure items have been included in the estimates of expenditure on the entertainment activities concerned and set out in the applications for submission with a view to exercising effective control on expenditure.



5.34 As a controlling officer designated under the Public Finance Ordinance, Mr TONG should be well aware of the significance and spirit behind the imposition of ceilings on official entertainments, that is, to exercise effective control on expenditure and avoid lavish spending. In approving the estimates of expenditure on official entertainments, he had not dealt with the irregularities of CRD and the Office of Strategic Research of excluding the expenses on alcoholic drinks from the total expenditure of the relevant entertainment activities. In this regard, the Select Committee finds that Mr TONG had not properly fulfilled his responsibilities as a controlling officer.

5.35 The Select Committee notes in this regard that ICAC has amended its CSO (**Appendix 28**) to provide that all expenditure items served before or after the same event including cocktail and dessert etc. must be included as part of the overall entertainment expenditure. ICAC's CSO also requires that a common form should be used to ensure that entertainments charged to both the publicity votes and entertainment votes are captured for better monitoring purposes. The Select Committee supports the above improvements to ICAC's CSO.

#### Serving of hard liquor

5.36 The Select Committee considers that it is public expectation that the Commissioner and staff of ICAC, an anti-corruption body in Hong Kong, should strictly adhere to the principle of confidentiality in respect of the cases being processed by ICAC and any information related to them. The serving of hard liquor at ICAC's official entertainment

functions, even if it is consumed in a sensible and moderate manner, will arouse public concern as to whether official confidential information may be divulged, under the influence of alcohol, by those ICAC officers attending the official entertainments, thus undermining public confidence in ICAC. Therefore, the Select Committee does not agree with Mr TONG's argument that the monthly consumption of about two bottles of hard liquor and 12 bottles of wine at official entertainment functions during his tenure was sensible and moderate and would not affect one's work. The Select Committee considers that Mr TONG's serving of hard liquor at official entertainment functions during his tenure is inappropriate<sup>40</sup>.

5.37 The Select Committee notes the improvement made by ICAC by amending its CSO (**Appendix 28**) to provide that serving hard liquor at official entertainment functions is not permitted. The Select Committee supports the above improvement to ICAC's CSO.

#### Dinner hosted for the Consuls General in Hong Kong on 8 September 2011

5.38 Regarding the dinner hosted by ICAC for the Consuls General in Hong Kong on 8 September 2011, ICAC has refused to provide the relevant information on the grounds that such information fell within the scope of its criminal investigation against Mr TONG. Mr TONG also said at the hearing on 1 March 2014 that he was not in the position to

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<sup>40</sup> Members voted on Mr Dennis KWOK's proposal to add "，並予以譴責" to the end of this sentence. The proposal was negatived (please refer to paragraph 50 of the Minutes of Proceedings of the meeting held in the morning of 23 June 2014 in this Report).

explain the details of the event in the light of the circumstances. In this regard, the Select Committee has not been able to obtain relevant evidence to prove the truthfulness of the media report on the event, nor has it been able to ascertain at its hearings the role and involvement of Mr TONG in making decisions on the content, scope and mode of the event<sup>41</sup>.

5.39 Nevertheless, the Select Committee takes the view that if activities like beer drinking contests or karaoke singing sessions are provided in official entertainment functions hosted by ICAC, this may give a negative perception to both the guests being invited and the general public, thus leading to queries that such arrangements do not conform to the solemn image of ICAC<sup>42 43</sup>.

#### Entertainments with Mainland officials

5.40 While agreeing that proper liaison between ICAC and the Hong Kong offices of Mainland authorities as well as their staff is conducive to promoting the work of ICAC and consolidating the working relationship between the parties, the Select Committee is concerned whether Mr TONG had thoroughly considered that unduly close contacts between

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<sup>41</sup> Ms Cyd HO proposed amendments to this paragraph (please refer to paragraph 3 of the Minutes of Proceedings of the meeting held in the afternoon of 23 June 2014 in this Report).

<sup>42</sup> Members voted on Mr Dennis KWOK's proposal to add "，破壞廉署的形象，令廉署的聲譽蒙污" to the end of this sentence. The proposal was negated (please refer to paragraph 54 of the Minutes of Proceedings of the meeting held in the morning of 23 June 2014 in this Report).

<sup>43</sup> Ms Cyd HO proposed amendments to this paragraph (please refer to paragraph 3 of the Minutes of Proceedings of the meeting held in the afternoon of 23 June 2014 in this Report).

him and Mainland officials in Hong Kong during his tenure might have shaken public confidence in the impartiality of ICAC and himself as the Commissioner of ICAC in handling alleged corruption cases involving Mainland officials<sup>44</sup>. Yet, the Select Committee has not been able to obtain any relevant evidence in this respect.

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<sup>44</sup> Members voted on Mr Dennis KWOK's proposal to add the phrase "，亦有可能損害廉署的形象" after "信心" in this sentence. The proposal was negated (please refer to paragraph 56 of the Minutes of Proceedings of the meeting held in the morning on 23 June 2014 in this Report).