

**LEGISLATIVE COUNCIL OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION**

**Report of the Select Committee to Inquire into  
Matters Relating to Mr Timothy TONG's Duty Visits,  
Entertainment, and Bestowing and Receipt of Gifts  
during his Tenure as Commissioner of the  
Independent Commission Against Corruption**

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The minutes of evidence which comprise the verbatim transcripts, in their original language, of the public hearings are part of the Report and are available in CD-ROM only.

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July 2014



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## **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 million<sup>1</sup> 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

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<sup>1</sup> According to paragraph 76 of the Public Accounts Committee Report No. 60A, Mr 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 media<sup>2</sup> 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

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<sup>2</sup> 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.

## **Part I            Establishment of the Select Committee and its work**

### **Chapter 2      Various matters relating to the Select Committee**

#### **Membership of the Select Committee**

2.1      On the recommendation of HC, the President of LegCo appointed on 17 June 2013 the Chairman, Deputy Chairman and members of the Select Committee in accordance with RoP 78(2) of LegCo. The 13 members of the Select Committee are as follows:

Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Cyd HO Sau-lan, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon CHAN Hak-kan, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS  
Hon Paul TSE Wai-chun, JP  
Hon WONG Yuk-man  
Hon Kenneth LEUNG  
Hon Dennis KWOK  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Tony TSE Wai-chuen, BBS

## **Terms of reference, areas of study and work plan of the Select Committee**

2.2 The Select Committee confirmed its terms of reference and endorsed its areas of study and work plan at the open meeting on 16 July 2013.

2.3 The terms of reference of the Select Committee are as follows:

*"The terms of reference of the Select Committee, which reflect the substance of the petition jointly presented by Hon Dennis Kwok and Hon Cyd HO at the Council meeting of 8 May 2013 and referred to the Select Committee under Rule 20(6) of the Rules of Procedure, are as follows -*

*To inquire into whether the official duty visits, entertainment, and the bestowing and receipt of gifts by Mr Timothy TONG during his tenure as Commissioner of the Independent Commission Against Corruption are commensurate with his official capacity and the values of probity and integrity advocated by the Independent Commission Against Corruption, and how the Independent Commission Against Corruption provided information related to the above matters to the Finance Committee of the Legislative Council."*

2.4 Based on its terms of reference, the Select Committee decided to inquire into the following major areas:

- I. 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
  - (a) ICAC's policies on, and approval mechanism and monitoring system for official duty visits, entertainment, and bestowing and receipt of gifts, as well as its regulatory systems and procedures for handling relevant expenses, including the arrangements for application, reimbursement and approval;
  - (b) the details of Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC;
  - (c) the role and involvement of Mr TONG in the official duty visits, entertainment, and bestowing and receipt of gifts, including but not limited to the following -
    - (i) the need for the official duty visits, the ICAC officers and other persons joining the visits,

- the organizations/persons visited and the itineraries, etc.;
- (ii) the need for organizing the official entertainment activities, the organizations/persons entertained, the attending ICAC officers and other persons, the arrangements such as venues, the food and drinks served, etc.;
- (iii) the need for bestowing gifts, their recipients, the nature and value of the gifts, the decisions to receive gifts or not, and the handling of the gifts received; and
- (iv) the vetting and approval of and the accounting arrangements for all related expenses.
- (d) whether Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts are in full compliance with ICAC's policies, rules and guidelines for handling related matters; and
- (e) whether the way Mr TONG handled the official duty visits, entertainment, and bestowing and receipt of gifts is commensurate with his official



capacity and the values of probity and integrity advocated by ICAC.

II. Information provided by ICAC to FC

- (a) the authenticity and comprehensiveness of the information provided by ICAC to FC in respect of Mr TONG's duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC; and
- (b) the process and procedure for preparation and vetting of the aforesaid information, including but not limited to the respective roles and involvement of the ICAC officers involved in the preparation and/or vetting of the information.

2.5 The Select Committee decided to conduct its inquiry in three main stages:

- (a) Stage I for undertaking preparatory work, including drawing up and determining the practice and procedure for the Select Committee; deciding on the major areas of study and the information to be obtained from relevant parties, identifying the witnesses to be summoned; deciding on the order of the witnesses to be summoned and the main areas of evidence to be obtained;

- (b) Stage II for conducting hearings to obtain evidence from witnesses and for deliberating on the evidence obtained; and
- (c) Stage III for holding internal deliberations for preparing, discussing and finalizing the draft report of the Select Committee.

### **Practice and procedure**

2.6 The procedure of the Select Committee is regulated by the RoP of LegCo, and the relevant provisions of the Legislative Council (Powers and Privileges) Ordinance insofar as they are applicable. In addition, the Select Committee endorsed its practice and procedure at the open meeting on 16 July 2013. The set of practice and procedure is modelled on the sets of practice and procedure adopted by previous select committees with necessary modifications taking into account that the Select Committee has been established pursuant to the referral of the Petition by the Council and is not authorized by the Council to exercise the powers under section 9(1) of Legislative Council (Powers and Privileges) Ordinance. A copy of the Practice and Procedure of the Select Committee is in **Appendix 2**.

2.7 In determining its own practice and procedure, the Select Committee has drawn reference from those adopted by previous select

committees and committees which carry out investigations and it has applied the following principles:

- (a) the practice and procedure should be fair and seen to be fair, especially to parties whose interests or reputation may be affected by the proceedings of the Select Committee;
- (b) there should be maximum transparency in its proceedings as far as practicable;
- (c) the practice and procedure should facilitate the ascertaining of the facts relevant to, and within the scope of, its inquiry, as set out in the Select Committee's Terms of Reference, which do not include the adjudication of the legal liabilities of any parties or individuals;
- (d) its proceedings should be conducted with efficiency; and
- (e) the cost of the proceedings should be kept within reasonable bounds.

#### Meetings of the Select Committee

2.8 In accordance with RoP 79(2), the meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with a decision of the committee. The Select Committee

decided that as a general rule, the taking of evidence should be conducted at open hearings. Nevertheless, witnesses were informed that if they wished their evidence to be taken at closed meetings, they should submit their reasons in writing to the Select Committee for a decision. As none of the witnesses sought to appear at a closed meeting, the two hearings of the Select Committee were held in public.

2.9 In line with the practice of previous select committees, the Select Committee decided that its internal deliberations should be held at closed meetings. The Select Committee agreed that members should not disclose its internal deliberations or documents considered at these meetings, and that the Chairman and Deputy Chairman should be the only persons authorized to handle enquiries from the media concerning the work of the Select Committee.

2.10 The Select Committee held three meetings between 16 July and 13 December 2013 to undertake preparatory work for the inquiry, followed by two public hearings on 25 January and 1 March 2014. The hearings lasted a total of about eight hours. In addition, the Select Committee held seven meetings comprising a total of 13 hours to discuss the evidence obtained and deliberate over its report and matters relating to the inquiry.

#### Transparency of the inquiry

2.11 In order to assist members of the public in understanding the proceedings of the Select Committee, written statements provided by

witnesses appearing before the Select Committee, once produced by witnesses at public hearings, were uploaded onto the LegCo website for public inspection and their copies were made available to members of the public and the media observing the public hearings. Their attention was, however, drawn to the fact that the written statements were made available to them only for the purpose of assisting them in understanding the proceedings at the public hearings. They were also reminded that the use of the contents of the written statements for other purposes was not protected by the privileges provided under the Legislative Council (Powers and Privileges) Ordinance, and they should obtain legal advice before doing so.

2.12 To enhance the transparency of its work, the Select Committee uploaded all unclassified documents it obtained onto the LegCo website as soon as practicable for public inspection. As for the classified documents obtained by the Select Committee, all of which were provided by ICAC, some of them have been uploaded onto the LegCo website immediately after their production by the Commissioner of ICAC at the public hearing on 1 March 2014, while the others are to be uploaded onto the LegCo website on the same day upon the publication of this report. ICAC has acceded to the above arrangements.

2.13 In order to keep the media updated on the work of the Select Committee, briefings for the media were conducted by the Chairman after a number of meetings/public hearings.

### Verbatim transcripts of hearings

2.14 The minutes of evidence, in the form of verbatim transcripts made from the sound recordings of the proceedings of the meetings at which witnesses were examined, form part of the Select Committee's report to the Council. In order that witnesses could have a fair and reasonable opportunity to consider whether their oral evidence was accurately transcribed, the Select Committee sent to all witnesses the parts of the draft verbatim transcripts of their respective oral evidence so that they could have the opportunity to propose corrections, subject to their signing of an undertaking that they would not make any copy of the draft and would return it to the Select Committee before a specified date. The Select Committee accepted corrections proposed so long as they did not materially alter the general sense of the evidence so recorded. In this connection, Mr Timothy TONG Hin-ming had told the Select Committee before the relevant draft verbatim transcripts were issued to him that he would not comment on the draft verbatim transcripts of his evidence and hence there was no need to send him the draft verbatim transcripts. Although the relevant draft verbatim transcripts were not issued to him for comments, he was advised that upon correction by the Select Committee, the verbatim transcripts of hearings would become the official minutes of evidence and be incorporated into the report of the Select Committee.

2.15 To enhance the transparency of its work, the verbatim transcripts of hearings of the Select Committee, once corrected by the witnesses and

the Select Committee, were uploaded onto the LegCo website for public inspection.

### Draft findings and observations

2.16 In order to ensure that the procedure was fair and seen to be fair to people whose interests or reputations might be affected by the proceedings, any party, person or organization against whom adverse comments were intended to be made in the report of the Select Committee was given an opportunity to comment on relevant parts of the draft findings and observations of the report. The comments received had been carefully considered by the Select Committee before its report was finalized.

### **Hearings of the Select Committee**

#### Report of the Independent Review Committee on ICAC's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits and Public Accounts Committee Report No. 60A

2.17 The LegCo Public Accounts Committee ("PAC") held five public hearings from May to June 2013 to obtain evidence from Mr TONG and ICAC on the findings and observations of Chapter 7 of the

Director of Audit's Report No. 60<sup>3</sup>. On 12 September 2013, the Government released the Report of the Independent Review Committee on ICAC's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits (The Redacted Version) ("the IRC Report"). As some of the information contained in the IRC Report was inconsistent with that gathered by PAC at the aforesaid hearings and/or was related to its areas of study, PAC held three more public hearings in September and October 2013 to obtain evidence from Mr TONG and ICAC. PAC tabled the Public Accounts Committee Report No. 60A ("the PAC Report") in Council on 27 November 2013.

2.18 The original plan of the Select Committee was to start conducting hearings to obtain evidence from witnesses in late October 2013. As PAC would conduct further public hearing(s) to obtain evidence from Mr TONG and ICAC at that time, the Select Committee decided at its meeting on 3 October 2013 that to avoid duplicating the efforts of PAC, the Select Committee would conduct its hearings after the release of the report of PAC on the Director of Audit's Report No. 60. Following the tabling of the PAC Report in the Council, the Select Committee decided at its meeting on 13 December 2013 that for conducting its inquiry effectively, it should avoid repeating the work of PAC and IRC but it would make reference to their findings.

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<sup>3</sup> Chapter 7 of the Director of Audit's Report No. 60 sets out the review conducted by the Audit Commission of the work of the Community Relations Department of ICAC from 2008 to 2012 in providing preventive education and enlisting public support against corruption.



### The process in which the Select Committee obtained evidence

2.19 On 14 May 2013, the Department of Justice and ICAC issued a press release and a statement respectively (**Appendices 3 and 4**), stating that the Department of Justice considered that there was sufficient basis to warrant a criminal investigation into allegations against Mr Timothy TONG Hin-ming of possible offences under the Prevention of Bribery Ordinance (Cap. 201) ("POBO") and the common law offence of "Misconduct in Public Office". The Commissioner of ICAC would lead a dedicated investigating team to conduct the investigation.

2.20 To ensure the integrity of the information to be obtained, the Select Committee wrote to ICAC on 19 July 2013, requesting it to retain and protect all information relating to the inquiry of the Select Committee. The Select Committee wrote to ICAC again on 25 July 2013, requesting it to provide information and records relevant to the major areas of study of the Select Committee. The list of information which the Select Committee requested ICAC to provide at that time is at **Appendix 5**.

2.21 ICAC provided its written reply to the Select Committee on 6 September 2013 (**Appendix 6**). In its reply, ICAC said that it was willing to cooperate with the Select Committee in its work, and it provided information relating to Part I (a) of the major areas of study of the Select Committee, i.e. information on the relevant policies and regulatory arrangements during Mr Timothy TONG Hin-ming's tenure as the Commissioner of ICAC, and Part II of the major areas of study,

i.e. information relating to ICAC's preparation and vetting of replies to Members' initial and supplementary questions on the Estimates of Expenditure 2013-2014. As for the information relating to Part I (b) to (e) of the Select Committee's major areas of study, i.e. information on Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner, ICAC considered that such information involved factual matters that were under investigation by its special investigation unit, and premature disclosure of facts under investigation could adversely affect the investigation that was underway in a number of ways. Furthermore, ICAC was concerned that if the ICAC investigation established evidence upon which the Department of Justice recommended a prosecution in the public interest, it could impact on any subsequent trial in relation to issues of admissibility of evidence and fairness of the trial if evidence collected by the special investigation unit had been examined and discussed in other forums.

2.22 The Select Committee wrote to ICAC again on 19 September and 11 October 2013 respectively, urging it to provide as soon as possible information on Mr Timothy TONG Hin-ming's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC. In its letter to ICAC, the Select Committee said that with regard to the concerns of ICAC that the requested information might prejudice the integrity of its investigation or any potential criminal prosecution, the Select Committee might consider taking appropriate measures to address the concerns of ICAC, such as treating certain information provided by ICAC in confidence or conducting part of the hearings in camera.

2.23 In its replies dated 27 September 2013 (**Appendix 7**) and 23 October 2013 (**Appendix 8**), ICAC explained that the arrangement of conducting the hearings "in camera" still could not entirely overcome the concerns of ICAC, including the deterrent effect of the examination on the prospective witnesses in the criminal investigation, and the fact that the memory of witnesses might be criticized as having been irreversibly tainted as a result of their being shown records which they had not seen or were not aware of. As such, ICAC maintained its original stance and would not provide information on Mr Timothy TONG Hin-ming's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC.

2.24 Taking into account the need for the Select Committee to proceed with its work without unnecessary delay, the Select Committee wrote to ICAC on 31 October 2013, requesting it to provide a full set of the papers, records and documents that ICAC had provided to PAC in relation to its consideration of Chapter 7 of the Director of Audit's Report No. 60. ICAC provided such information on 8 November 2013.

2.25 In the course of its subsequent study, the Select Committee also requested ICAC to provide information on a number of occasions. In response, ICAC provided a small amount of information in respect of Mr TONG (i.e. information about the two applications made by him to the CE for personal retention of gifts offered to him in his official capacity and that Mr TONG had submitted reports on two duty visits to CE after those duty visits) as well as some information relating to ICAC's policies, rules and regulations, and procedures. As the Select

Committee was not authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance, it could only conduct its inquiry based on the limited information provided to it by ICAC, the relevant information provided to PAC by ICAC, the information contained in the IRC Report (The Redacted Version), and the relevant information provided to FC by ICAC, and obtain evidence from witnesses at hearings on the basis of such information.

2.26 The Select Committee held two public hearings on 25 January and 1 March 2014 to obtain evidence from Mr Timothy TONG Hin-ming, Former Commissioner of ICAC, Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, Ms Julie MU Fee-man, Director of Community Relations of ICAC, and Mrs Jennie AU YEUNG WONG Mei-fong, Acting Assistant Director of Administration of ICAC.

2.27 In the course of the Select Committee's study, Ms Cyd HO, Deputy Chairman, Mr Kenneth LEUNG and Mr Dennis KWOK proposed that a number of former and serving ICAC officers be invited to attend before the Select Committee to give evidence. Their proposal was considered by the Select Committee at the post-hearing internal deliberation session on 1 March 2014. Ms Cyd HO, Deputy Chairman, said that as Mr Timothy TONG Hin-ming refused to provide information on a number of matters, and that ICAC also refused to provide the Select Committee with information about Mr TONG on the grounds that it was conducting an investigation in relation to Mr TONG, it was necessary for the Select Committee to find out the relevant facts by obtaining evidence from relevant officers working in ICAC during Mr TONG's tenure as the

Commissioner of ICAC. The majority of members of the Select Committee considered it unnecessary and inappropriate to invite those persons to attend before the Select Committee to give evidence. A member pointed out that as ICAC was conducting a criminal investigation in relation to Mr TONG and many of his former subordinates were probably witnesses of the investigation, it would be difficult for those persons to attend before the Select Committee to give evidence in respect of Mr TONG. The Select Committee decided at the meeting that if members wished to raise further questions with ICAC, the Select Committee would refer their written questions to ICAC for reply. Having so decided, the Select Committee would consider holding further hearings should new circumstances arise that warranted such further hearings<sup>4</sup>.

2.28 Ms Cyd HO, Deputy Chairman, submitted to the Select Committee a list of three sets of questions (**Appendix 9**) for reply respectively by the officers of the Office of Strategic Research, the Head of L Group, an internal investigation and monitoring group, and the Senior Staff Officer/Management and Administration of the Administration Branch who was responsible for handling claims for reimbursement of expenses during Mr TONG's tenure as the Commissioner of ICAC. In this connection, ICAC said in its reply dated 22 April 2014 to the Select Committee (**Appendix 10**) that as the officers concerned might be invited to act as witnesses in ICAC's criminal investigation and the legal proceedings, if any, relating to Mr TONG, the

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<sup>4</sup> Ms Cyd HO, Deputy Chairman and Mr Dennis KWOK expressed objection to this arrangement at the meeting. Mr Kenneth LEUNG did not attend this session of the meeting.

officers could not answer those questions to avoid affecting the impartiality of the relevant criminal investigation and legal proceedings. ICAC provided in the reply information on staff deployment arrangements, scope of responsibilities and handling procedures, etc. as requested by Ms Cyd HO. Nevertheless, ICAC refused to provide information on Mr TONG's official duty visits, entertainment and bestowing of gifts during his tenure as the Commissioner of ICAC on the grounds that such information fell within the scope of the criminal investigation conducted in relation to Mr TONG.

## **Report**

2.29 The Report of the Select Committee consists of the main report, lists of written evidence and relevant documents, the minutes of proceedings, as well as the minutes of evidence in the form of verbatim transcripts in the original language used at the public hearings. For environmental protection purposes, the minutes of evidence are available on CD-ROM only. This Report is also accessible on the LegCo website at [www.legco.gov.hk](http://www.legco.gov.hk).

2.30 This Report comprises three Parts. Part I (Chapters 1 and 2) is mainly an introduction to the background of the establishment of the Select Committee as well as important matters relating to the work of the Select Committee. Part II (Chapters 3 to 8) gives an account of the relevant information and evidence obtained by the Select Committee on 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, as well as the findings and recommendations of the Select Committee on such matters. Part III (Chapter 9) sets out how ICAC provided FC of LegCo in April 2013 with information on matters relating to Mr Timothy TONG Hin-ming's official duty visits and bestowing of gifts during his tenure as the Commissioner of ICAC, as well as the findings and recommendations of the Select Committee.

**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 3     Basic information on the Independent Commission  
Against Corruption and the Commissioner of ICAC**

**Statutory status and functions**

3.1        ICAC was established in 1974 under the Independent Commission Against Corruption Ordinance (Cap. 204) ("the ICAC Ordinance"), and was given statutory powers under the ICAC Ordinance, POBO, Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) to investigate corrupt offences. Article 57 of the Basic Law provides that ICAC shall function independently and be accountable to CE. ICAC carries out its work to combat corruption through its three functional departments, namely the Operations Department, the Community Relations Department ("CRD") and the Corruption Prevention Department, and its internal administrative work is handled by the Administration Branch.

3.2        Under the ICAC Ordinance, the Commissioner of ICAC, subject to the orders and control of CE, shall be responsible for the direction and administration of ICAC. The Commissioner shall not be subject to the direction or control of any person other than CE and his duties are set out in section 12 of the ICAC Ordinance. The Commissioner of ICAC is



one of the principal officials of Hong Kong<sup>5</sup>. In accordance with section 12 of the Public Finance Ordinance (Cap. 2), the Commissioner of ICAC is a controlling officer designated under the Ordinance and shall be responsible and accountable for all expenditure in respect of ICAC.

### **Regulations applicable to the Commissioner and officers of ICAC**

3.3 The ICAC Ordinance provides that the Commissioner and officers of ICAC shall comply with Government regulations and such administrative rules as apply generally to public officers, but the Commissioner of ICAC may, with the prior approval of CE, by ICAC's Commission Standing Orders ("CSO") modify the application of Government regulations or administrative rules to ICAC officers. The ICAC Ordinance allows the Commissioner of ICAC to make ICAC's CSO, providing for:

- (a) the control, direction and administration of ICAC;
- (b) the discipline, training, classification and promotion of ICAC officers;
- (c) the duties of ICAC officers;
- (d) the financial regulation of ICAC; and
- (e) such other matters as may be necessary or expedient for preventing abuse or neglect of duty and for upholding the integrity of ICAC.

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<sup>5</sup> Principal officials are officials nominated and appointed by CE and the Central People's Government respectively under Article 48(5) of the Basic Law.

## ICAC's Mission Statement and Code of Ethics

3.4 ICAC's Mission Statement and Code of Ethics<sup>6</sup> are as follows:

### *Mission Statement*

With the community, ICAC is committed to fighting corruption through effective law enforcement, education and prevention to help keep Hong Kong fair, just, stable and prosperous.

### *Code of Ethics*

ICAC officers will at all times uphold the good name of ICAC and:

- (a) adhere to the principles of integrity and fair play
- (b) respect the rights under the law of all people
- (c) carry out their duties without fear or favour, prejudice or ill will
- (d) act always in accordance with the law
- (e) not take advantage of their authority or position
- (f) maintain necessary confidentiality
- (g) accept responsibility for their actions and instructions
- (h) exercise courtesy and restraint in word and action
- (i) strive for personal and professional excellence

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<sup>6</sup> Source: ICAC website.

## Monitoring mechanisms

3.5 There are four advisory committees comprising people appointed by CE to oversee the different aspects of work of ICAC<sup>7</sup>. These advisory committees are chaired by civilian members. The four advisory committees are the Advisory Committee on Corruption ("ACOC"), Operations Review Committee, Corruption Prevention Advisory Committee and Citizens Advisory Committee on Community Relations. Among them, ACOC advises the Commissioner of ICAC on any aspect of the corruption problems in Hong Kong, and to:

- (a) keep the operational, staffing and administrative policies of ICAC under review;
- (b) advise on action being considered by the Commissioner of ICAC under section 8(2) of the ICAC Ordinance;
- (c) receive reports by the Commissioner of ICAC on disciplinary action taken;
- (d) consider the annual estimates of expenditure of ICAC;
- (e) scrutinize the annual report of ICAC before its submission to CE; and
- (f) submit an annual report to CE on the work of ACOC.

3.6 ACOC draws to the attention of CE, as it considers necessary, any aspect of the work of ICAC or any problem encountered by it.

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<sup>7</sup> Source: ICAC website.

3.7 In addition, the ICAC Complaints Committee monitors and reviews all non-criminal complaints against the ICAC or its staff. The Committee, which operates independently from ICAC, comprises of members from LegCo and prominent members of the community appointed by CE. The terms of reference of the Committee are as follows:

- (a) to monitor, and where the Committee considers appropriate to review, the handling by ICAC of non-criminal complaints by anyone against ICAC and officers of ICAC;
- (b) to identify any faults in ICAC procedures which lead or might lead to complaints; and
- (c) when the Committee considers appropriate, to make recommendations to the Commissioner of ICAC, or when considered necessary, to CE.

3.8 ICAC has also established an internal investigation and monitoring unit, namely L Group. According to the information provided by ICAC to the Select Committee, L Group investigates all complaints against ICAC officers. If a complaint relates to corruption or other criminal malpractice, ICAC will seek advice from the Department of Justice. If it is decided that 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 Department

of Justice. 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.

## **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 4    Official duty visits**

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

4.1        According to ICAC's written reply to the Select Committee (**Appendix 11**), ICAC follows government regulations in drawing up its policy, rules and guidelines on duty visits outside Hong Kong. Applications for duty visits outside Hong Kong are approved on a case-by-case basis, taking into account the need for such visits, such as the obligation to attend certain international conferences, duration and place of visit, and the status and number of officials to be met, etc. During his tenure as the Commissioner of ICAC, Mr TONG's duty visits were approved by CE. According to the written reply from the CE's Office to the Select Committee (**Appendix 12**), when approving applications made by the Commissioner of ICAC for duty visits outside Hong Kong, CE, in general, will consider factors including the purpose, place and date of visit, personalities or organisations to meet with during the visit, and the acting arrangements to be made.

## **Official duty visits outside Hong Kong made by Mr TONG during his tenure as the Commissioner of ICAC**

### Number, duration and expenditure of duty visits

4.2 Between 2007-2008 and 2012-2013, Mr TONG led 35 duty visits totalling 146 days outside Hong Kong, of which 20 duty visits were destined for the Mainland. The total expenditure for the 35 duty visits was \$3,907,612, of which \$757,921 was the expenditure incurred by Mr TONG (**Appendix 13**).

4.3 According to the information provided by ICAC to FC on 3 April 2013 for the special meetings of FC to examine the Estimates of Expenditure 2013-2014, the number of duty visits led by Mr TONG and his three predecessors, the average annual expenditure incurred and the average annual number of days of their absence from Hong Kong between July 2002 and June 2012 are as follows:

<b>Name (Term of office)</b>	<b>Length of office</b>	<b>Number of duty visits</b>	<b>Commissioner's total number of days of visits outside Hong Kong during his/her term of office (average annual number of days of visits)</b>	<b>Commissioner's total individual expenditure on duty visits during his/her term of office (average annual expenditure)</b>
Mr Ambrose LEE Siu-kwong (July 2002 to August 2003)	1 year and 2 months	3	14 (12)	\$39,101 (\$33,515)

<b>Name (Term of office)</b>	<b>Length of office</b>	<b>Number of duty visits</b>	<b>Commissioner's total number of days of visits outside Hong Kong during his/her term of office (average annual number of days of visits)</b>	<b>Commissioner's total individual expenditure on duty visits during his/her term of office (average annual expenditure)</b>
Mr Raymond WONG Hung-chiu (August 2003 to October 2006)	3 years and 3 months	19	77 (23.69)	\$182,154 (\$56,047)
Ms Fanny LAW FAN Chiu-fun (October 2006 to June 2007)	9 months	4	15 (20)	\$55,466 (\$73,954)
Mr Timothy TONG Hin-ming (July 2007 to June 2012)	5 years	35	146 (29.2)	\$757,921 (\$151,584)

4.4 The Select Committee notes the view of IRC that the number of duty visits led by Mr TONG, 35 in five years, was not particularly high compared to his predecessors and taking into account ICAC's enhanced involvement in the International Association of Anti-Corruption Authorities ("IAACA")<sup>8</sup>.

<sup>8</sup> IAACA, established in 2006, is an international anti-corruption association with membership drawn from anti-corruption agencies from all over the world. It aims to actively promote the effective implementation of the United Nations Convention Against Corruption. The First Annual Conference and General Meeting of the IAACA was held in Beijing in October 2006.



4.5 The Select Committee also notes from the information provided by ICAC to PAC that the United Nations Convention Against Corruption ("UNCAC") came into force for China on 16 February 2006 and became applicable to Hong Kong at the same time<sup>9</sup>. The incumbent Commissioner of ICAC informed PAC that upon ICAC being designated by the Central People's Government as the authority for the Hong Kong Special Administrative Region to assist other States Parties in developing and implementing specific measures for the prevention of corruption, ICAC had further enhanced its effort in promoting international co-operation. Fulfilling the obligations under the UNCAC aside, such efforts were in line with ICAC's work strategies<sup>10</sup>.

#### Reasons for visiting the Mainland

4.6 Regarding the 20 visits to the Mainland made by Mr TONG during his tenure as the Commissioner of ICAC, the Select Committee notes that Mr TONG told PAC that apart from visiting the Supreme People's Procuratorate and the Ministry of Supervision in Beijing annually to consolidate work relationship, other visits to the Mainland headed by him were mainly for attending and speaking at anti-corruption conferences upon invitation to exchange experience in combating corruption, strengthen mutual liaison and discuss the direction and scope of specific co-operation projects, and exchanging views with procuratorates of other parts of the Mainland on probity building and/or exploring opportunities for co-operation<sup>11</sup>.

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<sup>9</sup> Please refer to Appendix 76 of the PAC Report.

<sup>10</sup> Please refer to paragraph 166 of the PAC Report.

<sup>11</sup> Please refer to paragraph 77 of the PAC Report.

### Non-compliances in duty visits

4.7 The Select Committee notes that after reviewing all the duty visits led by Mr TONG, PAC and IRC identified the following two duty visits as cases of non-compliances:

- (a) the visit to Beijing-Kunming-Lijiang from 11 to 17 January 2009, the itinerary of which is at **Appendix 14**; and
- (b) the visit to Beijing-Chengdu-Leshan from 16 to 23 May 2010, the itinerary of which is at **Appendix 15**.

4.8 Consolidating the findings of the inquiries of PAC and IRC, the two duty visits mentioned above involved the following non-compliances:

- (a) the two duty visits involved excessive non-official duty related activities;
- (b) the respective trips to Lijiang and Leshan were included in the itineraries after approval for the two duty visits had been obtained from CE, but Mr TONG did not inform CE about such inclusion; and
- (c) regarding the visit to Beijing-Chengdu-Leshan, Mr TONG left Hong Kong two days earlier for private reasons, but IRC has not found any approval for such arrangement.

*Excessive non-official duty related activities*

4.9 The Select Committee notes Mr TONG's explanation to PAC that whilst the visit to Lijiang under the Beijing and Yunnan duty visit (i.e. the Beijing-Kunming-Lijiang trip from 11 to 17 January 2009) involved visits to Jade Dragon Snow Mountain and Shuhe Old Town, the visit to Lijiang was not entirely a pleasure trip as the visit also involved meeting with the Lijiang Municipal People's Procuratorate whose anti-corruption regime, developed after a major earthquake occurred several years ago, was modelled on that of ICAC, and attending a dinner with members of the Lijiang Municipal Committee at which views on anti-corruption experience were exchanged. Nevertheless, he agreed that visiting Jade Dragon Snow Mountain and Shuhe Old Town were not ideal<sup>12</sup>.

4.10 The Select Committee also notes that Mr TONG pointed out to PAC that whilst he agreed that the element of non-official duty related activities at Leshan was very high, it should be noted that a visit to Jiuzhaigou Valley proposed by the Mainland side for the Beijing and Chengdu, Sichuan duty visit was removed from the itinerary prior to the visit on his request<sup>13</sup>.

4.11 The Select Committee further notes that Ms Julie MU Fee-man, Director of Community Relations, ICAC, told PAC that she could not remember whether she had seen the details of the Lijiang trip after such

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<sup>12</sup> Please refer to paragraph 85 of the PAC Report.

<sup>13</sup> Please refer to paragraph 94 of the PAC Report.

details were received by CRD in the afternoon of 9 January 2009<sup>14</sup>. The fact that Mr TONG agreed to include the visit to Lijiang was thus an oversight on her part due to the lack of vigilance. Also, in the light of the Lijiang experience, she had alerted Mr TONG not to include visiting Jiuzhaigou Valley proposed by the Mainland side for the duty visit to Beijing-Chengdu-Leshan (16 to 23 May 2010)<sup>15</sup>.

*Failure to inform the Chief Executive of the subsequent changes to the itineraries*

4.12 Regarding the failure on the part of Mr TONG to inform CE of the subsequent inclusion of the visits to Lijiang and Leshan in the respective itineraries of the two duty visits, Mr TONG told the Select Committee in his evidence that in his opinion, failing to specify in the itinerary the various locations which the Commissioner would visit during his duty visit to a particular province did not constitute non-compliance if the visiting province was already named in the Commissioner's application for approval for the visit. He stated that there were past cases in which similar applications were made by former Commissioners of ICAC to CE<sup>16</sup>. Mr TONG explained that the scope of geographical areas in which official business would be conducted was already recorded in his applications and the subsequent changes were made in consequent to special arrangements. He therefore did not

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<sup>14</sup> It is also noted that ICAC refused to disclose to PAC the information received by CRD in the afternoon of 9 January 2009 from the Yunnan Provincial People's Procuratorate inviting ICAC delegation to visit Lijiang.

<sup>15</sup> Please refer to paragraph 117 of the PAC Report.

<sup>16</sup> ICAC provided PAC with a sample application (with a draft itinerary) made by a former Commissioner of ICAC in August 2005 to attend a duty visit outside Hong Kong (with a draft itinerary). Details are in Appendix 57 of the PAC Report.

consider it necessary to report these changes to CE so long as they would not affect the purpose and effectiveness of the entire duty visit.

4.13 Mr TONG also stated that the itineraries of the visits to Leshan and Lijiang were received from the relevant Mainland authorities at short notice, and some revisions were made to the itineraries by the ICAC officers concerned in the light of some late changes. Hence, it was not the case that he and the ICAC officers concerned were aware of these details at an early stage but had not reported them to CE. While admitting that the minor details of the arrangements for the two duty visits were less than ideal, Mr TONG stressed that there was no question of concealment.

*Departing Hong Kong two days earlier than scheduled for private reasons without prior approval*

4.14 The Select Committee notes from the IRC Report that, with regard to the duty visit to Beijing-Chengdu-Leshan, Mr TONG left Hong Kong on 14 May 2010, two days earlier, for private reasons. Although Mr TONG did not claim subsistence allowance for 14 and 15 May 2010, approval from CE was still required for modification of the air passage for private reasons. IRC has not found the required approval from CE to modify the air passage for private reasons.

4.15 The Select Committee also notes that Mr TONG told PAC that he was not aware of the non-compliance referred to in paragraph 4.14 above, until after the release of the IRC Report. Whilst he was not

personally involved in modifying the air passage in the procurement process, it could not be ruled out that such non-compliance was due to administrative oversight<sup>17</sup>.

#### Procurement of air passages

4.16 It is noted that IRC has reviewed whether compliance with the regulatory systems and procedures on procurement of air passages had been met and found a number of non-compliances<sup>18</sup>. These cases include four duty visits in which procurement orders for air passages of Mr TONG were issued before approval for the duty visits from CE had been obtained. With respect to such non-compliance, Mr TONG said when testifying before the Select Committee that while he had no knowledge of the relevant details, he agreed that he, as the then head of department, should bear the responsibility.

#### Post-visit review and follow-up

4.17 The Select Committee notes that Mr TONG told PAC that prior approval of CE must be sought for each and every duty visit outside Hong Kong. Apart from oral reports, written reports on significant aspects of his duty visits outside Hong Kong were submitted to CE periodically. The work of ICAC, including the purposes and outcome of conducting duty visits outside Hong Kong, were also reported to the Executive Council and ACOC. In this regard, ICAC informed the

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<sup>17</sup> Please refer to paragraph 81 of the PAC Report.

<sup>18</sup> Please refer to paragraphs 5.12 to 5.13 of the IRC Report.

Select Committee that Mr TONG had submitted reports to CE on two occasions after the respective duty visits (**Appendix 16**).

4.18 The Select Committee has also enquired with Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, about the need to formulate guidelines or procedures to facilitate follow-up or review after each duty visit to ascertain whether the visit has achieved the intended results or objectives. When testifying to the Select Committee, Mr PEH said that he was required to submit an application to CE for each and every duty visit, stating the objectives and purposes of the visit. However, there might not be detailed documentation after the conclusion of duty visits.

#### Information that ICAC has refused to provide to the Select Committee

4.19 The Select Committee encounters difficulties in obtaining comprehensive information relating to Mr TONG's duty visits outside Hong Kong as ICAC has refused to provide all such information on the grounds that such information falls within the scope of ICAC's criminal investigation against Mr TONG. Such information includes the itineraries of all the duty visits headed by Mr TONG, his role and involvement in making decisions on the various arrangements for his duty visits, and whether he had made any instructions or requests regarding the visit arrangements which were not directly related to context of the official business.

## **Findings and recommendations**

### Number, duration and expenditure of duty visits

4.20 The Select Committee notes the view of IRC that the number of duty visits led by Mr Timothy TONG Hin-ming, 35 in five years, was not particularly high compared to his predecessors and taking into account ICAC's enhanced involvement in IAACA. However, it has come to the attention of the Select Committee that during his tenure as the Commissioner of ICAC, the average annual number of days Mr TONG spent in duty visits outside Hong Kong was higher when compared to his three predecessors, and his average annual individual expenditure on duty visits was at least twice as much as that of his three predecessors. The Select Committee is of the view that the Commissioner of ICAC is mainly tasked with combating corruption in Hong Kong. Noting that Mr TONG had led 35 duty visits outside Hong Kong for a total of 146 days during his five-year tenure as the Commissioner of ICAC, the Select Committee is concerned whether he might have focused too much on duty visits which aimed, among others, to promote abroad the anti-corruption regime in Hong Kong and exchange experience with counterparts and might have neglected the duties and responsibilities expected of ICAC locally in Hong Kong<sup>19</sup>.

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<sup>19</sup> Members voted on Mr Dennis KWOK's proposal to add "高度" before "關注" of this sentence and to add "，沒有盡忠職守，履行廉政專員的責任" to the end of this sentence. The proposal was negatived (please refer to paragraph 32 of the Minutes of Proceedings of the meeting held in the morning of 23 June 2014 in this Report).



### Role and involvement in making decisions on the itineraries of duty visits

4.21 ICAC has refused to provide to the Select Committee all the information relating to Mr TONG's duty visits outside Hong Kong on the grounds that such information falls within the scope of ICAC's criminal investigation against Mr TONG (paragraph 4.19 above). According to Mr TONG's response at the hearing of the Select Committee, in respect of the visits to Yunnan and Sichuan, the fact that there was no mention of Lijiang and Leshan in his applications submitted to CE for approval for the duty visits did not, in his view, constitute non-compliance. It was only the minor details of the arrangements that were less than ideal but there was no question of concealment. The Select Committee notes that the Director of Community Relations, ICAC, admitted to PAC that Mr TONG's agreement to include the visit to Lijiang was a result of an oversight on her part due to the lack of vigilance.

4.22 Based on the information currently available and the evidence given by Mr TONG, the Select Committee is unable to ascertain the role and involvement of Mr TONG in the decision-making process for the various duty visits, including the point of time he became aware of the excessive non-official duty related activities in two of his duty visits, and whether he had made the best effort to change the itineraries or decline such activities after he became aware of it.

### Stipulation on procurement and modification of air passages

4.23 The Select Committee observes that during Mr TONG's tenure as the Commissioner of ICAC, there was no stipulation in the ICAC's CSO requiring the Commissioner to obtain prior approval before the procurement, or modification for private reasons, of air passages. It is pointed out in the IRC Report that in four duty visits, procurement orders for Mr TONG's air passages were issued before approval for the duty visits from CE had been obtained, and that Mr TONG left Hong Kong two days earlier on 14 May 2010 for private reasons and had his air passage modified for such purpose without seeking CE's approval. Regarding the aforesaid procurement of air passages, Mr TONG told both PAC and the Select Committee that he had no knowledge of the details since he was not personally involved in such procurement. In the absence of information on relevant facts, the Select Committee is not able to draw any conclusion as to the responsibility of Mr TONG in this regard.

4.24 The Select Committee notes the amendment made by ICAC to its CSO which provides that the Supplies Office will only confirm the reservation of air tickets after proper approval for the overseas trip is received, and applications of the Commissioner to modify his passage for private reasons are subject to the approval of CE. The Select Committee supports the above improvements to ICAC's CSO.

### Criteria for approving applications for duty visits

4.25 The Select Committee considers that ICAC should put in place stringent regulatory measures given the substantial public money involved in its duty visits conducted outside Hong Kong. Apart from incurring public expenditure, the Commissioner will find it difficult to attend to ICAC's work in Hong Kong while he is physically away on duty visits. Hence, the Select Committee considers that duty visits should only be undertaken by the Commissioner on an "absolute need" basis and CE should use this as an important basis for approving duty visits.

4.26 The Select Committee notes from ICAC's reply (**Appendix 17**) that, since the departure of Mr TONG, ICAC has made the following improvements to the relevant parts of ICAC's CSO relating to duty visits:

- (a) visits outside Hong Kong should only be approved when such visits are absolutely necessary in the discharge of the officer's duties or prominently conducive to the missions and/or function of the Commission;
- (b) the number of officers joining the trip should be kept to the minimum and the duration of the trip should be as short as possible covering only the part of the programmes/sessions pertaining to the official purposes of the visit; and

- (c) officers should avoid participating in any tour programmes arranged by the hosting organization, which would prolong the duty visit or incur additional public funds, upon completion of the official business.

The Select Committee notes that the above provisions also apply to the Commissioner's duty visits outside Hong Kong. The Select Committee supports the above improvements to ICAC's CSO.

#### Post-visit reviews and reports

4.27 Mr TONG told PAC that apart from oral reports, written reports on significant aspects of his duty visits outside Hong Kong were submitted to CE periodically. However, according to ICAC's reply to the Select Committee, among the 35 duty visits, Mr TONG only submitted reports to CE after the conclusion of two visits. Besides, Mr TONG told PAC that ICAC would report to the Executive Council and ACOC on its work, including the purposes and outcome of conducting duty visits outside Hong Kong, but ACOC only generally met three times a year<sup>20</sup>.

4.28 The Select Committee finds that it is necessary for ICAC to put in place a mechanism to review, upon completion of the Commissioner's duty visit outside Hong Kong, the effectiveness of the visit in achieving the intended objectives and results. It should also report to ACOC on such review and provide more details of Commissioner's duty visits in its

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<sup>20</sup> Please refer to paragraph 78 of the PAC Report.

Annual Report so as to facilitate public understanding of the Commissioner's duty visits and the achievements made.

Expenditure control on duty visits

4.29 To strengthen the control over ICAC's expenditure on duty visits outside Hong Kong, the Select Committee recommends that ICAC should clearly set out in its annual budget submitted to ACOC the estimated expenditure for the duty visits to be undertaken by ICAC in the following year. It should also report to ACOC on an annual basis the actual expenditure it spends on duty visits, including the actual expenditure for the Commissioner's duty visits.

## **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 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).

**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 6    Bestowing of gifts**

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

6.1      According to the information provided by ICAC (**Appendix 29**), ICAC has since 1996 adopted a policy which requires that the exchange of gifts on official occasions should be limited to the minimum and should be made from organization to organization. This policy was incorporated into paragraph 7 of the part of ICAC's CSO relating to "Acceptance of Advantages" (**Appendix 30**) in August 2001.

6.2      ICAC has also informed the Select Committee that ICAC did not have any laid down rules or guidelines specifying the types and values of gifts to be presented. ICAC has been following the Government's Stores and Procurement Regulations in the procurement of gifts whereby subject officers must seek funding approval from the line management for the purchase of gifts and their certification when claiming for reimbursement of the expenses.

## **Bestowing of gifts by ICAC during Mr TONG's tenure as the Commissioner of ICAC**

### Expenditure on gifts and souvenirs

6.3 The Select Committee notes from paragraph 4.2 of the IRC Report that during Mr TONG's tenure as Commissioner, ICAC spent \$1.3 million on gifts and souvenirs, of which about \$723,000 were attributed to Mr TONG or Commission-wide events ("Commission-wide" gifts), and about \$589,000 were attributed to individual departments of ICAC.

6.4 The Select Committee also notes that according to Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, at the meeting of the LegCo Panel on Security held on 27 May 2013<sup>45</sup>, the \$723,873 spent on "Commission-wide" gifts comprised -

- (a) \$282,873 on gifts for officials from different places;
- (b) \$7,500 on souvenirs for academics, and representatives from public bodies and non-governmental organizations;

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<sup>45</sup> Please refer to paragraph 6 of the minutes of meeting of the Panel on Security on 27 May 2013.

- (c) \$201,500 on souvenirs for participants of seminars and talks organized by ICAC;
- (d) \$207,000 on souvenirs for visitors and participants of the ICAC Open Day and annual opinion survey of ICAC; and
- (e) \$25,000 on small disbursements for items such as copper plates with guests' names.

#### Types and values of gifts

6.5 Annexes 4 and 5 of the IRC Report set out examples of "Commission-wide" gifts and gifts procured by individual departments of ICAC respectively (**Appendices 31 and 32**). ICAC has submitted to FC a list of gifts presented by Mr TONG during his tenure as the Commissioner of ICAC to government officials of different places and paid out of public funds (**Appendix 33**). The Select Committee notes from such information that during his tenure as the Commissioner of ICAC, Mr TONG presented on a number of occasions gifts not inscribed with the ICAC logo, including the gifts presented by Mr TONG to government officials of different places, such as an ornament worth \$4,140, Hong Kong scenery crystal ornaments each worth \$2,352, a scarf worth \$2,082 and a camera worth \$1,650.

### Selection and procurement of gifts

6.6 Regarding the selection of gifts, Mr TONG told PAC and the Select Committee that generally speaking, gifts/souvenirs for presentation at an ICAC publicity project or activity were decided by the ICAC staff responsible for the project or activity. He would only be involved in the selection of such gifts/souvenirs if the publicity project or activity was a large scale one and/or the standing of the recipients was high<sup>46</sup>, but the final decision was not necessarily made by him. Yet, he agreed that he, as the Commissioner, should shoulder the ultimate responsibility if the selection and procurement of the gifts concerned was approved by him or he was involved in making the decisions.

6.7 Besides, in response to PAC, Mr TONG confirmed that the procurement of many "Commission-wide" gifts was approved by him. He told PAC that beef brisket and fish balls were given as gifts to a Mainland delegation visiting ICAC, after a brief internal discussion of which he had attended, to reciprocate the giving of lychee to ICAC by the Mainland delegation for enjoyment by ICAC staff. As regards the eight digital photo frames presented by ICAC as gifts, Mr TONG told PAC that they were for guest speakers at ICAC-organized seminars/conferences who did not receive any honorarium. As for the tankards, camera and scarves, he could not recall the reasons for giving out such gifts, albeit that, with hindsight, he agreed that giving out scarves as gifts by ICAC was inappropriate. He also agreed that certain "Commission-wide" gifts did not adhere to the ICAC's policy that the giving out of gifts by ICAC

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<sup>46</sup> Please refer to paragraph 124 of the PAC Report.

should be kept to the minimum and some of them were expensive. However, these gifts were all given out to organizations and in public<sup>47</sup>.

6.8 The Select Committee notes that Ms Julie MU Fee-man, Director of Community Relations, ICAC, told PAC that during his tenure, Mr TONG also suggested giving gifts, other than souvenirs inscribed with the ICAC logo, such as food and famous Hong Kong brand name products, during duty visits. She also told PAC that Mr TONG had on some occasions asked CRD to procure gifts with prices comparable to that of the Hong Kong Skyline model for duty visits, as the Hong Kong Skyline model was given as gifts too frequent. An example was the procurement of a goat-shape ornament referred to in Annex 4 of the IRC Report<sup>48</sup>.

6.9 The Select Committee asked Mr TONG at its hearing why food had been specially procured as gifts instead of using general promotional gifts inscribed with the ICAC logo. Mr TONG responded that according to the guidelines issued by the Civil Service Bureau on the acceptance of gifts, if the gift received was perishable food or drink that could not be stored, it might be shared among colleagues in the office of the department where the recipient worked. In his view, since there was mention of the disposal of food received as gifts in the guidelines, it seemed to reflect that it was not inappropriate for ICAC to bestow food as gifts.

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<sup>47</sup> Please refer to paragraph 127 of the PAC Report.

<sup>48</sup> Please refer to paragraph 136 of the PAC Report.

6.10 At its hearing, the Select Committee enquired with Mr TONG about the procurement of gifts not inscribed with the ICAC logo, including how, and by whom, such gifts were procured, and whether they were procured during office hours. Mr TONG responded that he was given to understand that ICAC had informed PAC that such matters fell within the scope of the criminal investigation instituted by ICAC against him, and hence it was not appropriate for him to provide information to the Select Committee on such matters as how, and by whom, the gifts in question were procured. Citing the remarks made by the incumbent Commissioner of ICAC at the meeting of the Panel on Security on 27 May 2013, he stated that in the past, ICAC had not stipulated any requirements on the prices and choice of gifts to be bestowed, and the selection of gifts at that time was based on such criteria as the identity and status of the recipients, as well as the nature of the occasions. However, he was not aware of the details of the procurement of such gifts.

6.11 At its hearing, the Select Committee asked Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, about the considerations that Mr TONG had taken into account in selecting certain special gifts (such as expensive carved ornaments) during his tenure as the Commissioner of ICAC. Mr PEH advised that the bestowal of such gifts was largely the personal decision of Mr TONG. As to whether ICAC had imposed any ceilings on the value of gifts to be bestowed, Mr PEH said that ICAC's CSO did not explicitly provide for a ceiling on the value of gifts to be bestowed. Nevertheless, he considered that it

should be up to the head of a department to give due regard to a range of factors such as the appropriateness of the gifts to be bestowed.

Mr TONG's awareness of ICAC's requirements regarding the bestowal of gifts

6.12 ICAC's policy on bestowal of gifts, i.e. the exchange of gifts on official occasions should be limited to the minimum and should be made from organization to organization, was formulated in 1996 and incorporated into ICAC's CSO in 2001. On whether he had complied with the relevant provisions under ICAC's CSO, Mr TONG said in his evidence that from 1996 to 2007, the years in which he took up the post of the Commissioner, ICAC had undertaken many duty visits over these 11 years and there were frequent occasions on which gifts were bestowed and received. A "usual practice" had been established and that was reflected in the arrangements for bestowing gifts by the Commissioner of ICAC and heads of individual departments on behalf of ICAC. He also pointed out that as mentioned in ICAC's CSO, ICAC officers, when invited to social functions, might consider the bestowing of gifts according to social norm and common sense, that is, the norm of reciprocity<sup>49</sup>. Mr TONG argued that most of the gifts presented by individual departments were the same as "Commission-wide" gifts which included food and some ornaments, and those gifts presented by departments were also of considerable quantity and value (see

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<sup>49</sup> Section 04, Chapter 25 of ICAC's CSO (**Appendix 22**) provides that if ICAC officers are invited to social functions hosted by local leaders (whom ICAC officers are acquainted with as a result of official contact), the expenditure involved in presenting gifts in such functions is reimbursable subject to the relevant ceilings prescribed. Paragraph 10 of that part of ICAC's CSO provides guidelines on the selection of gifts for such functions.



**Appendices 31 and 32)**<sup>50</sup>. He was not involved in the decisions of individual departments in this regard. He stressed that as reflected by the above fact, there was a common understanding in respect of the selection and procurement of gifts between the Commission as a whole and its departments.

6.13 According to Mr TONG, while it was stipulated in ICAC's CSO that the exchange of gifts on official occasions should be limited to the minimum, the term "limited to the minimum" was subject to different interpretations by different people at different times. As regards the provision in ICAC's CSO that "[w]here an exchange of gifts is unavoidable on a particular occasion, the exchange should be made from organization to organization", Mr TONG took it as a basic operational principle of ICAC. He also stressed that all the gifts presented to his counterparts had been presented in public and everything had been put on record. Furthermore, he was of the view that the provisions in ICAC's CSO on the bestowing of gifts merely set out a policy rather than

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<sup>50</sup> The Select Committee has requested ICAC to provide the details of the "Commission-wide" gifts and gifts procured by ICAC's individual departments that were not inscribed with the ICAC logo referred to in Annexes 4 and 5 of the IRC Report (that is Appendices 31 and 32 of this Report). These include the respective recipients of a goat-shape ornament (\$2,380), a tiger-shape ornament (\$4,140), an eagle-shape ornament (\$4,730), wine (\$1,960), 5 tankards (\$1,580 each), 5 pens (\$2,170 each) and 8 digital photo frames (with unit cost from \$590 to \$1,890); the occasions when the gifts were bestowed; the ICAC officers who presented the gifts; and the departments/units of ICAC responsible for procuring the gifts. In its reply to the Select Committee dated 19 February 2014, ICAC advised that apart from the eagle-shape ornament and 5 pens, all other gifts mentioned above were presented by Mr Timothy TONG Hin-ming, former Commissioner of ICAC, and that as information pertinent to Mr TONG might fall within the scope of an ongoing investigation conducted in relation to him, it was not appropriate for ICAC to provide such information. ICAC further indicated that the eagle-shape ornament was presented by the former Head of Operations to an official of the Malaysian Anti Corruption Commission at its Launching Ceremony on 24 February 2009. As for the pens procured by ICAC's individual departments, they were procured for future use and were still kept as souvenir stock.

imposing a restriction. Judging from the prevailing standards, there were inadequacies over the past years due to the absence of guidelines on bestowing of gifts.

Information that ICAC has refused to provide to the Select Committee

6.14 Although ICAC had provided some information on the gifts bestowed by ICAC during Mr TONG's tenure as the Commissioner of ICAC to the LegCo FC, Panel on Security, PAC as well as IRC, in order to have a full picture of the gifts bestowed by Mr TONG and paid out of public funds during his tenure as the Commissioner of ICAC, the Select Committee has requested ICAC to provide information and records relating to all the gifts bestowed by Mr TONG, including the occasions on which the gifts were bestowed, their recipients, the official relationship between the recipients and ICAC, details of the nature and values of the gifts, records relating to their procurement and expenditure approval. However, ICAC has refused to provide the Select Committee with the requested information and records on the grounds that such information and records fall within the scope of its criminal investigation against Mr TONG.

6.15 The Select Committee has, through ICAC, requested in writing:

- (a) the former officers of the Office of Strategic Research, ICAC to provide information on the special gifts such as cookies, cameras and scarves procured during Mr TONG's tenure as the Commissioner of ICAC, including the ICAC

officers giving the instructions to procure such gifts, whether the officers of the Office of Strategic Research had raised queries with the ICAC officers giving the instructions; and

- (b) the Senior Staff Officer/Management and Administration of the Administration Branch, ICAC responsible for handling claims for reimbursement of expenses to provide relevant information, including whether he/she had rejected any claims for reimbursement of expenses due to non-compliance with the ICAC guidelines during Mr TONG's term of office and the details of the rejected claims.

However, ICAC advised in its reply (**Appendix 10**) that as the ICAC officers concerned might be invited to act as witnesses in ICAC's criminal investigation and the legal proceedings, if any, relating to Mr TONG, the officers could not answer those questions to avoid affecting the impartiality of the relevant investigation and proceedings.

## **Findings and recommendations**

### Mr Timothy TONG Hin-ming's awareness and handling of matters relating to the bestowing of gifts

6.16 The Select Committee notes that during Mr Timothy TONG Hin-ming's tenure as the Commissioner of ICAC, there were provisions in ICAC's CSO clearly specifying that the exchange of gifts on official occasions should be limited to the minimum and should be made from organization to organization. The Select Committee is of the view that although ICAC did not have any laid down rules or guidelines on the types and values of the gifts to be bestowed, the Commissioner, as head of ICAC, should set a good example by committing himself to abiding by the aforesaid long-established requirements in ICAC's CSO and carefully exercising his discretion to determine the types and values of the gifts to be bestowed.

6.17 As revealed in the list submitted by ICAC to FC of gifts presented by Mr TONG during his term of office to government officials of different places (**Appendix 33**), among the gifts for government officials of different places, some are high-priced and some are of a personal nature. Although the Select Committee has not been able to obtain evidence on how the decisions on bestowing and procuring such gifts were made, the information gathered from different sources and the evidence given by Mr TONG to PAC and the Select Committee show that, as far as the bestowing of such gifts is concerned, Mr TONG was the approving authority for the procurement of such gifts and/or had a role in

the relevant decision-making process. As such, the Select Committee considers that he played a pivotal role in the bestowal of such gifts.

6.18 The Select Committee notes that bestowing expensive gifts, particularly those of a personal nature, can easily give rise to corrupt practices. The responses of Mr TONG at the hearings of the Select Committee have reflected his lack of vigilance in this respect. In using public money for bestowing gifts, he attached great importance to the "social norm" and gave primary consideration to the identity and status etc. of the recipients of gifts, which show that he lacked the prudence expected of him as the Commissioner of ICAC. In this connection, the Select Committee considers that the way Mr TONG handled the matters relating to the bestowing of gifts is not commensurate with the values of probity and integrity advocated by ICAC, and has damaged the image of ICAC, thus tarnishing its reputation.

#### Expenditure control on gifts

6.19 The Select Committee notes that ICAC has amended its CSO (**Appendix 30**) to the effect that officers should only present one standard souvenir inscribed with the ICAC logo (e.g. the ICAC Building model, ICAC Annual Report or ICAC plaque, etc.) to the organization concerned and no gift/souvenir should be given on a personal basis. ICAC's CSO also provides that if it is deemed appropriate to present non-standard gifts/souvenirs to an organization, the approval of the respective Head of Department should be sought and the Administration Branch should be duly alerted. In addition, the Administration Branch will report to

ACOC on a regular basis any departure from the aforesaid normal practice in respect of presenting gifts/souvenirs. Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, said at the hearing of the Select Committee that ICAC had reported to ACOC the implementation of the above mechanism, which was currently an integral part of the standing mechanism.

6.20 At the request of the Select Committee, ICAC has provided a list of the standard souvenirs currently available in ICAC (**Appendix 34**).

6.21 Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, responded at the hearing of the Select Committee that ICAC did not have an annual estimate of the expenditure for gifts and souvenirs to be bestowed. In this connection, the Select Committee recommends that in order to tighten the control over the expenditure on gifts, ICAC should state clearly in its annual estimates of expenditure submitted to ACOC the estimated expenditure on gifts for the coming year and report to ACOC the actual annual expenditure on gifts.

## **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 7     Receipt of Gifts**

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

##### Receipt of gifts in private capacity

7.1        Under Section 3 of POBO, any prescribed officer<sup>51</sup> who, without the general or special permission of CE, solicits or accepts any advantage shall be guilty of an offence. The Acceptance of Advantages (Chief Executive's Permission) Notice ("AAN") (Annex VI to **Appendix 35**) sets out the circumstances under which general permission has been given for prescribed officers to solicit or accept certain advantages in their private capacity. Outside of these prescribed circumstances, they have to seek special permission for their solicitation or acceptance of the advantage.

7.2        AAN gives general permission for prescribed officers to accept advantages that fall outside four restricted categories (i.e. gift, discount, loan of money and passage). For advantages which fall within the

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<sup>51</sup> According to the interpretation in Section 2 of POBO, a "prescribed officer" means any person holding an office of emolument, whether permanent or temporary, under the Government, including the Commissioner and any member of the staff of ICAC.

restricted categories, general permission has also been given in AAN for their acceptance in certain circumstances, and special permission has to be obtained in other circumstances. Applications made by the Commissioner of ICAC for special permission in respect of soliciting or accepting certain advantages in his private capacity are to be approved by CE.

7.3 In respect of gifts, general permission is given to prescribed officers in AAN for acceptance, but not solicitation, of gifts of values up to the following amounts:

	From relations	From close personal friends	From other persons
On a special occasion (such as the officer's wedding, birthday, retirement or any other occasion when gifts are traditionally given or exchanged)	No ceiling	\$3,000	\$1,500
On other occasion	No ceiling	\$500	\$250

7.4 Under AAN, the general permission given to prescribed officers for acceptance of advantages from close personal friends and other persons is conditional upon:

- (a) the donor of the advantage having no official dealings with the department in which the officer works;



- (b) the donor of the advantage not being a subordinate of the officer; and
- (c) the occasion on which the gift or passage is presented not being one which the officer attends in his official capacity or by virtue of the official position he holds at the time.

### Receipt of gifts in official capacity

7.5 According to the general principle stipulated in Civil Service Bureau Circular No. 4/2007<sup>52</sup> ("CSBC No. 4/2007") (**Appendix 35**), officers should as far as possible decline to accept gifts offered/presented to them by virtue of their official position. Where this cannot be done owing to protocol reasons or the need to avoid causing great offence or embarrassment, such as where a gift is offered/presented to an officer when attending a social/ceremonial occasion in his official capacity, he should take it back to his bureau/department and report to the approving authority for a decision on how to dispose of the gift.

7.6 The Select Committee has been informed by ICAC (**Appendix 36**) that in accordance with CSBC No. 4/2007, the Commissioner of ICAC shall apply to CE for approval if he wishes to

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<sup>52</sup> Section 8(4) of the ICAC Ordinance provides that subject to that Section and Section 11(2), the Commissioner and officers shall be employed subject to Public Service (Administration) Order, Government regulations and such administrative rules as apply generally to public officers, except insofar as the application of such Public Service (Administration) Order, Government regulations or rules may be modified by standing orders made under Section 11(2). Section 11(2) of the ICAC Ordinance provides that the Commissioner of ICAC may, with the prior approval of CE, by standing order modify the application to officers of Public Service (Administration) Order, Government regulations or administrative rules applicable by virtue of Section 8(4).

personally retain a gift received in his official capacity except under the following circumstances:

- (a) the value of the gift does not exceed \$50 or 0.1% of his substantive salary, whichever is the higher;
- (b) the value of the gift exceeds \$50 or 0.1% of his substantive salary, whichever is the higher, but less than \$400 and the gift is personally inscribed with the Commissioner's name or received by him at a function as the guest of honour or an officiating guest.

7.7 ICAC has also informed the Select Committee (**Appendix 37**) that regarding gifts received by the Commissioner of ICAC, his personal assistant will, on his instruction, write a memo to the Personnel Section of the Administration Branch listing details of the gifts and disposal methods. For items to be personally retained by the Commissioner of ICAC, the Personnel Section will on his behalf seek CE's approval, if required.

## **Receipt of gifts by Mr TONG during his tenure as the Commissioner of ICAC**

### Major concerns of the Select Committee and the information required from ICAC

7.8 As regards the matters relating to Mr TONG's receipt of gifts during his tenure as the Commissioner of ICAC, the major concern of the Select Committee is whether Mr TONG has, in accordance with the relevant requirements, kept for himself any gifts offered to him in his official capacity of the Commissioner of ICAC or in his private capacity only after approvals had been granted by the authorities. The Select Committee notes that receipt of gifts in a person's official capacity as the Commissioner of ICAC and receipt of gifts in private capacity are subject to different regulatory regimes (as set out in paragraphs 7.1 and 7.7 above). Insofar as values of the gifts are concerned, gifts received in official capacity are subject to more stringent regulation. Therefore, the Select Committee is concerned about how Mr TONG, on being offered gifts, distinguished personal gifts from those offered to him by virtue of his official capacity. The Select Committee is also concerned if the way in which Mr TONG disposed of the gifts offered to him was commensurate with his capacity as the Commissioner of ICAC.

7.9 Prior to the hearings, the Select Committee asked ICAC to provide a list of gifts received during Mr TONG's tenure as the Commissioner of ICAC together with the information on the occasions in which such gifts were received, the organizations or persons offering the

gifts, the nature and value of each gift, as well as the disposal methods of the gifts. However, ICAC declined to provide the information on the grounds that such information fell within the scope of ICAC's criminal investigation against Mr TONG.

The evidence given by Mr TONG on the disposal of the gifts offered

7.10 At the hearing of the Select Committee, Mr TONG responded that the gifts received during his tenure were handled in full compliance with the relevant requirements set by ICAC and the Government. Under specific situations, he would retain some of the gifts after applications were made to and approved by CE or CE's delegated authority.

7.11 According to Mr TONG's evidence, he did not keep a list of gifts of which the approvals for retention had been sought from CE. His impression was that the gifts retained by him were generally small souvenirs of no commercial value, including autographed books, a pottery figurine resembling his appearance made instantaneously during an event which he attended, etc. During his tenure as the Commissioner of ICAC, he would, if necessary, make applications to CE through ICAC staff for retention of such small items.

7.12 In this regard, the Select Committee notes that according to the provisions in CSBC No. 4/2007 (**Appendix 35**), the Commissioner of ICAC is given blanket permission to retain the items mentioned in paragraphs 7.6(a) and (b) above, subject to his report to ICAC.

7.13 On distinguishing gifts received in private capacity from those received in official capacity, Mr TONG informed the Select Committee that all the gifts he deemed related to or might be related to his work, such as gifts received through official dealings and on official occasions or gifts specifying "湯專員" as the recipient would be handed to ICAC for disposal. Regarding the receipt of gifts in private capacity, Mr TONG advised that as the Commissioner of ICAC at that time, he had an in-depth understanding of the requirements of section 3 of POBO and the ICAC Ordinance and would thus exercise particular caution in handling personal gifts by politely declining the offers of such gifts. He said he had received a very limited number of personal gifts and he had made applications to CE for retention of gifts.

Situation concerning Mr TONG's requests for personal retention of gifts offered

7.14 To gain further understanding of the situation concerning Mr TONG's personal retention of gifts offered to him during his tenure as the Commissioner of ICAC, the Select Committee asked both ICAC and the CE's Office to provide all the relevant records of Mr TONG's requests for personal retention of gifts offered during his tenure as the Commissioner of ICAC. In this connection, the CE's Office confirmed that Mr TONG had made three applications to CE for acceptance of gifts during his tenure as the Commissioner of ICAC. The information provided by ICAC and the CE's Office (**Appendices 38 and 39**) is highlighted as follows:

- (a) application for acceptance of the invitation extended by the Supreme People's Procuratorate of the People's Republic of China under which arrangements would be made for Mr TONG and his daughter to attend the Opening Ceremony of the Beijing Olympic Games on 8 August 2008, including admission to the ceremony and accommodation in Beijing; although CE approved the application, Mr TONG did not attend the event in the end;
- (b) application for acceptance of a total of four admission tickets to the Olympic Equestrian Events on 15 August 2008 and 21 August 2008 which were offered by the Hong Kong Jockey Club to Mr TONG and his daughter; Mr TONG withdrew the application on 12 August 2008; and
- (c) while on pre-retirement leave, Mr TONG made an application for personal retention of a retirement gift valued at about \$3,800 presented to him by a group of 30 personal friends; the application was approved by CE.

7.15 As to other relevant information, including the list of gifts offered to Mr TONG in his capacity as the Commissioner of ICAC which he requested for personal retention, ICAC refused to provide the information on the grounds that such information fell within the scope of ICAC's criminal investigation against Mr TONG.

7.16 Regarding the invitation of the Supreme People's Procuratorate of the People's Republic of China offering to arrange for him and his daughter to attend the Opening Ceremony of the Beijing Olympic Games, of which he applied to CE for acceptance (i.e. the application mentioned in paragraph 7.14(a) above) but he did not attend in the end, Mr TONG informed the Select Committee that he wished to attend the Opening Ceremony at first but he did not do so because of the difficulty in making due arrangements. Mr TONG also confirmed when giving evidence that his daughter did not attend the Opening Ceremony of the Beijing Olympic Games.

7.17 As regards the reasons for withdrawing the application he made to CE for acceptance of admission tickets to two Olympic Equestrian Events offered by the Hong Kong Jockey Club (i.e. the application mentioned in paragraph 7.14(b) above), Mr TONG admitted to the Select Committee that he was interested in the events and intended to attend them when making the application to CE. However, he also proceeded to purchase admission tickets in the meantime as the events were popular. Having bought the tickets, he withdrew the application which he had made to CE since it was no longer necessary to accept the offer then<sup>53</sup>.

7.18 The Select Committee notes that one of the reasons for Mr TONG's application to CE for acceptance of the offer made by the

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<sup>53</sup> According to the information provided by ICAC (**Appendix 38**), an e-mail was issued to the CE's Office by ICAC staff on 12 August 2008 to confirm that Mr TONG was "unable to make it" to the two Olympic Equestrian Events held respectively on 15 and 21 August 2008, and to withdraw the application made to CE by Mr TONG for acceptance of the admission tickets offered by the Hong Kong Jockey Club. In this regard, Mr TONG responded at the hearing of the Select Committee that he did not know why the CE's Office was told by ICAC staff that he was "unable to make it" to the events.

Hong Kong Jockey Club was that "it is the interest of the Commission to attend the events". The Select Committee requested Mr TONG to explain why attending the equestrian events by the Commissioner of ICAC was in the interest of ICAC. Mr TONG responded that he did not ask the Hong Kong Jockey Club to offer ICAC the admission tickets. The Hong Kong Jockey Club was among the organizations which ICAC worked with and he had met its Chief Executive Officer for discussions on work-related matters. Mr TONG emphasized that he had made the application in accordance with the regulations.

### **Findings and recommendations**

7.19 Regarding the receipt of gifts presented to him in his private capacity during his tenure as the Commissioner of ICAC, Mr Timothy TONG Hin-ming had, according to the evidence he gave at the hearing of the Select Committee, received a very limited number of personal gifts and he had made applications to CE for retention of gifts. According to the information provided to the Select Committee by the CE's Office, Mr TONG had only made an application to CE for acceptance of a retirement gift valued at about \$3,800 presented to him by 30 personal friends when he was on pre-retirement leave<sup>54</sup>. Given that Mr TONG is the only person in possession of full information on the gifts presented to him in his private capacity and he has merely provided very little

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<sup>54</sup> General permission has been given in AAN for prescribed officers to accept such advantages in their private capacity. Outside of these prescribed circumstances, they have to seek special permission for acceptance of the advantage. Application for special permission by the Commissioner of ICAC in respect of soliciting or accepting certain advantages in his private capacity should be approved by CE. Details are set out in paragraphs 7.1 and 7.4 above.



information to the Select Committee in this regard, the Select Committee is unable to conclude, based solely on the information provided by the CE's Office and the evidence given by Mr TONG, whether Mr TONG had disposed of the gifts presented to him in his private capacity in compliance with the requirements of AAN. Nor can the Select Committee draw any conclusion on whether he had properly distinguished the gifts received in private capacity from those received in official capacity during his tenure as the Commissioner of ICAC. In spite of this, the evidence given by Mr TONG shows that he seems to have a clear understanding of the regulatory requirements concerning the receipt of gifts in his private capacity.

7.20 In respect of the receipt of gifts presented to him in his official capacity, Mr TONG had made two applications to CE for acceptance of gifts offered to him in his capacity as the Commissioner of ICAC. One of the applications was withdrawn by Mr TONG. The other was approved by CE but Mr TONG did not accept it in the end. Since ICAC declines to provide the list of gifts which Mr TONG had accepted in his capacity as the Commissioner of ICAC and requested for personal retention, the Select Committee finds it difficult to come to a conclusion on whether Mr TONG had committed any acts of non-compliance in disposing of the gifts offered to him in his official capacity during his tenure.

7.21 The Select Committee, however, has reservation over the way in which Mr TONG handled the admission tickets to two Olympic

Equestrian Events offered by the Hong Kong Jockey Club<sup>55</sup>. Despite the collaborations between ICAC and the Hong Kong Jockey Club in combatting corruption and illegal activities, ICAC has statutory investigative functions over organizations including the Hong Kong Jockey Club and it has handled cases involving the personnel of the Hong Kong Jockey Club. Mr TONG however still made an application to CE to accept the gift on the grounds that attending such events was in the interest of ICAC. This reflects that he was not aware of the potential conflict of roles.

7.22 The Select Committee is of the view that the Commissioner of ICAC must exercise great prudence in respect of receipt of gifts. Apart from disposing of the gifts in compliance with the relevant requirements, he should also give consideration to various aspects, in particular that of whether the acceptance of such gifts would undermine the impartiality of ICAC or staff of ICAC in the discharge of their duties, or cause the public to have such a perception. To avoid any conflict of interests or affecting the reputation of ICAC, the Commissioner of ICAC should as far as possible decline to receive any gifts offered to him in his official capacity. While taking into account that declining to receive the gifts may cause great offence or embarrassment, he should ensure that the acceptance of such gifts will not give rise to any conflict of interests, affect the reputation of ICAC or arouse public query on the impartiality of ICAC.

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<sup>55</sup> Mr TONG made an application to CE for special permission as required for his acceptance of the offer which was subsequently withdrawn (details are in paragraphs 7.14, 7.17 and 7.18.)

7.23 The Commissioner of ICAC should also be alert when accepting gifts offered in his private capacity, and must avoid causing any conflict of interests and doing any harm to the reputation of ICAC or the Commissioner of ICAC.

7.24 To increase transparency of the disposal of gifts on the part of the Commissioner of ICAC, the Select Committee recommends that ICAC should maintain a register for recording all gifts of an estimated value above \$400 that are offered to the Commissioner of ICAC in his official capacity, and the respective ways those gifts are disposed of, and upload the register to ICAC's website for public inspection.

## **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 8    Conclusions and recommendations**

#### **Conclusions**

#### Views on 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

8.1        The ICAC Ordinance provides the statutory charter to protect the Commission's independent operations. Under the Ordinance, the Commissioner of ICAC enjoys a high degree of independence over the management of ICAC's staffing and financial matters. As head of the department and the controlling officer designated under the Public Finance Ordinance, the Commissioner is given wide discretion in determining the internal administrative matters of ICAC.

8.2        On another front, a corruption-free system and culture forms part of Hong Kong's core values that must not be shaken and is integral to maintaining its competitive edge in development. As ICAC is entrusted with the important task to combat corruption and safeguard a corruption-free Hong Kong, the general public have high expectation for ICAC, its Commissioner and other officers to spare no efforts to fulfil

this important task. As the head of ICAC, the Commissioner has a wide range of statutory duties and is responsible for the integrity and discipline of all ICAC officers under his leadership. As such, the Commissioner should set a good example by acting with great vigilance and serve as a role model of probity and integrity in public service.

8.3 The findings of the Select Committee on matters relating to Mr TONG Hin-ming's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC are summarized as follows:

*Official duty visits*

- (a) The Select Committee is concerned whether during his tenure as the Commissioner of ICAC, Mr TONG might have focused too much on duty visits which aimed, among others, to promote abroad the anti-corruption regime in Hong Kong and exchange experience with counterparts and might have neglected the duties and responsibilities expected of ICAC locally in Hong Kong<sup>56</sup> (paragraph 4.20);
- (b) Based on the information currently available and the evidence given by Mr TONG, the Select Committee is

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<sup>56</sup> During the examination of paragraph 4.20, members voted on Mr Dennis KWOK's proposal to add "高度" before "關注" in this paragraph and to add "，沒有盡忠職守，履行廉政專員的責任" to the end of this sentence. The proposal was negated (please refer to paragraph 32 of the Minutes of Proceedings of the meeting held in the morning of 23 June 2014 in this Report).

unable to ascertain the role and involvement of Mr TONG in the decision-making process for the various duty visits, including the point of time he became aware of the excessive non-official duty related activities in two of his duty visits, and whether he had made the best effort to change the itineraries or decline such activities after he became aware of them (paragraphs 4.21 to 4.22);

- (c) Regarding his four duty visits for which procurement orders for his air passages had been issued before approval for the duty visits from CE was obtained, and the modification of his air passage for making departure from Hong Kong for a trip two days earlier on 14 May 2010 for private reasons without seeking CE's approval, Mr TONG told both PAC and the Select Committee that he had no knowledge of the details of the procurement of air passages since he had not been personally involved in such procurement. In the absence of information on relevant facts, the Select Committee is not able to draw any conclusion as to the responsibility of Mr TONG in this regard (paragraphs 4.23 to 4.24);

*Official entertainment*

- (d) 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. Besides, in approving the estimates of expenditure on official entertainment, 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. The Select Committee is of the view that Mr TONG had not properly fulfilled his responsibilities as a controlling 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 (paragraphs 5.30 to 5.35);

- (e) The Select Committee considers that Mr TONG's serving of hard liquor at official entertainment functions during his tenure is inappropriate<sup>57</sup> as consumption of hard liquor, even in a sensible and moderate way, by ICAC officers attending official entertainments will arouse public concern as to whether official confidential

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<sup>57</sup> During the examination of paragraph 5.36, members voted on Mr Dennis KWOK's proposal to add "，並予以譴責" after "不恰當" in this sentence. The proposal was negated (please refer to paragraph 50 of the Minutes of Proceedings of the meeting held in the morning of 23 June 2014 in this Report).

information may be divulged under the influence of alcohol by those officers, thus undermining public confidence in ICAC (paragraphs 5.36 to 5.37);

(f) The Select Committee has not been able to obtain relevant evidence to prove the truthfulness of the media report on the dinner hosted by ICAC for the Consuls General in Hong Kong on 8 September 2011, nor has it been able to ascertain the role and involvement of Mr TONG in making decisions on the content, scope and mode of the event. 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>58 59</sup> (paragraphs 5.38 to 5.39);

(g) 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

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<sup>58</sup> During the examination of paragraph 5.39, 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>59</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).



parties, the Select Committee is concerned whether Mr had thoroughly considered that unduly close contacts between 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>60</sup>. Yet, the Select Committee has not been able to obtain any relevant evidence in this respect<sup>61</sup> (paragraph 5.40);

*Bestowing of gifts*

- (h) The information gathered from different sources and the evidence given by Mr TONG to PAC and the Select Committee show that in deciding the gifts to be bestowed and procured for government officials of different places, Mr TONG was the approving authority for the procurement of such gifts and/or had a role in the relevant decision-making process. As such, the Select Committee considers that he played a pivotal role in the bestowal of such gifts (paragraphs 6.16 to 6.17);

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<sup>60</sup> During the examination of paragraph 5.40, members voted on Mr Dennis KWOK's proposal to add "，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 of 23 June 2014 in this Report).

<sup>61</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).

- (i) Bestowing expensive gifts, particularly those of a personal nature, can easily give rise to corrupt practices. The Select Committee takes the view that Mr TONG lacked vigilance in this respect and the prudence expected of him as the Commissioner of ICAC. In this connection, the Select Committee considers that the way Mr TONG handled the matters relating to the bestowing of gifts is not commensurate with the values of probity and integrity advocated by ICAC, and has damaged the image of ICAC, thus tarnishing its reputation (paragraph 6.18);

*Receipt of gifts*

- (j) Due to the lack of relevant information, the Select Committee is unable to conclude whether Mr TONG had disposed of the gifts presented to him in his private capacity in compliance with the requirements of AAN. For the same reason, the Select Committee is also unable to come to a conclusion on whether Mr TONG had committed any acts of non-compliance in disposing of the gifts offered to him in his official capacity during his tenure (paragraphs 7.19 to 7.20); and
- (k) The Select Committee has reservation over the way in which Mr TONG handled the admission tickets to two Olympic Equestrian Events offered by the Hong Kong Jockey Club. Despite the collaborations between ICAC

and the Hong Kong Jockey Club in combatting corruption and illegal activities, ICAC has statutory investigative functions over organizations including the Hong Kong Jockey Club and it has handled cases involving the personnel of the Hong Kong Jockey Club. Mr TONG however still made an application to CE to accept the gift on the grounds that attending such events was in the interest of ICAC. This reflects that he was not aware of the potential conflict of roles (paragraphs 7.21).

8.4 Overall speaking, due to the lack of relevant information and evidence, the Select Committee is not able to come to a conclusion on whether there was non-compliance or mishandling on the part of Mr TONG in respect of the matters relating to his official duty visits and receipt of gifts during his tenure as the Commissioner of ICAC. However, the information and evidence obtained by the Select Committee clearly show that in handling matters relating to official entertainment and bestowing of gifts, Mr TONG ignored the principle of frugality and the need to avoid extravagance, lacked the prudence expected of him as the Commissioner of ICAC, and failed to properly exercise the discretionary power vested in him as head of department in these respects. Therefore, the Select Committee is of the view that Mr TONG had not properly discharged his responsibilities as a controlling officer designated under the Public Finance Ordinance in handling matters relating to official entertainment and bestowing of gifts. The ways he handled such matters are not commensurate with the values of probity and integrity advocated by ICAC and fall short of public expectation of

the Commissioner of ICAC, and have damaged the image of ICAC, thus tarnishing its reputation.

#### Views on the refusal of ICAC to provide relevant information

8.5 At the early stage when the Select Committee commenced its work, ICAC assured the Select Committee that it was willing to co-operate with the Committee in its work. However, in the course of the inquiry when the Select Committee requested ICAC to provide information on Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner, ICAC declined to do so on the grounds that this might prejudice the integrity of its on-going criminal investigation or subsequent criminal prosecution, if any, against Mr TONG. In this connection, the Select Committee has made it clear to ICAC that the Select Committee does not subscribe to its view since the Select Committee is committed to eliminating any adverse impacts on the judicial proceedings that may subsequently be instituted by adopting appropriate measures in accordance with its Practice and Procedure in the course of its inquiry. These measures have proved to be effective as seen from the relevant experience of the past select committees of LegCo. However, ICAC has maintained its original stance of not providing to the Select Committee the information relating to Mr TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of ICAC. The Select Committee finds it unacceptable and regrettable.

## Recommendations

8.6 The Select Committee notes that ICAC has made a number of amendments to its CSO<sup>62</sup> to strengthen the provisions relating to official duty visits, entertainment and bestowing of gifts for enhanced clarity. The Select Committee supports the amendments and has made the following recommendations for improvement in the relevant chapters of this Report:

### *Official duty visits*

- (a) Duty visits should only be undertaken by the Commissioner of ICAC on an "absolute need" basis and CE should use this as an important basis for approving the duty visits of the Commissioner of ICAC(paragraph 4.25);
- (b) It is necessary for ICAC to put in place a mechanism to review, upon completion of the Commissioner's duty visits outside Hong Kong, the effectiveness of the visits in achieving the intended objectives and results. It should also report to ACOC on such reviews and provide more details of the Commissioner's duty visits in its Annual Report so as to facilitate public understanding of the Commissioner's duty visits and the achievements made (paragraphs 4.27 to 4.28);

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<sup>62</sup> Please refer to paragraphs 4.24, 4.26, 5.32, 5.35, 5.37 and 6.19 of this Report.

- (c) ICAC should clearly set out in its annual budget submitted to ACOC the estimated expenditure for the duty visits to be undertaken by ICAC in the following year. It should also report to ACOC on an annual basis the actual expenditure it spends on duty visits, including the actual expenditure for the Commissioner's duty visits (paragraph 4.29);

*Bestowing of gifts*

- (d) In order to tighten the control over the expenditure on gifts, ICAC should set out clearly in its annual estimates of expenditure submitted to ACOC the estimated expenditure on gifts for the following year and report to ACOC the actual annual expenditure on gifts (paragraphs 6.19 to 6.21); and

*Receipt of gifts*

- (e) To increase transparency of the disposal of gifts on the part of the Commissioner, ICAC should maintain a register for recording all gifts of an estimated value above \$400 that are offered to the Commissioner in his official capacity, and the respective ways those gifts are disposed of, and upload the register to ICAC's website for public inspection (paragraph 7.24).

8.7 As regards the checks and balances on the power of the Commissioner over the administrative matters of ICAC, the Select Committee is concerned whether any ICAC staff had raised objections to or lodged complaints about the ways Mr TONG handled matters relating to official duty visits, entertainment, and bestowing and receipt of gifts during his five-year tenure as the Commissioner of ICAC, but it is unable to obtain any relevant evidence in this respect (paragraphs 2.28, 5.15 and 6.15 above). Nevertheless, the Select Committee notes that ICAC decides on many matters relating to ICAC's official duty visits, entertainment, and bestowing and receipt of gifts at the Commissioner's Weekly Meetings at which discussions are led by the Commissioner of ICAC. Key officers of ICAC attending the meetings include Head of Operations, Director of Community Relations, Director of Corruption Prevention and Assistant Director of the Administration Branch (**Appendix 21**). To enhance the checks and balances on the powers of the Commissioner of ICAC, the Select Committee recommends that views expressed by the attendees at the meetings which are obviously different from those of the Commissioner and are not accepted by the Commissioner must be clearly put on record in the minutes of the relevant meetings.

8.8 The Select Committee notes that there is an internal investigation and monitoring unit, namely L Group, in ICAC<sup>63</sup>. The Select Committee has enquired with ICAC whether L Group has received any complaints against Mr TONG about the ways he handled official entertainment, bestowing of gifts or duty visits during his tenure, and how

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<sup>63</sup> Information on L Group of ICAC is set out in paragraph 3.8 of this Report.

L Group has followed up such complaints. However, ICAC advised in its reply (**Appendix 10**) that it could not provide the relevant information since such information fell within the scope of its criminal investigation against Mr TONG. Having examined the information obtained, the Select Committee is concerned whether there is currently an effective mechanism for handling complaints against the Commissioner of ICAC. In this connection, the Select Committee recommends that the Chief Executive should consider putting in place such a mechanism.

8.9 The Select Committee hopes that apart from implementing the improvement measures announced, the Chief Executive and ICAC will actively consider adopting the improvement measures recommended by the Select Committee to introduce sufficiently effective checks and balances and enhance the transparency of ICAC's internal administration, with a view to maintaining the reputation of Hong Kong as one of the cleanest places in the world and that of ICAC as the forerunner in corruption prevention, as well as restoring the credibility of the work of ICAC in providing preventive education and enlisting public support against corruption.



**Part III Provision of information by the Independent Commission Against Corruption to the Finance Committee of the Legislative Council**

**Chapter 9 The manner in which ICAC provided information related to the official duty visits and bestowing of gifts by Mr Timothy TONG Hin-ming during his tenure as the Commissioner of ICAC to the Finance Committee of the Legislative Council in April 2013**

9.1 Prior to the special meetings of FC of LegCo to examine the Estimates of Expenditure 2013-2014, Members had raised some questions about the actual expenditure incurred by ICAC in the past and its estimates of expenditure for the coming year. A Member had requested ICAC to provide information on the number of official duty visits conducted by Mr Timothy TONG Hin-ming during his tenure as the Commissioner of ICAC, and the relevant expenditure on gifts presented by him to government officials of different places and paid out of public funds. At the special FC meeting on 9 April 2013, Members requested ICAC to provide further information regarding the official duty visits and gifts presented to government officials of different places by Mr TONG. After ICAC had given its replies to FC, there were media reports that some items were omitted from the information provided by ICAC to FC regarding the gifts presented by Mr TONG to government officials of different places during his tenure, which aroused wide public concern.

9.2 This chapter gives a detailed account of the sequence and development of events concerning ICAC's provision of information to FC in April 2013 regarding the bestowing of gifts by Mr Timothy TONG Hin-ming during his tenure of former Commissioner of ICAC, the written information provided by ICAC to the Select Committee, and the evidence given by the incumbent Commissioner and two ICAC officers at the hearing of the Select Committee. The relevant findings and recommendations of the Select Committee are also provided in this chapter.

### **Sequence and development of events**

9.3 Prior to the special FC meetings to examine the Estimates of Expenditure 2013-2014, ICAC provided on 3 April 2013 its reply to Hon Dennis KWOK's question: "Please (also) state the number of occasions on which Timothy HM TONG presented government officials of different places with gifts paid out of public funds during his tenure and the actual amount on each occasion" (**Appendix 40**), setting out the number of occasions on which Mr TONG presented government officials of different places with gifts paid out of public funds during his tenure as the Commissioner of ICAC, and the relevant expenditure.

9.4 At the special FC meeting on 9 April 2013, Hon Dennis KWOK requested provision of a list of gifts presented by Mr TONG to government officials of different places and paid out of public funds during his tenure as the Commissioner of ICAC, and the list of such

officials on each occasion. On 22 April 2013, ICAC provided its reply to FC (**Appendix 33**), which set out a list of gifts presented by Mr TONG to government officials of different places during his tenure as the Commissioner of ICAC.

9.5 On 26 April 2013, it was reported by the media that apart from the public funds of \$220,000 spent by Mr TONG on bestowing gifts as stated in ICAC's replies to FC, there were other expenses on gifts bestowed during Mr TONG's tenure which had not come to light. On the same day, ICAC issued a press release (**Appendix 41**), admitting that food items were not included in the aforesaid replies submitted to FC and extending its apology for any misunderstanding caused.

9.6 At the meeting of LegCo Panel on Security on 27 May 2013, Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, clarified that the total expenditure on gifts presented by Mr TONG to government officials of different places should be \$282,873. He provided the following information on the omissions (**Appendix 42**):

- (a) food items of \$56,800 in value, including cookies and cakes;
- (b) ICAC pens and pins of a total value of \$3,650 during a duty trip to Bali in November 2007 for attending a conference; and
- (c) ICAC key rings and cufflinks of a total value of \$3,750.

9.7 To look into the authenticity and comprehensiveness of the information provided by ICAC to FC, as well as the process and procedure for preparation and vetting of the relevant information, the Select Committee requested ICAC to provide written information in this regard and invited Mr Simon PEH Yun-lu, the incumbent Commissioner, Ms Julie MU Fee-man, Director of Community Relations, and Mrs Jennie AU YEUNG WONG Mei-fong, Acting Assistant Director of Administration of ICAC to attend a hearing on 1 March 2014 to take evidence from them on this issue.

9.8 In its written reply (**Appendix 42**) to the Select Committee, ICAC confirmed that in the replies it had submitted to FC, the information which was related to gifts presented to guests in official capacity and paid out of public funds by Mr TONG during his tenure was inaccurate. Information on some food items and small gift items was omitted from the replies inadvertently.

### **Workflow of the preparation of ICAC's replies**

9.9 Regarding the workflow of the preparation and vetting of ICAC's replies, according to the written information provided by ICAC (**Appendices 43 and 44**), ICAC's Senior Staff Officer/Management and Administration forwarded the question of Hon Dennis KWOK, which reads, "Please state the number of occasions on which Timothy HM TONG presented government officials of different places with gifts paid out of public funds during his tenure and the actual amount on each

occasion" to the relevant Heads of Departments for their preparation of draft replies after receiving it from the Financial Services and the Treasury Bureau. At that time, Director of Community Relations and Acting Assistant Director of Administration of ICAC had discussed the information that was needed for preparing the reply. After discussion, they decided to only include the information in relation to "souvenirs" given out to officials on the understanding that food items like cakes and cookies, though presented to government officials, were meant for their staff's consumption. After the Commissioner's Weekly Meeting<sup>64</sup> discussed<sup>65</sup> the relevant reply, Executive Officer/Finance co-ordinated the answers of the departments concerned and drafted the reply based on the comments received during ICAC's Commissioner's Weekly Meeting. After the revision and vetting by the Administration Branch, the draft reply was submitted to the Commissioner of ICAC for approval and signature before it was forwarded to LegCo via the Financial Services and the Treasury Bureau.

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<sup>64</sup> According to the information provided by ICAC to the Select Committee (**Appendix 21**), members of 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.

<sup>65</sup> Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, and Ms Julie MU Fee-man, Director of Community Relations, have testified before the Select Committee on the relevant discussion at ICAC's Commissioner's Weekly Meeting (paragraphs 9.13 to 9.14 below).

## **Reasons for the inaccuracies in the replies to FC**

### Exclusion of food items from the replies to FC

9.10 Regarding the inaccuracies in the information provided by ICAC to FC in April 2013 on the gifts presented by Mr TONG to government officials of different places during his tenure, Mr Simon PEH Yun-lu, the incumbent Commission, ICAC, stressed in his response at the hearing of the Select Committee that ICAC had not deliberately concealed information on this matter.

9.11 Regarding the exclusion from its replies to FC of the food items presented by Mr TONG to officials of different places during his tenure, according to the written information provided by ICAC (**Appendix 44**), the Director of Community Relations and the Acting Assistant Director of Administration of ICAC had decided after discussion to exclude food items from ICAC's replies to FC on the understanding that food items, though presented to officials, were meant for their staff's consumption.

9.12 In order to understand the discussion process of the ICAC officers concerned in determining how to provide the relevant information to FC, the Select Committee has requested ICAC to provide the internal communications between the officers involved and the relevant extracts of the minutes of ICAC's Commissioner's Weekly Meeting. However, ICAC has refused to provide the relevant records on the grounds that such records fell within the scope of its criminal investigation against Mr TONG.

9.13 Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, pointed out in his evidence that all the questions concerning the special FC meetings as well as ICAC's replies were discussed at the ICAC's Commissioner's Weekly Meeting. As far as he knew, the ICAC officers' understanding at that time was that souvenirs presented to officials should form the basis of the replies and there was such reference in ICAC's reply submitted to FC (**Appendix 40**)<sup>66</sup>. As regards the details of the discussion between the Director of Community Relations and the Acting Assistant Director of Administration of ICAC, he had no such knowledge as such details were not discussed at the relevant ICAC's Commissioner's Weekly Meeting.

9.14 Ms Julie MU Fee-man, Director of Community Relations, ICAC, said in her evidence that she had informed the attendees at the ICAC's Commissioner's Weekly Meeting that after her discussion with the Acting Assistant Director of Administration, both of them considered that the "gifts" referred to in Hon Dennis KWOK's question should mean "souvenirs". Moreover, as the question touched on the number of occasions on which the Commissioner presented gifts to government officials of different places and the amount of such gifts, and the Commissioner might visit more than one organization in each duty visit, she and the Acting Assistant Director of Administration decided after discussion that the number of duty visits should be taken as the basis for calculation of the total value of the souvenirs presented to various organizations in each duty visit.

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<sup>66</sup> It was specified in ICAC's reply to FC that "in each activity or duty visit, the Commissioner may present souvenirs to more than one organization and/or more than one person".

9.15 Ms Julie MU Fee-man, Director of Community Relations, ICAC, admitted that with hindsight, the way in which she and the Acting Assistant Director of Administration had handled or interpreted the matter was flawed. However, she stressed that they had absolutely no intention to conceal any information. At that time they thought the food items were only presented to organizations rather than any specific officials, they therefore did not include the food items in the replies and prepared the replies based on souvenirs.

9.16 The Select Committee asked Mr Simon PEH Yun-lu, the incumbent Commissioner, ICAC, whether the ICAC officers were negligent in failing to include food items in the replies to FC. Mr PEH told the Select Committee that ICAC's criminal investigation against Mr TONG involved all the ICAC officers concerned. Although the preparation of replies for submission to FC in April 2013 was not the work handled during Mr TONG's tenure, ICAC would consider the matter from a holistic perspective and see if there was any wrongdoing of ICAC officers after deciding whether criminal prosecution should be instituted.

#### Other reasons for the inaccuracies in the replies to FC

9.17 ICAC has explained in its written reply (**Appendix 44**) that like many other government departments using the Treasury's Government Financial Management Information System ("GFMIS"), ICAC did not keep a separate accounting and payment record or a central register of gifts bestowed. The GFMIS only kept transaction records



chronologically based on the transactions processed in a day by the Administration Branch's Finance Office. Besides, it did not keep details of individual items and was not meant for the retrieval of transactions by the type of items. Given the time pressure when answering FC's questions, ICAC had based on the records readily available and kept by user departments. However, it was learnt afterwards that such records were incomplete and there were inadvertent human errors during the compilation of the required information. If ICAC had to go through the 25 000 odd transaction records stored in the GFMIS, it would have to dig out manually the relevant payment records and vouchers from some 600 paper files, which was a nearly impossible task to provide replies to FC's questions on or before the deadline.

9.18 Mr Simon PEH Yun-lu, the incumbent Commissioner of ICAC, further pointed out in his evidence that at that time, apart from making entries in the financial accounts for the souvenirs and gifts presented, ICAC did not keep a full register of separate items. During Mr TONG's five-year tenure as the Commissioner of ICAC, while souvenirs and gifts presented in the name of ICAC were mainly procured by CRD, other departments such as the Administration Branch had also involved in the procurement of such souvenirs and gifts. Given the staff changes in both the Administration Branch and CRD during those five years, individual incumbent officers in the two departments did not have full access to the information on all the gifts and souvenirs presented by the former Commissioner during the period. For these reasons, the replies to the questions for the special FC meetings were based on the information on souvenirs presented to officials recorded and kept by

respective units under CRD and the Administration Branch. It was found subsequently that such record was not the full record of souvenirs presented to officials.

9.19 Mr PEH further said that he had apologized to LegCo and the public for this incident, and ICAC had proceeded to enhance its record system. Apart from accounting vouchers, ICAC would keep separate records and computerize its records so that it would be able to provide accurate and timely replies to questions of LegCo after checking manual or computer records in future.

### **Findings and recommendations**

9.20 Regarding the submission of replies to the initial and supplementary questions raised by members of FC in respect of the Estimates of Expenditure for 2013-2014, the Select Committee is mainly concerned about the reasons why ICAC, in response to Hon Dennis KWOK's request for information on "gifts" presented by Mr TONG to officials of different places and paid out of public funds, provided information only on the "souvenirs" presented by Mr TONG while omitting information on the food items given by Mr TONG to officials of different places .

9.21 As seen from the sequence of events, ICAC issued a press release on 26 April 2013 subsequent to media reports on the same day to admit that food items were not included in the replies to FC. ICAC

further clarified the details of the items omitted at the meeting of the Panel on Security on 27 May 2013.

9.22 According to ICAC's written reply to the Select Committee, the failure to include the information on food items in the replies to FC was attributable to the wrong judgment of the ICAC officers concerned, i.e. Director of Community Relations and Acting Assistant Director of Administration, in determining the information to be provided to FC. Both of them considered that "gifts" presented by Mr TONG to government officials of different places and paid out of public funds during his tenure referred to "souvenirs" presented by Mr TONG to officials of different places, and that food items presented to officials were meant for their staff's consumption. Hence, food items presented by Mr TONG to officials of different places were not included in the replies.

9.23 According to the responses of Mr Simon PEH Yun-lu, the incumbent Commissioner, and Ms Julie MU Fee-man, Director of Community Relations of ICAC at the hearing of the Select Committee, although the Director of Community Relations had informed the other attendees at the Commissioner's Weekly Meeting that she and the Acting Assistant Director of Administration understood the term "gifts" to mean "souvenirs", Mr PEH's evidence indicated that they did not bring up the details of their discussion at the meeting, including their decision of excluding the food items from the replies based on such understanding. Therefore, this issue was not discussed at the meeting, and Mr PEH did not know the details of their discussion.

9.24 The Select Committee finds that there is nothing ambiguous in Hon Dennis KWOK's questions to seek relevant details of the gifts which were presented by Mr TONG to officials of different places and paid out of public funds. Generally speaking, the term "gifts" has a broader meaning than "souvenirs". Food items presented to other people are obviously "gifts" and whether they are for other staff's consumption or not is immaterial.

9.25 Given its on-going criminal investigation, ICAC has declined to provide the Select Committee with information on the relevant internal communications between ICAC officers and the minutes of the discussion at the relevant ICAC's Commissioner's Weekly Meeting. Based on the information and evidence obtained, the Select Committee considers that the Director of Community Relations and the Acting Assistant Director of Administration had made a wrong judgment to treat "gifts" as "souvenirs" and finds their decision not to include food items presented by Mr TONG to officials of different places during his tenure in the replies inexplicable.

9.26 ICAC has explained that under time pressure and in the absence of systematic file records, it had difficulties in retrieving the complete information. The Select Committee finds it understandable for ICAC's inadvertent human errors during the collation of information and the resultant omission of information on some small gift items (such as ICAC key rings and pins) apart from food items. The Select Committee notes that ICAC has proceeded to enhance the record system such as by computerization of the records.

9.27 FC of LegCo holds special meetings every year to examine the Estimates of Expenditure of the Government, including those of ICAC. Members may seek detailed information before or during the meetings regarding the actual expenditure incurred by the respective departments in the past and the estimates of expenditure for the coming year, and may request the relevant authorities to explain the increase or decrease in expenditure. This is an important channel for LegCo to monitor the use of public funds by government departments, including ICAC. Hence, individual departments are obliged to make their utmost efforts to provide FC with the information and explanations sought by Members.

9.28 The Select Committee considers that in providing information to LegCo and its committees, the Administration should not fastidiously weigh every word in Members' questions, selectively withhold certain information which is not directly mentioned in the wording or circumvent the requirement for provision of information to LegCo and its committees by tricky means. Article 64 of the Basic Law requires that "The Government of the Hong Kong Special Administrative Region must abide by the law and be accountable to the Legislative Council of the Region: ...it shall answer questions raised by members of the Council..." It is, therefore, the constitutional duty of ICAC and other government departments to provide accurate, complete and comprehensive information to LegCo and its committees. With regard to the examination of the Estimates of Expenditure, Members are particularly concerned about non-standard approaches and expenditure items. Members expect the Administration to consider the main points of concern behind Members' questions and make the best efforts to provide

complete and detailed information. The Select Committee hopes that ICAC and the other government departments will draw reference from this incident and answer LegCo Members' questions in a co-operative and earnest manner in future. The Select Committee expresses deep regret at the failure of ICAC to provide complete and detailed replies to FC for the aforesaid questions of Members<sup>67</sup>.

9.29 The Select Committee also wishes to take this opportunity to recommend the various other government departments currently using the Treasury's GFMIS to expeditiously maintain a complete and systematic financial record on separate expenditure items and computerize such records to enable these departments to provide timely and accurate replies in response to LegCo Members' questions on expenditure.

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<sup>67</sup> Members voted on Mr Dennis KWOK's proposal to substitute "初期" for "這次" and to substitute "提供不盡不實的答覆" for "未能提供完整詳盡的答覆" in this sentence. The proposal was negatived (please refer to paragraph 103 of the Minutes of Proceedings of the meeting in the morning of 23 June 2014 in this Report).



## **Acknowledgement**

The Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption wishes to thank all witnesses who have appeared before it to give evidence. The Select Committee also records its appreciation to the staff of the Legislative Council Secretariat for their support and assistance throughout its work.



## Members of the Select Committee who signed the report



**IP Kwok-him** (*Chairman*)




**CHAN Hak-kan**



**Dr Priscilla LEUNG Mei-fun**



**WONG Kwok-kin**



**Paul TSE Wai-chun**



**Ir Dr LO Wai-kwok**



**CHUNG Kwok-pan**



**Tony TSE Wai-chuen**

## **Members of the Select Committee who did not sign the report**

**Cyd HO Sau-lan** (*Deputy Chairman*)

**James TO Kun-sun**

**WONG Yuk-man**

**Kenneth LEUNG**

**Dennis KWOK**

# Abbreviations



## Abbreviations

AAN	Acceptance of Advantages (Chief Executive's Permission) Notice
ACOC	Advisory Committee on Corruption
CE	The Chief Executive
"Commission-wide" gifts	Gifts and souvenirs were attributed to the Commissioner of Independent Commission Against Corruption or Commission-wide events
Council	Legislative Council
CPPCC	Chinese People's Political Consultative Conference
CRD	Community Relations Department of the Independent Commission Against Corruption
CSBC No. 4/2007	Civil Service Bureau Circular No. 4/2007
CSO	Independent Commission Against Corruption's Commission Standing Orders
FC	Finance Committee
GFMIS	Government Financial Management Information System
HC	House Committee of the Legislative Council
IAACA	International Association of Anti-Corruption Authorities
ICAC	Independent Commission Against Corruption

IRC	Independent Review Committee on the Independent Commission Against Corruption's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits
LegCo	Legislative Council
LOCPG	Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region
OCMFA	Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region
PAC	Public Accounts Committee of the Legislative Council
POBO	Prevention of Bribery Ordinance (Cap. 201)
RoP	Rules of Procedure of the Legislative Council
the ICAC Ordinance	Independent Commission Against Corruption Ordinance (Cap. 204)
the IRC Report	Report of the Independent Review Committee on Independent Commission Against Corruption's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits (The Redacted Version)
the PAC Report	Public Accounts Committee Report No. 60A
the Petition	Petition jointly signed by Hon Dennis KWOK and Hon Cyd HO
UNCAC	United Nations Convention Against Corruption

# Appendices





呈  
香港特別行政區  
立法會主席及全體議員

## 呈請書

(根據議事規則第 20 條提交)

廉政公署成立至今三十九年，一直戮力肅貪倡廉的工作，令香港成為一個足以自豪及備受世界讚賞的廉潔城市。

今年四月，本會議員在審議財政預算案期間，披露前任廉政專員湯顯明在任期間多次境外訪問並花費大量公帑宴請及送禮予境外及駐港官員，令公眾質疑湯顯明先生的做法著實違背了廉署一直以來提倡的廉潔奉公的社會核心價值，對廉署的威信及形象造成極大的破壞。以及，廉署在回應本會議員在財務委員會的跟進質詢，所提供的資料不盡不實，有誤導立法會之嫌，故立法會實在有必要跟進事件。

儘管立法會政府帳目委員會將會跟進審計署有關廉署的衡工量值報告，以及行政長官梁振英成立了「廉政公署公務酬酢、餽贈及外訪規管制度和程序獨立檢討委員會」，惟均無法全面跟進湯顯明先生的外訪、宴請及送禮事宜。因此，我們懇請各位議員支持此呈請書，以挽回廉署的威信及形象，重彰香港廉潔奉公的核心價值。

呈請人：  
郭榮鏗  
何秀蘭

2013 年 5 月 8 日

**Practice and Procedure of the Select Committee**

"The terms of reference of the Select Committee, which reflect the substance of the petition jointly presented by Hon Dennis KWOK and Hon Cyd HO at the Council meeting of 8 May 2013 and referred to the Select Committee under Rule 20(6) of the Rules of Procedure, are as follows -

"To inquire into whether the official duty visits, entertainment, and the bestowing and receipt of gifts by Mr Timothy TONG during his tenure as Commissioner of the Independent Commission Against Corruption are commensurate with his official capacity and the values of probity and integrity advocated by the Independent Commission Against Corruption, and how the Independent Commission Against Corruption provided information related to the above matters to the Finance Committee of the Legislative Council."

2. The procedure of the Select Committee is governed by the Rules of Procedure of the Legislative Council and the relevant provisions in the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) insofar as they are applicable. For reason of operational needs and in the interest of fair conduct of business, the Select Committee has determined and established its own set of practice and procedure, as detailed in the ensuing paragraphs. The practice and procedure include those not expressly provided for in the Rules of Procedure and Cap. 382.

**Principles**

3. In determining its own practice and procedure, the Select Committee has drawn reference from those adopted by previous select committees and committees which carry out investigations and has applied the following principles:

- (a) the practice and procedure should be fair and seen to be fair, especially to parties whose interests or reputation may be affected by the proceedings of the Select Committee;
- (b) there should be maximum transparency in its proceedings as far as practicable;

- (c) the practice and procedure should facilitate the ascertaining of the facts relevant to, and within the scope of, its inquiry, as set out in the Select Committee's Terms of Reference, which do not include the adjudication of the legal liabilities of any parties or individuals;
- (d) its proceedings should be conducted with efficiency; and
- (e) the cost of the proceedings should be kept within reasonable bounds.

## **Practice and procedure**

### Term of office

4. In accordance with Rules 78(4) and (5) of the Rules of Procedure, the Select Committee shall be dissolved upon reporting to the Council or at the end of a term. If the Select Committee is of the opinion that it will not be able to complete consideration of the matter before the end of a term, it shall so report to the Council.

### Chairmanship

5. All meetings of the Select Committee are chaired by the Chairman or, in his absence, by the Deputy Chairman. In accordance with Rule 79(3) of the Rules of Procedure, in the event of the temporary absence of the Chairman and Deputy Chairman, the Select Committee may elect a chairman to act during such absence.

### Quorum

6. Rule 78(3) of the Rules of Procedure provides that the quorum of a select committee shall be one-third of the members excluding the chairman (a fraction of the whole number being disregarded). The Clerk to the Select Committee ("the Clerk") will draw to the attention of the Chairman on the absence of a quorum as and when there is such absence.

### Voting

7. In accordance with Rules 79(5), 79(6), and 79A(1) of the Rules of Procedure, divisions in the Select Committee shall be taken by the Clerk who shall ask each member separately how he/she wishes to vote and

record the votes accordingly. Neither the Chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he/she shall have a casting vote, which shall not be exercised in such a way as to produce a majority vote in favour of the question put.

8. Decisions of the Select Committee shall be decided by a majority of the members present and voting, which is done by a show of hand. Abstentions are not counted for the purpose of determining the result of the vote.

#### Obtaining evidence

9. The Select Committee may invite any person or body to attend a meeting to give evidence orally. The Select Committee may also request any person or body to give evidence in writing or any person or body to produce specified documents to the Select Committee.

10. Any person attending before the Select Committee to give evidence or to produce any paper, book, record or document before the Select Committee is not protected by privileges given to witnesses by section 14(1) of Cap. 382.

#### Conduct of meetings

##### *General principles*

11. In accordance with Rule 79(1) of the Rules of Procedure, the deliberations of the Select Committee shall be confined to the matter or matters referred to it by the Council.

12. A schedule of meetings for the Select Committee is usually agreed beforehand, but the Chairman has the authority to determine the agenda, and to vary the schedule by changing the date, time and venue of meetings, which includes venues outside of the Legislative Council Complex. Members of the Select Committee will be notified by the Clerk of the agenda or any variations determined by the Chairman.

13. In accordance with Rule 79(2) of the Rules of Procedure, meetings of the Select Committee shall be held in public unless the Chairman otherwise orders in accordance with a decision of the Select Committee.

*Meetings for the examination of witnesses*

14. Examination of witnesses will normally be conducted in public. Exceptions to open hearings may be made as decided by the Select Committee, based on the individual circumstances of each occasion.

15. During open hearings, members should only ask questions for the purpose of ascertaining facts relevant to, and within the scope of, the Select Committee's inquiry. Members should not make comments or statements during these hearings.

16. Open hearings are generally conducted in the following manner:

- (a) at the beginning of each open hearing, the Chairman reminds the public and the media that dissemination or disclosure of the evidence given at the hearing outside of the proceedings of the Select Committee is not protected under Cap. 382. The media should obtain legal advice as to their legal responsibilities;
- (b) before the examination of a witness, the Chairman will remind the witness as appropriate that –
  - (i) the witness is not protected under Cap. 382; and
  - (ii) any person, who before the Select Committee intentionally gives a false answer to any question material to the subject of inquiry during the course of any examination or presents to the Select Committee any false, untrue, fabricated or falsified document with intent to deceive the Select Committee, commits an offence;
- (c) facts are established by questions and evidence given at hearings. Usually, the Chairman will first make an introduction and then ask the witness an appropriate opening question, giving him/her an opportunity to state his/her case;
- (d) members wishing to ask questions should so indicate by a show of hand and they will ask the questions when called upon by the Chairman. The Chairman will ensure, as far as possible, that members have equal opportunities to ask

questions and that the hearing is conducted in a structured and fair manner;

- (e) the Chairman will decide whether a question or evidence is relevant to, and within the scope of, the Select Committee's inquiry, as set out in its Terms of Reference;
- (f) short follow-up questions may be allowed to seek further answers to the original question or clarifications to the answers given. The Chairman has the discretion to decide whether a question is a follow-up question and whether it should be allowed or otherwise; and
- (g) the privileges of Members provided in Cap. 382 are available only within the context of the hearings. All Members, including non-Select Committee Members should refrain from making comments relating to the hearing outside of the proceedings of the Select Committee. Evidence given in closed meetings should not be made public by any members.

17. Subject to the Select Committee's decision, witnesses attending before the Select Committee may be allowed to be accompanied by other persons, who may include legal adviser(s), to assist the witnesses concerned. However, such accompanying person(s) may not address the Select Committee.

*Measures taken to avoid possible prejudice to a person's interest in pending legal proceedings*

18. In accordance with Rule 41(2) of the Rules of Procedure, a Member shall not make reference in his/her speech to a case pending in a court of law in such a way as, in the opinion of the President or the Chairman, might prejudice that case. This rule applies to the proceedings of the Select Committee by virtue of Rule 43 of the Rules of Procedure.

19. If there are pending legal proceedings arising from matters which are related to the subject of the Select Committee's inquiry, the following measures will be adopted to avoid possible prejudice to a person's interest in pending legal proceedings:

- (a) the Department of Justice will be asked to keep the Select Committee informed of the development of the criminal proceedings concerned, if any;
- (b) the Chairman would explain to each witness that the function of the Select Committee is not to adjudicate on the legal liability of any party or individual and advise him/her of the Chairman's power to disallow the making of any reference to a case pending in a court of law if such reference might, in the Chairman's opinion, prejudice the proceedings;
- (c) where it is considered necessary and justified, either on an application by a witness or on the Select Committee's own motion, the Select Committee may determine to hold closed meetings to obtain evidence from a witness;
- (d) where the Select Committee considers necessary, it will provide the Department of Justice with a copy of the draft findings and observations of the Select Committee and request it to comment whether the contents of the draft might prejudice pending criminal proceedings, if any; and
- (e) the report of the Select Committee should not contain any material which might prejudice a pending jury trial.

20. In respect of pending civil proceedings, the following principles will, in addition to any applicable measures stated in paragraph 19 above, apply:

- (a) references to matters awaiting adjudication in a court of law should be excluded if there is a risk that they might prejudice its adjudication;
- (b) references referred to in (a) would include comments on, inquiry into and the making of findings on such matters;
- (c) matters awaiting adjudication referred to in (a) would include matters in respect of which proceedings have been initiated by the filing of the appropriate documents; and
- (d) prejudice referred to in (a) might arise from an element of explicit or implicit prejudgment in the proceedings of the Select Committee in two possible ways -

- (i) the references might hinder the court or a judicial tribunal in reaching the right conclusion or lead it to reach other than the right conclusion; and
- (ii) whether the court or judicial tribunal is affected in its conclusion or not, the references might amount to an effective usurpation of the judicial functions of the court or judicial tribunal.

*Handling of requests for classifying documents as confidential*

21. If requests are made by witnesses for classifying certain information or documents as confidential, the Select Committee shall consider carefully the circumstances of each case and the justifications provided.

*Handling of information contained in classified documents or obtained at closed hearings*

22. In fairness to persons who have provided classified documents for the Select Committee, if information contained in such documents is to be used at a public hearing, the source of the information will only be disclosed if it is necessary to do justice to the witness or to enable him to understand a question.

23. If closed hearings are held to obtain evidence from a witness who is a party to pending legal proceedings, information obtained in these closed hearings should be used with care, and the identity of the witness who has provided the information should not be disclosed if it is so decided by the Select Committee.

24. Where the Select Committee is inclined to refer to information obtained in closed hearings in the Select Committee's report, an extract of the relevant part of the report in draft form should be provided to the witness concerned for comment. The comments received will be carefully considered by the Select Committee before its report is finalized.

25. Any information obtained by way of oral evidence or in the form of documents provided at closed hearings shall not be disclosed.



### *Internal deliberations*

26. Subject to Rule 79(2) of the Rules of Procedure, the Select Committee may hold closed meetings to deliberate on procedural matters, progress of its work, the logistical arrangements for hearings, the evidence obtained, the draft report of the Select Committee and any other matters relevant to the Select Committee's work. Members including the Chairman and the Deputy Chairman should not disclose any information about the internal deliberations held or documents considered at these meetings. The Select Committee Chairman or the Deputy Chairman should be the only persons authorized to handle media enquiries.

### Handling of documents

27. All documents submitted to the Select Committee are numbered: by document and by page. Each member of the Select Committee will be given a copy of the documents produced to the Select Committee, unless advised otherwise with the consent of the Select Committee. Where a document is classified confidential, members should not make photocopy of it, in whole or in part.

### Disclosure of interests

28. Rules 83A and 84 of the Rules of Procedure relating to Members' pecuniary interest shall apply to the proceedings of the Select Committee.

29. In addition, there may be situations in which a member wishes to declare non-pecuniary interests. In such a case, he/she should write to the Chairman to declare such interests. Where appropriate, the Chairman may announce at public meetings or hearings of the Select Committee the nature of interests so declared by individual members.

### Participation of Non-Select Committee Members

30. While meetings held in public shall be attended by members of the Select Committee, non-Select Committee Members may also be in attendance at these meetings, but may not speak at the meeting. If a non-Select Committee Member wishes to direct any questions to a witness, he/she should put his/her questions in writing and pass them to the Chairman without interrupting the proceedings, and the Chairman will decide whether or not the Chairman will ask the questions.

31. Non-Select Committee Members are not allowed to be present at closed meetings of the Select Committee or at hearings held at closed meetings.

#### Minutes of proceedings of the Select Committee

32. All proceedings of hearings and meetings are sound-recorded. Members of the public may obtain copies of the sound recordings of hearings and meetings held in public upon the payment of a fee.

33. Minutes of evidence, usually in the form of a verbatim transcript, are kept for each meeting at which witnesses are examined. Relevant parts of the draft transcript are forwarded to the person or body giving evidence for sight and correction, if any, before being incorporated into the minutes of evidence, subject to their signing of an undertaking that they would not make any copy of the draft and would return it to the Select Committee before a specified date. The procedures in the **Annex**, which apply to witnesses, shall also apply to persons or bodies other than the witnesses giving evidence requesting copies of transcripts of evidence. Any person may obtain a copy of the finalized form of transcript for meetings held in public upon the payment of a fee.

34. For hearings held in closed meetings, no transcripts will be provided for any person including the witnesses concerned. All witnesses however are provided with the relevant parts of the draft transcripts of evidence for sight and correction. The undertaking they are required to sign includes an additional requirement that any part of the draft transcript in question must not be divulged.

35. For meetings not attended by any outside party, the minutes of meetings are normally presented in a condensed form, recording the Select Committee's decisions, follow-up actions required, procedural matters and declarations of interest made by members. Verbatim record of such meetings may be prepared on the direction of the Select Committee.

#### Report of the Select Committee

36. The draft report of the Select Committee is considered by the Select Committee at closed meetings. In accordance with Rule 79(9) of the Rules of Procedure, the minutes of proceedings of the Select Committee record all proceedings on the consideration of the report and on every amendment proposed thereto, with a note of divisions, if

divisions were taken in the Select Committee, showing the names of members voting in the division or declining to vote.

37. In order to ensure that the procedure is fair and seen to be fair to people whose interests or reputations may be affected by its proceedings, any party, person or organization against whom adverse comments are intended to be made in the Select Committee's report will be given an opportunity to comment on relevant parts of the draft findings and observations of its report. The comments received will be carefully considered by the Select Committee before its report is finalized.

38. In accordance with Rule 79(10) of the Rules of Procedure, a report of the Select Committee, with the minutes of proceedings and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the Chairman of the Select Committee.

#### Premature publication of evidence

39. In accordance with Rule 81 of the Rules of Procedure, the evidence taken before the Select Committee and documents presented to it shall not, except in the case of its meetings held in public, be published by a member of the Select Committee or by any other person before the Select Committee has presented its report to the Council. Any member of the Select Committee who fails to comply with this Rule may be admonished or reprimanded by the Council on a motion to that effect.

### **Provision of Transcripts of Evidence**

The following procedures shall apply to the provision of transcripts of evidence taken by the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption -

- (a) where considered appropriate, the Select Committee may permit copies of the transcripts of evidence taken in public be provided to witnesses and prospective witnesses on request;
- (b) where copies of transcripts of evidence taken in public are provided to witnesses or prospective witnesses, the unpublished and/or uncorrected status of the transcripts shall be stated clearly; and
- (c) the provision of unpublished and/or uncorrected transcripts of evidence taken in public to witnesses or prospective witnesses be made on the condition that they shall not make public use of the transcripts; shall not quote directly from the transcripts; and shall not use the transcripts in a manner prejudicial to the interest of the Select Committee or other persons.

## Press Releases

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ICAC to conduct criminal investigation against its former  
Commissioner

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A number of complaints have been lodged with the Independent Commission Against Corruption (ICAC) against its former Commissioner, Mr Timothy Tong. After careful consideration, the Department of Justice (DoJ) takes the view that it is appropriate for the ICAC to conduct the criminal investigation into the complaints.

It is the general policy of the DoJ not to comment on individual cases unless the public interest warrants otherwise. However, in view of the nature of this case and the public concerns that have been expressed about it, it is appropriate that the DoJ outlines the key reasons behind its decision.

On the materials made available, the DoJ considered there is sufficient basis to warrant a criminal investigation into allegations of possible offences under the Prevention of Bribery Ordinance (Chapter 201) and the common law offence of "Misconduct in Public Office". However, for the avoidance of any doubt, the DoJ has not come to any view on the question of whether or not any prosecution should be commenced against any person in this case. Such a decision will be made at the conclusion of the criminal investigation, after all relevant material and information has been gathered, and in accordance with "The Statement of Prosecution Policy and Practice".

As regards to whether the complaints should be investigated by the ICAC or the Police, it is appreciated that there are arguments in favour of both options. However, having carefully considered all relevant factors, the DoJ is of the view that it is appropriate for the case to be investigated by the ICAC for the following key reasons:

First, even though the Police have the expertise to investigate criminal offences, the ICAC is the specialist body established and equipped with investigatory powers to deal with complaints of this type, and has over the years accumulated vast knowledge and experience in handling such complaints and/or investigations.

Second, the ICAC has an established and proven internal investigatory team to investigate allegations of wrongdoing or abuse by its officers.

Third, the incumbent Commissioner of the ICAC is not involved in any of the alleged conduct which forms the subject matter of the complaints and therefore can properly head the investigation into them. In addition, the DoJ has put forward criteria for selecting the ICAC officers who will be responsible for conducting the criminal investigation in order to ensure fairness and impartiality, namely:

(a) The officer has not participated or been involved in any of the functions or events personally organised by Mr Tong.

(b) The officer has no direct or indirect association or connection with Mr Tong, other than in the normal course of his/her duties as an ICAC officer.

(c) The officer has no actual or perceived conflict of interest or professional difficulty in conducting an investigation into Mr Tong.

Fourth, from time to time, the conduct and progress of the criminal investigation will be scrutinised by the Operations Review Committee (ORC), which comprises respected persons from a wide spectrum of the community and is wholly independent of the ICAC. Over the years, the ORC has established itself as an effective check on ICAC investigations and will undoubtedly provide an equally effective check with respect to the investigation into these complaints.

Lastly, the DoJ, and especially the Director of Public Prosecutions, will be fully consulted by the ICAC and will give appropriate directions and legal advice in relation to the case.

Ends/Tuesday, May 14, 2013  
Issued at HKT 17:50

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## Press Releases

Archive

### ICAC statement

14 May 2013

Recently matters concerning the handling of official entertainment, gifts and duty visits by the former Commissioner of ICAC, Mr Timothy TONG, have been reported extensively by the media and have attracted wide community concerns, with complaints being openly made to the ICAC alleging corrupt practices. While it is the general policy of the ICAC not to comment on individual cases, the ICAC makes this statement in view of the prevailing public concern and public interest involved.

Pursuant to Article 57 of the Basic Law, a Commission Against Corruption shall be established in the Hong Kong Special Administrative Region. It shall function independently and be accountable to the Chief Executive (CE). In addition, it is stipulated in the Independent Commission Against Corruption Ordinance (Cap. 204) (ICACO) that the Commissioner of ICAC shall not be subject to the direction or control of any person other than CE. The arrangements provide for the independence of the Commission so that the Commissioner may perform his statutory duties without fear or favour and in an impartial manner.

Having sought legal advice from the Department of Justice in response to the complaints received, the ICAC has decided to take follow-up actions by commencing an investigation.

In view of the nature of the complaints and the legal advice received, the Commissioner of ICAC will lead a dedicated investigating team to conduct the investigation. The team comprises the Principal Investigator seconded from the Internal Investigation and Monitoring Group and investigators who are either serving or former officers of the Group. To ensure impartiality of the investigation, the investigating team will seek legal advice from the Director of Public Prosecutions during and after the investigation. The progress of investigation and findings will be reported to the independent "Operations Review Committee" which oversees the ICAC

investigations. In addition, in accordance with ICAC's established procedure on declaration of conflict of interest, an ICAC officer is required to declare if there is any actual or perceived conflict of interest arising from the case or any person involved in the case investigated by him. Where necessary, the officer should avoid handling or having access to the case concerned after making the declaration.

To ensure public confidence and the credibility of the ICAC, the Commissioner will uphold the principles of lawfulness, fairness and impartiality in conducting investigation, abide by the well-established system of checks and balances which has been shown to be effective over the years and, as in accordance with established practice, maintain confidentiality of matters revealed during the course of the investigation for the efficient and effective performance of his statutory duties.



**Questions raised by the Legislative Council Secretariat  
on 25 July 2013 for reply by ICAC**

**I. Matters relating to Mr Timothy TONG's official duty visits, entertainment, and bestowing and receipt of gifts during his tenure as Commissioner of the ICAC**

Duty visits outside Hong Kong

*(a) Policy on duty visits and related regulatory arrangements*

1. Details of ICAC's policy, rules and guidelines on duty visits when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy, rules and guidelines during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
2. Details of the procedure for approving duty visits made by the Commissioner of ICAC and other ICAC officers when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
3. Details of the procedure for handling the expenses arising from the duty visits made by the Commissioner of ICAC and other ICAC officers, including the arrangements for application, approval and reimbursement, as well as the accounting arrangements; whether there have been any reviews of the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
4. Role and involvement of Mr Timothy TONG when he was serving as the Commissioner of ICAC in the making of the policy, rules, guidelines and the approval and financial procedures governing the duty visits made by the Commissioner and other officers of ICAC.

5. Measures taken by ICAC to promulgate the policy, rules, guidelines and the approval and financial procedures governing duty visits to ICAC officers at all levels.
6. Details of the monitoring and oversight arrangements in respect of duty visits made by the Commissioner of ICAC and other ICAC officers to prevent abuse and ensure compliance with the relevant policy, rules, and guidelines.

(b) *Details of the duty visits made by Mr Timothy TONG*

7. Details of the duty visits made by Mr Timothy TONG when he was serving as the Commissioner of ICAC, including the number, date, duration, destination, purpose, itinerary, number and post titles of accompany ICAC officers, organizations and persons met during the visits, and expenditure details.
8. Same details as item 7 above about the duty visits made by the three predecessors of Mr Timothy TONG and the incumbent Commissioner of ICAC up to August 2013.
9. Among the duty visits made by Mr Timothy TONG when he was serving as the Commissioner of ICAC, which ones were conducted in response to invitation, which ones were initiated by Mr TONG himself, and which ones were proposed by other ICAC officers, and the relevant records such as invitation letters, memos and file minutes etc.
10. Records on all the applications and approvals/disapprovals for the duty visits made by Mr Timothy TONG.
11. Details of any sponsorship provided by hosting organizations or other parties for the duty visits made by Mr Timothy TONG, and the reasons for accepting the sponsorship.

12. During each of the duty visits, whether Mr Timothy TONG and/or accompanying ICAC officers had visited places and/or participated in activities not directly related to the purpose of the duty visit; if yes, the relevant details and records on the planning and decision-making process if such arrangements were known at the planning and preparatory stage.
- (c) *Role and involvement of Mr Timothy TONG in determining the arrangements for his duty visits*
13. Details of the mechanisms and practices of ICAC for the assessment of need, planning and preparation of the duty visits made by Mr Timothy TONG when he was serving as the Commissioner of ICAC; role and involvement of Mr TONG in the making of these mechanisms and practices.
  14. In what respects and to what extent Mr Timothy TONG was involved in determining the various arrangements for his duty visits, such as the itinerary, accompanying ICAC staff, organizations and persons to meet with during the visits, etc.
  15. Whether Mr Timothy TONG had given any instructions or requests regarding the arrangements for his duty visits, where such instructions or requests were not directly related to the purpose and the context of the duty visits concerned; if yes, the relevant records.

#### Official entertainment

- (a) *Policy on official entertainment and related regulatory arrangements*
16. Details of ICAC's policy, rules and guidelines on official entertainment when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy, rules and guidelines during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.

17. Details of the procedure for approving the hosting of official entertainment by the Commissioner of ICAC and other ICAC officers when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
  18. Details of the procedure for handling the expenses arising from the official entertainment made by the Commissioner of ICAC and other ICAC officers, including the arrangements for application, approval and reimbursement as well as the accounting arrangements; whether there have been any reviews of the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
  19. Role and involvement of Mr Timothy TONG when he was serving as the Commissioner of ICAC in the making of the policy, rules, guidelines and the approval and financial procedures governing the official entertainment activities hosted by the Commissioner and other officers of ICAC.
  20. Measures taken by ICAC to promulgate the policy, rules, guidelines and the approval and financial procedures governing official entertainment to ICAC officers at all levels.
  21. Details of the monitoring and oversight arrangements in respect of the official entertainment hosted by the Commissioner of ICAC and other ICAC officers to prevent abuse and ensure compliance with the relevant policy, rules and guidelines.
- (b) *Details of the official entertainment hosted by Mr Timothy TONG*
22. Details of the official entertainment activities hosted by Mr Timothy TONG when he was serving as the Commissioner of ICAC, including the date, purpose, type of meals (e.g. lunch or dinner), venue, number and

names of organizations/persons entertained, number and post titles of attending ICAC officers, number and names of other attending persons, the food and drinks served, expenditure breakdown and expenditure per head.

23. Same details as item 22 above of the official entertainment activities hosted by the three predecessors of Mr Timothy TONG and the incumbent Commissioner of ICAC up to August 2013.
  24. Among the official entertainment activities hosted by Mr Timothy TONG, which ones had incurred expenditure exceeding the ceiling under the relevant rules; what justifications were provided in obtaining approval for the excessive expenditure and the relevant records.
  25. Among the official entertainment activities hosted by Mr Timothy TONG, which ones were attended by personal guest(s) of Mr Timothy TONG, names of these persons, whether the relevant expenses were borne by ICAC or by Mr TONG and the relevant records.
  26. Details of the purchase and consumption of wine and hard liquor by ICAC each year from July 2002 to August 2013.
- (c) *Role and involvement of Mr Timothy TONG in determining the arrangements for the official entertainment activities he hosted*
27. Details of the mechanisms and practices of ICAC for the assessment of need, planning and preparation of the official entertainment activities hosted by Mr Timothy TONG when he was serving as the Commissioner of ICAC; role and involvement of Mr TONG in the making of these mechanisms and practices.

28. In what respects and to what extent Mr Timothy TONG was involved in determining the various arrangements for the official entertainment activities he hosted, such as venue, organizations/persons to be invited, attending ICAC officers and/or other attending persons, food and drinks to be served etc.
29. Whether Mr Timothy TONG had given any instructions or requests regarding the arrangements for the official entertainment activities he hosted, where such instructions or requests were not directly related to the purpose and context of the official entertainment activities concerned; if yes, the relevant records.

Bestowing and receipt of gifts

*(a) Policy on bestowing and receipt of gifts and related regulatory arrangements*

30. Details of ICAC's policy, rules and guidelines on bestowing and receipt of gifts when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
31. Details of the procedure for approving the bestowing and receipt of gifts by the Commissioner of ICAC and other ICAC officers when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.
32. Details of the procedure for handling the expenses arising from the bestowing of gifts made by the Commissioner of ICAC and other ICAC officers, including the arrangements for application, approval and reimbursement as well as the accounting arrangements; whether there have been any reviews of the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.

33. Role and involvement of Mr Timothy TONG when he was serving as the Commissioner of ICAC in the making of the policy, rules, guidelines and the approval and financial procedures governing the bestowing and receipt of gifts by the Commissioner and other officers of ICAC.
34. Measures taken by ICAC to promulgate the policy, rules, guidelines and the approval and financial procedures governing the bestowing and receipt of gifts to ICAC officers at all levels.
35. Details of the monitoring and oversight arrangements in respect of the bestowing and receipt of gifts by the Commissioner of ICAC and other ICAC officers to prevent abuse and ensure compliance with the relevant policy, rules and guidelines.

(b) *Details of the bestowing and receipt of gifts by Mr Timothy TONG*

36. A list of the gifts paid out of public funds and bestowed by Mr Timothy TONG when he was serving as the Commissioner of ICAC, with details on the occasion, recipient, type of official business of ICAC the recipient was involved in or relevant to, nature and value of each of the gifts.
37. Same details as item 36 above of the gifts bestowed by the three predecessors of Mr Timothy TONG and the incumbent Commissioner of ICAC up to August 2013.
38. A list of the gifts paid out of public funds and bestowed by Mr Timothy TONG with a value at or exceeding \$500, and the records on the procurement process and expenditure approval of such gifts.
39. A list of the gifts paid out of public funds and bestowed by Mr Timothy TONG on occasions other than official functions, the reasons for bestowing those gifts and the relevant records.

40. A list of the gifts received by Mr Timothy TONG when he was serving as the Commissioner of ICAC, with details on the relevant occasion, organization or person presenting the gift, nature and value, and the way of disposal of each of the gifts.
- (c) *Role and involvement of Mr Timothy TONG in deciding what gifts he was to bestow and the disposal of the gifts he had received*
41. Details of the mechanisms and practices of ICAC for determining the need and kind of the gifts to be bestowed by Mr Timothy TONG when he was serving as the Commissioner of ICAC; role and involvement of Mr TONG in the making of these mechanisms and practices.
  42. In what respects and to what extent Mr Timothy TONG was involved in determining the various aspects of the gifts he was to bestow on different occasions, such as the nature and value of the gifts etc.
  43. Whether Mr Timothy TONG had given any instructions or requests regarding the gifts he was to bestow, where such instructions or requests were not directly related to the official contexts concerned; if yes, the relevant records.

## **II. Information provided by ICAC to the Finance Committee of the Legislative Council**

44. The workflow of the preparation and vetting of ICAC's replies to Members' initial and supplementary questions on the Estimates of Expenditure 2013-14, with the names and posts of the ICAC officers involved and their respective responsibility in the process.
45. Information that should have been but was not included in the replies, and/or information that was included in the replies but was inaccurate, incomplete or out of date.



46. How the above omissions, inaccuracies, incompleteness and/or out-of-date information were identified and rectified by ICAC.
47. Whether the omitted information had been initially included but was subsequently removed from the replies; if yes, reasons for and the circumstances leading to the removal of the information, and the relevant records.
48. Reasons for and the circumstances leading to the provision of the inaccurate, incomplete or out-of-date information, and the relevant records.



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

廉政專員 Commissioner, ICAC

香港北角渣華道303號 303 Java Road, North Point, Hong Kong

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Our Ref: ICAC ADM CR 1-55/23 (C) Pt 1

Your Ref: CB4/SC/12

By Hand

6 September 2013

Ms Anita SIT  
Clerk to Select Committee  
Legislative Council  
Legislation Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms Sit,

**Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

In relation to the above matter and further to the letter sent to the Chairman of the Public Accounts Committee, Hon Mr Abraham SHEK Lai-him, SBS, JP, by me on 16 May 2013, the ICAC acknowledges the importance of the Major Areas of Study (MAS) identified at the appendix and, naturally, is willing to cooperate with the work of the Select Committee. However we think it is important to bring to your attention certain observations regarding these MAS. These observations in a substantial part echo the matters raised by the Director of Public Prosecutions, Mr Kevin Zervos SC in his letter dated 24 May 2013 to Mr SHEK.

In relation to the area under Part I (a) of the MAS the ICAC is ready to cooperate fully in this regard. Similarly, the ICAC will assist in the provision of the information requested at Part II paragraphs (a) and (b).

Our main concern relates to the MAS under paragraphs (b) to (e) of Part I. As you are aware I am currently leading a specially formed investigation unit to inquire into various matters concerning former ICAC Commissioner TONG. This inquiry, although not limited in scope, is currently focusing on establishing whether, and if so to what extent, certain identified conduct of former Commissioner TONG might amount to criminal misconduct, either under the Prevention of Bribery Ordinance (POBO), the common law offence of Misconduct in Public Office or any other offence that might be disclosed. The formation of this special investigation unit was announced on 14 May 2013.

I am sure you are aware it is usual practice for any law enforcement agency to decline to disclose specific details of its investigations especially while inquiries are in progress. This is in order to protect the integrity of the investigation as well as the reputation of suspected persons while facts are accurately established and evidence secured. In view of the nature of corruption, this is particularly necessary in relation to investigations undertaken by this Commission into alleged bribery and related corrupt practices. Premature disclosure of facts under investigation could adversely affect the current investigation in a number of ways. For instance, the impact on and perception of witnesses from whom statements have been obtained if details of their evidence are discussed, especially in open forum, prior to any decision as to whether a prosecution is warranted in the public interest. Similarly, such disclosure could discourage other potential witnesses from coming forward if there is a perception that their evidence will be publicly examined and commented on other than in the course of court proceedings. The areas covered by (b) to (e) of Part I of the MAS are factual matters that are under specific investigation by the special investigation unit.

The ICAC places much emphasis on the principle of sub judice, not just in relation to investigations which could be statutorily protected by section 30 of the POBO, but in response to the trust placed in the ICAC by members of the community who report corrupt practices to this Commission in the expectation that any subsequent investigation will be carried out fairly, impartially and in the strictest confidence. It should also be noted that there is a general principle that the use of statements and documents obtained in the course of a criminal investigation should only be used for that purpose.

Therefore whilst we understand that the Select Committee may see a need to examine the points raised at Part I (b) to (e) we equally believe that any examination or discussion on those matters should not encroach on the objectives and function of the special investigation unit, which as stated above is led personally by me.

Furthermore we are concerned that if the ICAC investigation establishes evidence upon which the Department of Justice recommends a prosecution in the public interest, it could impact on any subsequent trial in relation to issues of admissibility of evidence and fairness of the trial if evidence collected by the special investigation unit has been examined and discussed in other forums.

We would be most grateful if the Select Committee could bear our concerns in mind when preparing to undertake its study.

**ICAC1**

I hereby attach the ~~replies to items 1-6, 16-21, 30-35 and 44-48 requested under Part I (a) and Part II (a) and (b) of the Major Areas of Study~~ in both Chinese and English together with the softcopy for your further action.

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



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

廉政專員 Commissioner, ICAC

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By Fax : 31517052

Our Ref: ICAC ADM CR 1-55/23(C) Pt 1  
Your Ref: CB4/SC/12

27 September 2013

Ms Anita SIT  
Clerk to Select Committee  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms SIT,

**Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

I refer to your letter dated 19 September 2013 and my letter dated 6 September 2013.

The ICAC is willing to cooperate with the Select Committee and provide the assistance it requires. However, I believe members of the Select Committee will appreciate the importance of ensuring that the criminal investigation led by myself into the offences under Prevention of Bribery Ordinance and the common law offence of "Misconduct in Public Office" allegedly committed by Mr TONG Hin-ming (TONG) is conducted in a fair and impartial manner. It is under this principle I provide the Select Committee with the information under Part I (a) and Part II of your Major Areas of Study (MAS), and decline to provide the remaining information and documents.

I am thankful to your clarification on your request for information covered in your letter dated 25 July 2013 and your effort to draw our attention to the possibility of conducting part of the inquiry "in camera" with a view to addressing some of the concerns.



The information and documents sought to be obtained by the Select Committee in respect of Part I (b) to (e) of the MAS concern factual matters relevant to the criminal investigation against TONG. Whether or not they are ICAC's records created while TONG was the Commissioner, efforts are being given to turn the essential information and documents into evidence by interviewing the persons involved. One of my concerns is the discussion of such information or documents, especially in open forum, would affect the evidence gathering process.

I presume the arrangement of inquiry "in camera" is similar to closed hearing mentioned in the proposed procedure and practice for the Select Committee [LC Paper No. CB(4)892/12-13(02)]. It seems that such arrangement, if agreed by majority of the committee, could not entirely overcome the concerns raised in my letter dated 6 September 2013, including the deterrent effect of the examination on the prospective witnesses in the criminal investigation. It may, if there is a criminal trial, create difficulty for the prosecution to disclose the evidence of witnesses in such inquiries, which are inevitably unused materials subject to disclosure.

Further, even if disclosure is to be confined to contemporaneous records (as opposed to records compiled in the course of the on-going investigation), and even if proceedings are to be held "in camera", there will still be serious unaddressed concerns. In particular, contemporaneous records might be shown to witnesses during proceedings which they have not beforehand seen. Information contained in those records may be disclosed to witnesses which they hitherto were not aware of. The memory of those witnesses might as a result be criticized as having been irreversibly tainted. Future statements or evidence obtained from or given by such witnesses may be criticized as being coloured by such disclosure, thereby affecting their reliability or credibility. Parties may also be tipped off as a result of such disclosure, the effects of which on the on-going investigation will be impossible to assess. The likelihood of the disclosure of the balance of the materials requested causing serious prejudice to the ongoing investigation or any prosecution arising therefrom is in my view a grave and serious one.

In respect of your request for removing the "Confidential" classification from our letter dated 6 September 2013 and its Annexes, we have already given you a positive reply on 26 September.

I hope the above can assist the Select Committee to appreciate the decision of not providing it with the information or documents it sought to obtain in respect of Part I (b) to (e) of the MAS.

Yours sincerely,



(Simon Y L PEH)

Commissioner

Independent Commission Against Corruption



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

廉政專員 Commissioner, ICAC

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Our Ref: ICAC ADM CR 1-55/23 (C) Pt 1

Your Ref: CB4/SC/12

~~CONFIDENTIAL~~

By Hand

23 October 2013

Ms Anita SIT  
Clerk to Select Committee  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms SIT,

**Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption  
(the Select Committee)**

I refer to your letter dated 11 October 2013. My letters dated 6 and 27 September 2013 are also relevant.

The criminal investigation in respect of Mr Timothy TONG is underway and efforts are being made to interview the persons involved. Provision of the information and documents sought under Part I (b) to (e) of the major areas of study (MAS) is likely to affect the evidence gathering process. It is because witnesses of the criminal investigation may come to know such information and contents of documents when they watch the Select Committee's inquiry through the media. There is a chance that their memory in respect of certain facts and documents may be affected by the inquiry, in particular when they hear the evidence of other persons who are questioned about the same facts or documents in the inquiry.

It is not uncommon for parties in criminal proceedings to challenge a witness's creditability by using the inconsistent statements that the witness had previously made. According to paragraph 34 of the Practice and Procedure of the Select Committee, for hearings held in closed meetings, no transcript will be provided to any person including the witnesses concerned. Such arrangement may create difficulty for the prosecution to fulfil its duty of disclosure if there is a trial.

The criminal investigation has been conducted in parallel to inquiries of the Independent Review Committee on ICAC's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits (**IRC**) established by the Chief Executive and the Public Accounts Committee (**PAC**) as well as the Select Committee of the Legislative Council. The scope of the Select Committee's inquiry is widest amongst the committees and overlaps with that of the criminal investigation to a great extent. Based on the relevant experience of other select committees in the past, it is believed that the Select Committee will summon a substantial number of persons to give evidence. Most, if not all, of them are likely witnesses of the criminal investigation and hence my concerns are not speculative but a pragmatic assessment of the situation.

It also appears incorrect to say that the ICAC had provided information to the PAC and the IRC on similar areas of study now requested by the Select Committee. We observe that the Select Committee has asked for information more than the PAC, such as details of the duty visits, official entertainment and gifts bestowed by the three predecessors of Mr TONG, to name a few. According to our records, the PAC did ask for some information similar to that being requested by the Select Committee (e.g. the official entertainment activities attended by Mr TONG's personal guests and procurement records of gifts bestowed by Mr TONG), which was, however, declined for similar reasons as explained in my previous letters mentioned above.

While I am thankful to your provision of the Practice and Procedure of the Select Committee, I must point out that there are clearly fundamental differences in the mandate between the Select Committee and the IRC, including the latter reporting directly to the Chief Executive under strict confidence. Against this background, I hope the Select Committee would appreciate my decision not to accede to its request for information and records covered by Part I (b) to (e) of the MAS.

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





## 何秀蘭立法會議員辦事處

Office of Cyd Ho Member of Legislative Council

地址：香港金鐘立法會道1號立法會綜合大樓903室 電話：21561621

傳真：21519011 網址：<http://cydho.org.hk> 電郵：[info@cydho.org.hk](mailto:info@cydho.org.hk)

予廉政公署策略研究組成員的提問：

1. 被調任到策略研究組之前，在哪個部門擔任什麼職位？直隸上司是誰？
2. 調任到策略研究組之後，有沒有人告知你研究的職責範圍？如有，是用口頭抑或書面方式告知？經由誰人告知職責範圍？
3. 誰人是策略研究組的直隸上司？除了這名上司以外，有沒有其他人參與傳遞上司下達的工作指令？
4. 調職策略研究組之後，是否正式脫離原來的隸屬部門？薪酬開支編制是否撥到策略研究組？還是仍然在原本的隸屬部門的開支之中？有沒有被告知不可將策略研究組的工作告知原來部門的上司？
5. 在策略研究組工作期間，你研究過什麼策略？工作是否與調任時獲悉的職責範圍相符？
6. 在策略研究組工作期間，你有曾參與與酬酢有關的工作？例如購買或安排購買曲奇或其他食物或禮物和紀念品等。這些參與酬酢活動的指令由誰人發出？經由誰人傳遞？
7. 若你曾收過上述題(6)的指令，你當時有質疑該等工作與肅貪倡廉有何關係？若有，可有向傳遞指令的人或管理研究組的上司或原來所屬的部門的上司提出？他們有何反應？若沒有，原因為何？
8. 你可曾參加廉政專員香港境內或境外的酬酢活動？若有，可曾質疑該等酬酢與肅貪倡廉有何關係？若有，可有向傳遞指令的人或管理研究組的上司或原來所屬的部門上司提出？他們有何反應？若沒有，原因為何？
9. 你是否知悉公務人員需遵守關於致送禮物或收受禮物的指引？可有質疑購買禮物如數碼相機、頸巾、石刻擺設等並不符合相關指引？若有，可有向傳遞指令的人或管理研究組的上司或原來所屬的部門上司提出？他們有何反應？若沒有，原因為何？



**工黨**  
LABOUR PARTY

## 何秀蘭立法會議員辦事處

Office of Cyd Ho Member of Legislative Council

地址：香港金鐘立法會道1號立法會綜合大樓903室 電話：21561621

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予L組主管的提問：

1. 在前專員在任期間，可有收過任何關於專員或其他職級人員不當處理酬酢送禮以及/或外訪安排等投訴？若有，請回答以下問題。
2. 該等投訴的內容為何？投訴來自哪個職級的人員？
3. L組如何跟進該等投訴？若被投訴的對象為廉政專員，L組如何處理？請告知本會一般的跟進程序，可不涉及個案的內容。



## 何秀蘭立法會議員辦事處

Office of Cyd Ho Member of Legislative Council

地址：香港金鐘立法會道1號立法會綜合大樓903室 電話：21561621

傳真：21519011 網址：<http://cydho.org.hk> 電郵：[info@cydho.org.hk](mailto:info@cydho.org.hk)

予行政總部管理及行政高級參事二的提問：

1. 在前專員任期之內，曾否發覺就有關酬酢、送禮及外遊的開支單據不符合廉署的開支指引及公務員需遵從的相關守則？若有，曾否拒絕發還開支？並如何跟進與提交單據中申請發還開支的人員跟進？若有拒絕發還開支的情況，申請發還開支的人員的上司曾否與行政總部管理及行政高級參事跟進要求發還？他們所持的理由為何？該等理由是否被接受？為何被接受？有多少條關乎酬酢、送禮及外遊的發還開支申請被拒絕？
2. 若行政總部管理及行政高級參事與申請發還撥款人員的上司就申請持不同意見，又有何機制處理？

**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.



**Item 1 : Details of ICAC's policy, rules and guidelines on duty visits when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy, rules and guidelines during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.**

- (a) The ICAC follows government regulations in drawing up its policy, rules and guidelines on duty visits outside Hong Kong, in the form of Commission Standing Orders. Duty visits are considered on a case-by-case basis, taking into account the operational needs such as obligation to attend certain international conferences, duration and place of visit, the status and number of officials to be met, etc. There was no review conducted on the subject during Mr TONG's tenure as Commissioner of ICAC.
- (b) The approving authorities for duty visits outside Hong Kong are as follows :
  - (i) the Chief Executive : for the Commissioner;
  - (ii) the Commissioner : for all non-investigation related duty visits; and for investigation related duty visits by the Deputy Commissioner (who is also the Head of Operations) and Directors of Investigation of the Operations Department; and
  - (iii) Directors of Investigation : for investigation related duty visits of other officers in the Operations Department.
- (c) After a review in May 2013, the ICAC issued further guidelines emphasising that the number of officers joining a duty visit, their duration of stay and participation in programmes of the visit should be kept to the minimum as far as the official purposes of a visit are met.



Urgent by fax: 3151 7052

28 May 2014

Ms Anita Sit  
Clerk to Select Committee  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms Sit,

**Select Committee to Inquire into Matters Relating to  
Mr Timothy Tong's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

**Request for information**

I refer to your letter of 26 May 2014.

In general, when approving applications made by the Commissioner of the Independent Commission Against Corruption for duty visits outside Hong Kong, the Chief Executive will consider factors including the purpose, place and date of visit, personalities or organisations to meet with during the visit, and the acting arrangements to be made.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Steve Tse', written over a light blue horizontal line.

( Steve Tse )

for Director of the Chief Executive's Office

**中華人民共和國香港特別行政區行政長官辦公室**

Office of the Chief Executive of the Hong Kong Special Administrative Region of the People's Republic of China

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**Item (b): Details of the each of the 35 duty visits outside Hong Kong headed by Commissioner, ICAC from 2007-2008 up to 30 June 2012, including purpose and duration of the visit, places visited, names and post titles of the persons met during the visits, and the names and post titles of the accompanying persons, and cost breakdown.**

- Details of the 35 duty visits outside Hong Kong headed by ex-Commissioner, ICAC from 2007-2008 up to 30 June 2012 are listed in the following table:

<b>Date of duty visit and destination</b>	<b>Duration (Days)</b>	<b>Post of Accompanying Officers (Total number of officers in bracket)</b>	<b>Purpose of duty visit</b>	<b>Persons /Officials met</b>	<b>Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)</b>
23/10/2007 – 27/10/2007 (Tuesday to Saturday) Sydney, Australia	5	Senior Staff Officer/Office of Strategic Research (SSO/R), Deputy Executive Director/Ethics Development Centre (DED/EDC) (2)	Attended the Australian Public Sector Anti-Corruption Conference 2007	Chairman and other speakers at the Australian Public Sector Anti-Corruption Conference	51,616
20/11/2007 – 23/11/2007 (Tuesday to Friday) Bali, Indonesia	4	Director of Operations/Private Sector (D/PS), Director/Community Relations (DCR), Assistant Director/ Admin (AD/A), AD/Operations (AD/Ops), Senior Staff Officer/Mgt and Adm (S/MA), Chief Investigator (CI) (6)	Attended the 2nd Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities* (IAACA)	The Attorney General of the Republic of Indonesia  President of IAACA	90,336

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
16/12/2007 – 22/12/2007 (Sunday to Saturday) Beijing, Nanjing and Suzhou, China	7	Director of Operations/ Government Sector (D/GS), DCR, Director/ Corruption Prevention (DCP), Principal Liaison Officer (PLO), SSO/R, CI, Staff Officer/OSR (SO/R) (7)	<p>Visited mainland anti-corruption authorities to consolidate working relationship</p> <p>Paid a courtesy visit to the Hong Kong and Macao Affairs Office (HKMAO) of State Council</p> <p>Visited the local procuratorate and supervision authorities in Jiangsu and Suzhou to explore opportunities for cooperation (Jiangsu Provincial Supervision Department and Suzhou Municipal Supervision Department paid a visit to ICAC in 2009)</p>	<p>Procurator-General of Supreme People's Procuratorate (SPP)</p> <p>Deputy Director of HKMAO of State Council</p> <p>Vice Minister of Ministry of Supervision (MoS)</p> <p>Deputy Director of National Bureau of Corruption Prevention</p> <p>Secretary of Commission for Discipline Inspection and Superintendent General of Ministry of Public Security</p> <p>Director-General of Administrative Department, Ministry of Foreign Affairs</p> <p>Director of General Administration of Customs</p> <p>Deputy Chief Procurator of People's Procuratorate; Director of Supervision Department; Secretary of Political Science and Law Commission Committee of Jiangsu Province</p> <p>Chief Procurator of Municipal People's Procuratorate; Director of Municipal Supervision Department; Secretary of Municipal Political Science and Law Commission of Suzhou</p> <p>Secretary of Political Science and Law Commission, Suzhou Industrial Park</p> <p>Vice Mayor of Kunshan Municipal People's Government</p>	126,912

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
14/1/2008 – 17/1/2008 (Monday to Thursday) Guangzhou , Zhuhai and Macao, China	4	D/PS, DCR, AD/CP, PLO, CI, Chief Liaison Officer (CLO), Staff Officer/Centre of Anti-Corruption Studies (SO/CACS) (7)	Paid courtesy visits to anti-corruption counterparts to foster better understanding and mutual exchanges	<p>Chief Procurator of Provincial People’s Procuratorate; Director of Public Security Department; Deputy Director of Provincial Supervision Department of Guangdong</p> <p>Chairperson and Vice-chairperson of the CPPCC 10<sup>th</sup> Provincial Committee of Guangdong</p> <p>Vice-mayor of Municipal People’s Government; Secretary of Municipal Political Science and Law Commission of Guangzhou</p> <p>Chief Procurator of Municipal People’s Procuratorate; Director of Municipal Supervision Department of Zhuhai</p> <p>Commissioner of CCAC; Procurator-General; Secretary for Administration and Justice; Secretary for Security; Director-General of Customs; Commander of Public Security Police Force of Macao</p>	50,734

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
21/1/2008 – 22/1/2008 (Monday to Tuesday) Shenzhen, China	2	DCP, DCR, AD/CP, AD/Ops, AD/CR, PLO, CLO, 2 Principal Corruption Prevention officer (PCPO), 3 Chief CPO (CCPO), 2 Senior CPO (SCPO), 2 CPO, Principal Investigator (PI), Assistant Investigator (AI), 3 Regional Officers (RO), 3 Deputy Regional Officer (DRO), S/MA (25)	Attended the tripartite seminar co-organised by ICAC, Ministry of Supervision (MoS) and Macao Commission Against Corruption (CCAC)	Two Vice Ministers, Director of Foreign Affairs Bureau and Director of Anti-Corruption Centre of MoS  Deputy Director of Beijing Municipal Supervision Department  Deputy Director of Supervision Department and Director of Supervision Office of Hubei Province  Deputy Directors of Jiangsu and Hebei Provincial Supervision Department  Commissioner, Deputy Commissioner and Adviser of CCAC  Executive Vice Mayor of Shenzhen City	110,718
25/5/2008 – 29/5/2008 (Sunday to Thursday) Beijing and Nanning and Guilin	5	D/PS, DCR, AD/Ops, PLO, PCPO, SO/R (6)	Attended work meeting with MoS to exchange anti-corruption experience and update counterparts on ICAC's latest corruption prevention and education work  Discussed topics and scale of the Joint Seminar co-organised by MoS, ICAC and CCAC  Met officials of the Beijing Municipal Supervision Department and visited a local district in Beijing to look at its corruption prevention system  Paid a courtesy visit to the HKMAO of State Council  Called on Guangxi Zhuang Autonomous Region to exchange views on probity building	Minister and Vice Minister of MoS  Director of Municipal Supervision Department; Secretary of Chongwen District Committee of Beijing  Deputy Director of HKMAO of State Council  Director of Supervision Department; Secretary of Commission for Discipline Inspection, Guangxi Zhuang Autonomous Region  Director of Guilin Municipal Supervision Department	98,955

<b>Date of duty visit and destination</b>	<b>Duration (Days)</b>	<b>Post of Accompanying Officers (Total number of officers in bracket)</b>	<b>Purpose of duty visit</b>	<b>Persons /Officials met</b>	<b>Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)</b>
2/10/2008 – 9/10/2008 (Thursday to Thursday) Kiev, Ukraine, London and Cambridge, UK	8	D/GS, DCR, AD/CP, CI, SSO/R (5)	Attended the 3rd Annual Conference and General Meeting of IAACA in Kiev  Met academics in London and Cambridge	President of IAACA  Prosecutor General of Ukraine  Professors of Jesus College, Cambridge University	399,937
10/11/2008 – 12/11/2008 (Monday to Wednesday) Manila, Philippines	3	AD/Ops, CI (2)	Attended the 5th China-ASEAN Prosecutors General Conference  Fostered the sharing of anti-corruption experience with participating guests	Chief State Prosecutor, Department of Justice, Republic of the Philippines  Procurator-General of SPP	28,363
14/11/2008 – 17/11/2008 (Friday to Monday) Hangzhou, China	4	DCR, PLO, PCPO (3)	Attended a two-day corruption prevention seminar cum launching ceremony of an anti-corruption research centre in Hangzhou  Shared Hong Kong's anti-corruption experience with Hangzhou Municipal Government	Vice Minister of MoS  Secretary of Zhejiang Provincial Commission for Discipline Inspection  Secretaries of Hangzhou Municipal Committee and Commission for Discipline Inspection	41,680
15/12/2008 – 16/12/2008 (Monday to Tuesday) Shenzhen, China	2	CCPO, 2 SSO/R, (3)	Attended the Forum on China Regional Criminal Law  Participated in the Advanced Programme on Anti-Corruption & Anti-Triad Legislation	Director of Law Department, HKMAO of State Council  Legal professionals and academics of mainland China, Hong Kong and Macao	9,126

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
11/1/2009 – 17/1/2009 (Sunday to Saturday) Beijing, Kunming and Lijiang, China	7	DCP, DCR, AD/CR, AD/Ops, , PLO, CI, Senior Staff Officer/Strategy, SSO/R (8)	<p>Visited the Supreme People’s Procuratorate (SPP) to update each other on anti-graft work in both jurisdictions amid the financial crisis and discussed the Mutual Case Assistance Scheme</p> <p>Visited MoS to discuss ways to strengthen cooperation on preventive education among the mainland, Hong Kong and Macao</p> <p>Paid a courtesy visit to the HKMAO of State Council</p> <p>Exchanged views with Chinese Academy of Social Sciences and prominent academics specialised in anti-corruption studies</p> <p>Explored the possible scope of cooperation with the Yunnan Provincial Government</p>	<p>Procurator-General of SPP</p> <p>Vice Minister of MoS</p> <p>Deputy Director of HKMAO of State Council</p> <p>Vice Chairperson of Legislative Affairs Committee, National People’s Congress</p> <p>Head, Discipline Inspection Group, Chinese Academy of Social Sciences</p> <p>Chief Procurator of Provincial People’s Procuratorate; Standing Committee Member of Provincial Committee; Secretary of Provincial Political Science and Law Commission of Yunnan</p> <p>Executive Deputy Chief Procurator of Municipal People’s Procuratorate; Secretary of municipal Committee; Mayor of Municipal People’s Government of Lijiang</p> <p>Academics of Peking University, Tsinghua University and Beijing Normal University</p>	138,248



<b>Date of duty visit and destination</b>	<b>Duration (Days)</b>	<b>Post of Accompanying Officers (Total number of officers in bracket)</b>	<b>Purpose of duty visit</b>	<b>Persons /Officials met</b>	<b>Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)</b>
8/6/2009 – 9/6/2009 (Monday to Tuesday) Guangzhou, Zengcheng and Shenzhen, China	2	DCP, DCR, AD/CR, AD/Ops, CI, PLO, CLO, SSO/R (8)	Consolidated the relationship with the Guangdong Provincial People's Procuratorate (GDPP) and related organisations  Discussed the ways to expand and deepen cooperation	Chief Procurator of GDPP; Director of HKMAO of Guangdong Province  Chief Procurator of Guangzhou Municipal People's Procuratorate  Chief Procurator of Municipal People's Procuratorate; Secretary of Municipal Committee of Zengcheng  Chief Procurator of Shenzhen Municipal People's Procuratorate	20,771
29/8/2009 – 5/9/2009 (Saturday to Saturday) London and Cambridge, UK and Vienna, Austria	8	D/GS, Chief Staff Officer/Centre of Anti-corruption Studies (CSO/CACS), CI (3)	Attended the 27th Cambridge International Symposium on Economic Crime in Cambridge  Visited the Law Commission in London  Visited the Interpol's International Anti-Corruption Academy in Vienna		211,406
30/9/2009 – 2/10/2009 (Wednesday to Friday) Beijing, China	3	Nil	Participated in the HKSAR delegation on 60th Anniversary of founding of People's Republic of China		4,591
13/10/2009 – 15/10/2009 (Tuesday to Thursday) Beijing, China	3	D/CR, AD/Ops, PCPO, PLO (4)	Attended APEC Anti-Corruption Workshop  Took the opportunity to discuss with anti-corruption counterparts, fostering exchanges and cooperation	Deputy Director of State Administration of Radio, Film and Television  Vice Minister of MoS	66,024

<b>Date of duty visit and destination</b>	<b>Duration (Days)</b>	<b>Post of Accompanying Officers (Total number of officers in bracket)</b>	<b>Purpose of duty visit</b>	<b>Persons /Officials met</b>	<b>Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)</b>
8/11/2009 – 10/11/2009 (Sunday to Tuesday) Macao, China	3	DCP, DCR, 2 AD/CP, AD/CR, Principal Press Information Officer (PPIO), PLO, CLO, SSO/OSR, PCPO, 2 CCPO, CPO, RO, DRO, 2 CCPO, SCPO, Senior Staff Officer (SSO/CACS), Senior Liaison Officer (SLO), Assistant Mass Media Officer (AMMO), 2 CACO(M) (21)	Attended the two-day seminar jointly organised by ICAC, MoS and CCAC	Vice Ministerial Commissioner and Deputy Director of Inspection Office of MoS  Commissioner of National Bureau of Corruption Prevention  Directors of Supervision Department at People's Bank of China and Ministry of Justice  Deputy Director of Supervision Department, Ministry of Finance  Deputy Director of Guangdong Provincial Supervision Department  Commissioner of CCAC	109,341
23/11/2009 – 25/11/2009 (Monday to Wednesday) Hanoi, Vietnam	3	AD/Ops, SSO/CACS (2)	Attended the 6th ASEAN-China Prosecutors General Conference	Prosecutor General of Vietnam  Procurator-General of SPP	35,384
20/12/2009 – 23/12/2009 (Sunday to Wednesday) Taipei, Taiwan	4	DCR, AD/CP, PPIO, PLO, PI, SSO/CACS, 2 SSO/R (8)	Visited Taiwan's justice and supervision authorities and exchanged views on probity building	Minister of Justice; Director General of Investigation Bureau of Ministry of Justice; President of Control Yuan, Taiwan	96,617

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
8/4/2010 – 14/4/2010 (Thursday to Wednesday ) Salvador, Brazil and London, UK	7	AD/Ops, CLO (2)	Attended the Executive Committee Meeting of IAACA	<p>President of IAACA</p> <p>Head of Department, Federal Bureau for Internal Affaire, Ministry of Interior, Austria</p> <p>Adviser to the Director General, European Anti Fraud Office, European Commission</p> <p>Criminal Commissioner, Law Commission for English and Wales, UK</p> <p>Director, Serious Fraud Office, UK</p>	319,809
16/5/2010 – 23/5/2010 (Sunday to Sunday) Beijing and Chengdu, China	8	DCP, DCR, AD/Ops, PLO, PCPO, SSO/R, Senior Producer (SP), SSO/CACS (8)	<p>Visited MoS and to exchange views on enhancing mutual cooperation in anti-corruption work</p> <p>Discussed broadcasting of TV drama “ICAC Investigators” at CCTV</p> <p>Paid visit to Sichuan and was briefed on the mechanism of supervision and corruption prevention in relation to earthquake reconstruction projects</p>	<p>Minister of MoS; Deputy Director of National Bureau of Corruption Prevention</p> <p>Director of Supervision Department, Chinese Academy of Social Science</p> <p>Head of Discipline Inspection Group, Central Commission for Discipline Inspection, State Administration of Radio, Film and Television</p> <p>Secretary of Commission for Discipline Inspection, Peking University</p> <p>Vice Governor of Provincial People’s Government; Director of Provincial Supervision Department; Director of Chengdu Municipal Supervision Department;</p> <p>Secretary of Leshan Municipal Commission for Discipline Inspection</p>	162,193

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
10/6/2010 – 13/6/2010 (Thursday to Sunday) Shanghai, China	4	DCR, PI, PLO, SLO, PCPO, SSO/R (6)	<p>Attended the China Executive Leadership Academy Pudong, a national training institute for senior officials</p> <p>Attended the graduation ceremony for the 10<sup>th</sup> National Affairs Study Programme organised by the Academy for Hong Kong's disciplinary forces</p> <p>Visited the Shanghai Expo and was briefed on the corruption prevention measures for planning and implementation of the project; and exchanged views with Shanghai Municipal Bureau of Public Security</p>	<p>Vice President of China Executive Leadership Academy, Pudong</p> <p>Director of Shanghai Municipal Bureau of Public Security</p>	98,629
2/7/2010 – 4/7/2010 (Friday to Sunday) Guangzhou, and Shaoguan, China	3	DCR, PLO, AD/CP, PI, CI, SSO/R (6)	Visited the Guangdong Provincial People's Procuratorate to consolidate working relationship	<p>Chief Procurator of Provincial People's Procuratorate; Deputy Director of Hong Kong and Taiwan Affairs Office, Guangdong</p> <p>Chief Procurators of Guangzhou and Shaoguan Municipal People's Procuratorates</p>	37,208

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
25/8/2010 – 28/8/2010 (Wednesday to Saturday) Harbin, China	4	DCR, DCP, AD/CR, AD/CP, PLO, PPIO, PLO, RO, DRO, CCPO, SP, SLO, SSO/R, CACO(M) (13)	Attended the two-day seminar on anti-corruption and public finance jointly organised by ICAC, MoS and CCAC	Minister and Vice Minister of MoS  Deputy Director of National Bureau Corruption Prevention  Head, Discipline Inspection Group, Central Commission for Discipline Inspection, Ministry of Finance  Executive Vice Governor of Provincial People's Government; Director of Provincial Supervision Department; Director of Provincial Finance Department, Secretary General of Provincial Commission for Discipline Inspection, Heilongjiang  Secretary of Harbin Municipal Committee  Directors of Hebei, Fujian, Henan and Hubei Provincial Supervision Department  Shanghai Municipal Supervision Department	182,843
19/9/2010 – 21/9/2010 (Sunday to Tuesday) Beijing, China	3	SSO/R (1)	Attended the opening ceremony of a training course on Mainland government policies for ICAC officers  Visited SPP to discuss matters relating to IAACA	Executive Vice President of Chinese Academy of Governance  Procurator-General of SPP	25,341

<b>Date of duty visit and destination</b>	<b>Duration (Days)</b>	<b>Post of Accompanying Officers (Total number of officers in bracket)</b>	<b>Purpose of duty visit</b>	<b>Persons /Officials met</b>	<b>Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)</b>
2/11/2010 – 5/11/2010 (Tuesday to Friday) Macao, China	4	DCP, D/GS, DCR, AD/Ops, AD/CP, AD/Ops, AD/CR, PLO, CLO, 3 PI, CI, 2 RO, CSO/CACS, SSO/CACS, SSO/R, Principal Youth & Education Officer (PYEO), Senior Investigator (SI), CPO etc (35)	Attended the 4th Annual Conference and General Meeting of IAACA	President of IAACA Head of Department, Federal Bureau for Internal Affairs, Ministry of Interior, Austria Adviser to the Director General, European Anti-Fraud Office, European Commission Vigilance Commissioner, Central Vigilance Commission, India Director, Serious Fraud Office, United Kingdom Director, Anti-Fraud Office of Catalonia, Spain Head, General Inspection Organisation, Iran	215,151
12/12/2010 – 13/12/2010 (Sunday to Monday) Macao, China	2	SSO/CACS, SSO/R (2)	Attended the 3rd Forum on China Regional Criminal Law	Procurator-General of Public Prosecution Office, Macao  Director, Law Department, HKMAO of State Council  Legal professionals and academics of mainland China, Hong Kong and Macao	11,544
17/1/2011 – 19/1/2011 (Monday to Wednesday) Singapore	3	AD//Ops, CSO/CACS, PLO (3)	Attended IAACA Expert Meeting on IAACA work plan	Vice President of IAACA Adviser to the Director-General, European Anti-Fraud Office Deputy Director (Operations) and Head of Programmes, Corrupt Practices Investigation Bureau, Singapore	57,679
8/5/2011 – 10/5/2011 (Sunday to Tuesday) Doha, Qatar	3	DCR, AD/Ops, CSO/CACS, SSO/CACS (4)	Attended the Executive Committee Meeting of IAACA	Procurator-General of SPP  Attorney General, the State of Qatar	134,042

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
31/5/2011 – 2/6/2011 (Tuesday to Thursday) Bangkok, Thailand	3	DCR, ED/EDC, PPIO, CSO/CACS, SSO/CACS (5)	Attended an anti-corruption conference	Prime Minister, Thailand President of National Anti-Corruption Commission, Thailand  Chairman of Thai Chamber of Commerce and Board of Trade of Thailand	50,792
22/6/2011 – 26/6/2011 (Wednesday to Sunday) Beijing and Changsha, China	5	DCR, DCP, PLO, PI, SSO/R, PCPO, Liaison Officer (LO), Senior Chinese Consultant (8)	Visited MoS to exchange experience and foster closer ties in anti-corruption work  Paid a courtesy visit to the HKMAO of State Council  Visited Hunan University	Director of HKMAO of State Council  Vice Minister of MoS  Steering Committee Member, China Academy of Discipline Inspection and Supervision  Head of Discipline Inspection Group, Chinese Academy of Social Sciences  Standing Committee Member; Director of Supervision Department of Hunan Province  Deputy Secretary of Party Committee and Secretary of Commission for Discipline Inspection, Hunan University  Executive Member of Municipal Committee; President of Municipal Intermediate People's Court of Changsha	126,592

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
2/7/2011 – 4/7/2011 (Saturday to Monday) Shanghai, China	3	DCR, AD/CP, PLO, DRO, SSO/R, Senior Youth and Education Officer (SYEO), CPO (7)	<p>Attended 3rd Training Seminar of IAACA</p> <p>Convened the 1<sup>st</sup> Steering Group Meeting of IAACA International Anti-Corruption Public Service Announcement Video Competition and Workshop</p>	<p>Standing Committee Member and Central Committee Member of Political Bureau; Committee Member of Political Bureau and Secretary of Shanghai Municipal Committee</p> <p>President of IAACA and Procurator-General of SPP</p> <p>Head of Department, Federal Bureau for Internal Affairs, Ministry of the Interior, Austria</p> <p>Former Director of the Division for Treaty Affairs UNODC</p> <p>Deputy Controller General of Brazil</p> <p>Chief Commissioner, Malaysian Anti-Corruption Commission</p> <p>Chief Ombudsman, Ombudsman Commission, Papua New Guinea</p> <p>Judge, Court of Appeal, Seychelles</p> <p>Director (Operations) of Corrupt Practices Investigation Bureau, Singapore</p> <p>President of Ukraine Prosecutors Association, Ukraine</p> <p>Director of the Serious Fraud of the United Kingdom</p> <p>Professor, Northeastern University, School of Criminology and Criminal Justice, USA</p>	62,702



Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
19/8/2011 (Friday) Shenzhen	1 (Day trip)	Director of Community Relations Director of Corruption Prevention Principal Liaison Officer, Community Relations Department (CRD) Principal Corruption Prevention Officer, Corruption Prevention Department (CPD) Chief Youth and Education Officer, CRD Senior Staff Officer / Office of Strategic Research Chief Corruption Prevention Officer, CPD (7)	To exchange views and experience on anti-corruption work	Secretary, Shenzhen Municipal Commission for Discipline Inspection  Director, Shenzhen Municipal Supervision Department	The costs of the duty visit were not charged to any ICAC vote.
14/9/2011 – 17/9/2011 (Wednesday to Saturday) Beijing and Tianjin, China	4	DCR, Assistant Director/Special Duties (AD/SD), PLO, SSO/R (4)	Visited the SPP and exchanged views on the work strategies and the future development of IAACA including the drafting of a declaration for a IAACA meeting tasked with ICAC  Visited the People’s Procuratorate of Tianjin to share experiences	Procurator-General of SPP  Secretary General of IAACA  Chief Procurator of Tianjin Municipal People’s Procuratorate; Vice Chairperson of Standing Committee of Tianjin Municipal People’s Congress	67,750
19/10/2011 – 27/10/2011 (Wednesday to Thursday) Marrakesh, Morocco	9	DCR, AD/SD, PLO, CSO/CACS, DED/EDC, SSO/R (6)	Attended the 5th IAACA Annual Conference and General Meeting & the Fourth Session of the Conference of the States Parties to the United Nations Convention against Corruption  Convened the 2 <sup>nd</sup> Steering Group Meeting of IAACA International Anti-Corruption Public Service Announcement Video Competition and Workshop	Procurator-General of SPP  Participants of anti-corruption agencies	593,463

Date of duty visit and destination	Duration (Days)	Post of Accompanying Officers (Total number of officers in bracket)	Purpose of duty visit	Persons /Officials met	Total expenditure for all officers (include subsistence allowance, air passages and travelling expenses etc) (\$)
20/06/2012 – 22/06/2012 (Wednesday to Friday) Beijing, China	2	Director of Community Relations Assistant Director / Administration Principal Liaison Officer Principal Press Information Officer Principal Corruption Prevention Officer (5)	To attend meeting and conduct visits	Supreme People's Procuratorate (also International Association of Anti-Corruption Authorities) Ministry of Supervision Chinese Academy of Social Sciences	71,115
				Total : 35 visits and total expenditure \$3,907,612	

**Item 2(a): Itineraries of the duty visits to Beijing and Yunnan from 11-17 January 2009; and to Beijing, Chengdu and Sichuan from 16-23 May 2010.**

**Commissioner's Duty Visit to Beijing and Yunnan Province**  
( 11-17 January 2009 )

**Itinerary**

**11 January 2009 ( Sunday )**

PM

- Arrived at Beijing
- Dinner with the staff of the Liaison Office of the Central People's Government in the HKSAR who had assisted in organizing the trip

**12 January 2009 ( Monday )**

AM

- Visit to the Supreme People's Procuratorate (SPP)

Noon

- Lunch with academics of the Beijing Normal University

PM

- Visit to the Legislative Affairs Committee, National People's Congress
- Visit to the Hong Kong and Macao Affairs Office of State Council

Evening

- Dinner hosted by SPP

**13 January 2009 ( Tuesday )**

AM

- Visit to the Ministry of Supervision

PM

- Lunch with academics  
*(from Peking University, Tsinghua University, China University of Political Science and Law, and Renmin University of China)*
- Visit to the National Stadium and the National Aquatics Centre

**14 January 2009 (Wednesday)**

- |      |                                                                                                                                                                                  |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AM   | <ul style="list-style-type: none"><li>• Visit to the Discipline Inspection Group, Supervision Dept and Institute of Monetary of the Chinese Academy of Social Sciences</li></ul> |
| Noon | <ul style="list-style-type: none"><li>• Lunch with former Director of the General Administration of Customs</li></ul>                                                            |
| PM   | <ul style="list-style-type: none"><li>• Commissioner and part of the delegation took flight to Kunming, other members returned to Hong Kong</li></ul>                            |

**15 January 2009 (Thursday)**

- |         |                                                                                                                                                                                                                                                              |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AM      | <ul style="list-style-type: none"><li>• Visit to the Yunnan Provincial People's Procuratorate</li><li>• Meeting with the Standing Committee Member of Provincial Committee, Secretary of Provincial Political Science and Law Commission of Yunnan</li></ul> |
| Noon    | <ul style="list-style-type: none"><li>• Lunch hosted by the Standing Committee Member of Provincial Committee, Secretary of Provincial Political Science and Law Commission of Yunnan</li></ul>                                                              |
| PM      | <ul style="list-style-type: none"><li>• Flight from Kunming to Lijiang</li></ul>                                                                                                                                                                             |
| Evening | <ul style="list-style-type: none"><li>• Dinner hosted by the Lijiang Municipal People's Procuratorate</li></ul>                                                                                                                                              |

**16 January 2009 (Friday)**

- |         |                                                                                                                                                          |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| AM      | <ul style="list-style-type: none"><li>• Meeting with the Lijiang Municipal People's Procuratorate</li><li>• Visit to Jade Dragon Snow Mountain</li></ul> |
| PM      | <ul style="list-style-type: none"><li>• Visit to Shuhe Old Town</li></ul>                                                                                |
| Evening | <ul style="list-style-type: none"><li>• Dinner hosted by the Lijiang Municipal Committee</li></ul>                                                       |

**17 January 2009 (Saturday)**

- |    |                                                                                     |
|----|-------------------------------------------------------------------------------------|
| AM | <ul style="list-style-type: none"><li>• Returned to Hong Kong via Kunming</li></ul> |
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**Commissioner's Duty Visit to Beijing and Sichuan Province**  
**( 16 – 23 May 2010 )**

**Itinerary**

**16 May 2010 (Sunday)**

- PM
- Arrived at Beijing

**17 May 2010 (Monday)**

- AM
- Visit to the Head of Discipline Inspection Group, Central Commission for Discipline Inspection, State Administration of Radio, Film and Television

- Noon
- Lunch hosted by the State Administration of Radio, Film and Television

- PM
- Visit to the Minister of Supervision
  - Meeting with Ministry of Supervision (MoS) and National Bureau of Corruption Prevention

- Evening
- Dinner hosted by MoS

**18 May 2010 (Tuesday)**

- AM
- Visit to the Director of Supervision Department, Chinese Academy of Social Science

- Noon
- Director of Community Relations (DCR) attended lunch hosted by Supreme People's Procuratorate

- PM
- Visit to the academics specialized in anti-corruption studies

- Evening
- Dinner with academics specialized in anti-corruption studies

**19 May 2010 (Wednesday)**

- AM
- Representative of Hong Kong Centre of Anti-Corruption Studies met with academics of Chinese Academy of Social Science, Peking University and Tsinghua University

- PM
- DCR visited the Vice President of Institute of Discipline Inspection and Supervision
  - Some delegation members returned to Hong Kong

**20 May 2010 (Thursday)** (Joined by another ICAC officer who flew in to Chengdu)

- AM
- Commissioner and part of the delegation took flight to Chengdu
- PM
- Visit to Guanghan City Sanxingdui Museum
  - Meeting with Director of Sichuan Provincial Supervision Department
  - Dinner hosted by Sichuan Provincial Supervision Department

**21 May 2010 (Friday)**

- AM
- Visit to earthquake reconstruction projects, including Provincial Road 303 Yingwo Highway and Cui Yue Hu Minxing District of Dujiangyan City
- PM
- Meeting with Sichuan Provincial Supervision Department and Commission for Discipline Inspection and Supervision
  - Visit to the Vice Governor of Sichuan Provincial People's Government
  - Dinner hosted by the Vice Governor of Sichuan Provincial People's Government

**22 May 2010 (Saturday)**

- AM
- Visit to Leshan Grand Buddha, arranged by the Standing Committee Member, Secretary of Municipal Commission for Discipline Inspection of Leshan City
- PM
- Visit to Emeishan City and Emeishan
  - Meeting with the Standing Committee Member, Secretary of Municipal Commission for Discipline Inspection, Vice Secretary of Municipal Commission for Discipline Inspection, Director and officials of Municipal Supervision Department of Leshan City
  - Dinner hosted by the Standing Committee Member, Secretary of Municipal Commission for Discipline Inspection of Leshan City

**23 May 2010 (Sunday)**

- AM
- Returned to Hong Kong

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**Item 4 : The number of reports submitted by Mr Timothy TONG to the Chief Executive after attending duty visits outside Hong Kong referred to in Annex 5 of your reply dated 23 October 2013 to the Public Accounts Committee.**

- According to our records, Mr Timothy TONG had submitted reports on two duty visits to the Chief Executive after attending duty visits outside Hong Kong referred to in Annex 5 of your reply dated 23 October 2013 to the Public Accounts Committee.

**Item 1 : Please provide the relevant parts of the Commission Standing Orders (“CSO”) relating to duty visits applicable during Mr Timothy TONG’s tenure as Commissioner of ICAC and specify the changes that have been made since Mr Timothy TONG left ICAC.**

- ICAC11(C) ➤ CSO Part I Chapter 25-06, 25-07 and 26-4 relate to duty visits and the relevant parts of the CSO applicable during Mr Timothy TONG’s tenure as Commissioner of ICAC ~~are attached~~ (English version only). Major changes that have been made since Mr TONG’s departure from ICAC include the following:-

Chapter 25-06

- Visits outside Hong Kong should only be approved when such visits are absolutely necessary in the discharge of the officer’s duties or prominently conducive to the missions and/or function of the Commission.
- The number of officers joining the trip should be kept to the minimum and the duration of the trip should be as short as possible covering only the part of the programmes/sessions pertaining to the official purposes of the visit.
- Officers should avoid participating in any tour programmes arranged by the hosting organisation, which would prolong the duty visit or incur additional public funds, upon completion of the official business.

Chapter 26-04

- The approving authorities for upgrading of duty visits have been clearly stated, including the approving authority for upgrading the Commissioner’s duty passages rest with the Chief Executive (CE).
- Applications to modify an officer's passage for private reasons are normally not allowed unless under exceptional circumstances justifying compassionate consideration. For the Commissioner, prior approval must be obtained from CE and for other officers, the approving authority is the Commissioner.
- Officers should submit to the Supplies Office and Finance Office their request for the booking of passage by using a standard form via their head of department. Officers should not specify the airline and/or flight number, unless prior approval has been given by the approving authority.
- The Supplies Office will only confirm the reservation of air ticket after proper approval for the overseas trip is received.



**Item 16 : Details of ICAC’s policy, rules and guidelines on official entertainment when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy, rules and guidelines during and after Mr TONG’s tenure, and what changes have been made as a result of such reviews.**

- (a) The ICAC follows government policy, rules, and guidelines in drawing up its policy and rules on entertainment functions in the form of the Commission Standing Orders, internal circulars and guidelines. There was no review conducted on the subject during Mr TONG’s tenure as Commissioner of ICAC.
- (b) Our rules require that expenses incurred on official entertainment may be reimbursed if prior approval has been obtained from:
  - (i) the Commissioner: for Commission-wide functions or for entertainments hosted by the Corruption Prevention Department and Administration Branch and for operational liaison lunch with government servants, normally from disciplined services department;
  - (ii) the Deputy Commissioner (being also Head of Operations): for entertainments hosted by the Operations Department; and
  - (iii) the Director of Community Relations: for functions hosted by the Community Relations Department.
- (c) Unless the Commissioner has approved otherwise, the expenditure per person, inclusive of tips, is currently subject to the following ceiling:
  - (i) Operational liaison lunch: \$150
  - (ii) Lunch: \$350
  - (iii) Dinner: \$450
- (d) For meals, light refreshments and drinks served during publicity projects, the project coordinator ranked at Senior Commission Against Corruption Officer or above is the approving authority.
- (e) After a review in May 2013, ICAC issued further guidelines whereby the

number of officers attending the event is restricted to not exceeding the number of guests; and splitting of entertainment bills or charging them to different votes are strictly prohibited. To enhance checks and balances, the guidelines also require that :-

- (i) official entertainment hosted by the Commissioner must be endorsed by Head of Operations;
- (ii) official entertainments hosted by Heads of Department must be approved by the Commissioner;
- (iii) those attended by both the Commissioner and Heads of Department must be checked by Assistant Director/Administration to ensure compliance; and
- (iv) all expenditure items including wines, dessert, snacks etc. served before or after the same event must be included as part of the entertainment expenses.

**Item 17 : Details of the procedure for approving the hosting of official entertainment by the Commissioner of ICAC and other ICAC officers when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.**

- (a) Entertainments related to ICAC's major events or involving visitors of prominent status are normally discussed at the Commissioner's Weekly Meeting, with others handled by individual Heads of Department. Formal approval from the approving authorities as stated in the reply to Item (16) 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.
- (b) In June 2008, ICAC introduced a standard form (Form ICAC 569) requesting officers to include beverages, on top of food and tips, in seeking approval and claiming reimbursement of entertainment expenditure.
- (c) After a review in May 2013, ICAC issued further guidelines on official entertainment. With a view to strengthening control over the approval of official entertainment and reimbursement of the relevant expenses, some clarifications were made to the relevant rules and changes to the claim form as described in the reply to Item (16) and Form 569 respectively. Action is also in progress to computerise this workflow.

**Item 18 : Details of the procedure for handling the expenses arising from the official entertainment made by the Commissioner of ICAC and other ICAC officers, including the arrangements for application, approval and reimbursement as well as the accounting arrangements; whether there have been any reviews of the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.**

- (a) Expenses arising from official entertainment are handled by the Administration Branch in accordance with government rules and regulations, the Commission Standing Orders, internal circulars and guidelines.
- (b) The approving authorities and application procedures for hosting entertainment functions are detailed in the replies to Items 16 and 17. After the function, the subject officer will submit the duly certified invoice(s) / receipt(s) together with the approval for the entertainment to the Finance Office of the Administration Branch for payment / reimbursement of the expenses incurred through Treasury's Government Financial Management and Information System (GFMIS). Initial checking will be conducted by an Assistant Clerical Officer to ensure the expenditure is supported with duly certified invoices or receipts in accordance with the approval given. A second and third tier checking respectively by a Clerical Officer and a Senior Clerical Officer is then conducted before payment through GFMIS.
- (c) In June 2008, during the tenure of Mr TONG, a standard form (Form ICAC 569) was introduced, requesting officers to include beverages, on top of food and tips, in seeking approval and claiming reimbursement of entertainment expenditure. After a review in May 2013, the form was further revised to strengthen the control over the approval of official entertainment and reimbursement of the relevant expenses. Action is also in progress to computerise this workflow.

**Item 6: With regard to the ICAC's Commissioner's Weekly Meeting, please provide the post titles of the attendees and the procedures for drafting and confirming the minutes of these meetings (a) during Mr Timothy TONG's tenure and (b) since Mr Simon PEH assumed the office of ICAC Commissioner.**

- During Mr Timothy TONG's tenure and since Mr Simon PEH assumed the office of ICAC Commissioner, members of the ICAC's Commissioner's Weekly Meeting include: ICAC Commissioner, Head of Operations, Director of Community Relations, Director of Corruption Prevention, Assistant Director/Administration (AD/A) and Chief Staff Officer/Management & Administration (C/MA). In addition, Assistant Director/Community Relations 1 and Principal Press Information Officer (PPIO) also attend the meeting in relation to the Public Relations Items.
- Notes of these meetings covering the Public Relations Items were drafted by PPIO and the rest by C/MA. The draft which was reviewed by AD/A was sent to the members before the next meeting. Any suggestions from the members for amendment to the meeting notes could be made to C/MA direct and the notes after amendment would be re-distributed to the members. Members could also request to amend the notes on the next meeting. The item of Confirmation of Notes of Meeting has been formally included in the agenda of the Weekly Meeting since March 2014.

Section 04, Chapter 25, Commission Standing Orders (Part I)

(Page 1)

**Commission Standing Orders ( Part I )**

**Chapter : 25**

**Title : Finance**

**Internal Reference : 25-04**

**Section : 04**

**Heading : Entertainment Expenses**

**Version Date : 30/03/2012**

1. An officer may be reimbursed expenses incurred for provision of official entertainment which has been approved by C (for Commission-wide, Administration Branch and Corruption Prevention Department functions), H/Ops (for Operations Department functions) and DCR (for Community Relations Department functions). Officers should seek approval **in advance** before the expenses are incurred. Officers should also observe the relevant guidelines on the rate of entertainment expenses as may be issued by the Administration from time to time. Unless C has approved otherwise, the expenditure per head, inclusive of food, beverages and tips, is currently subject to the following ceiling –

- (a) Operational liaison lunch : \$150
- (b) Lunch : \$350
- (c) Dinner : \$450

2. Expenditure may be charged to the entertainment vote when it is –

- (a) directly related to the discharge of an officer's duties or a necessary part of making or maintaining contacts in his official capacity; and
- (b) in the public interest.

3. Except for the following two occasions, official entertainment must be for non-government personnel -

- (a) entertaining representatives of staff associations; or
- (b) expressing appreciation to staff for exceptional achievements, significantly beyond the normal call of duty.

4. Expenditure arising from the presence of other Government officers and their spouses may be reimbursed when -

- (a) it is in the public interest that the principal guests (who are not civil servants) should meet such officers; or
- (b) it is necessary for such officers to assist in entertaining the principal guests.

5. When official entertainment is combined with private entertainment, only that proportion of the expenditure that is attributable to the presence of the host and hostess and of their official guests may be charged to public funds.

Section 04, Chapter 25, Commission Standing Orders (Part I)

(Page 2)

6. Expenditure on official entertainment should be fully supported by receipts wherever possible. Claims for expenditure on home entertainment when receipts are not produced must be supported by full details and certified as reasonable by C personally.

7. Vouchers must include sufficient supporting information to enable the Audit Commission to ascertain whether the provisions of the relevant regulations are complied with. The list of guests for a particular function must be retained for at least 12 months and produced for the Audit Commission's examination if required.

8. Tipping should strictly follow the guidelines issued by the Secretary for Financial Services and the Treasury -

<u>Entertainment Expenses</u>	<u>Amount of Tips</u>
Up to \$2,000	5% of the bill amount
From \$2,000 to \$4,000	\$100 maximum
Over \$4,000	\$200 maximum

9. It is customary for officers to present gifts when invited to social functions (such as wedding or birthday parties) hosted by local leaders who have frequent official contact with the Commission. Subject to the following financial limits on the value of such gifts, the expenditure involved is chargeable to Component 149 General Departmental Expenses Item 566 Official Entertainment (Local) -

<u>Gift</u>	<u>Maximum Value</u>
	(\$)
(a) one gift to be purchased when only one officer is invited	400
(b) one joint gift to be purchased when two officers are invited	600
(c) one joint gift to be purchased when more than two officers are invited	800

10. Officers are advised that as far as possible, gifts rather than cash should be offered. There is no particular restriction on the type of gifts and the general guideline is that a gift suitable to the occasion should be presented. Common sense and social norm should prevail. The greeting card accompanying the gift should contain all the names of the officers invited to the function.

Major Amendments to Section 04, Chapter 25, Commission Standing Orders (Part I) about  
Official Entertainment Expenses

<b>Date</b>	<b>Paragraph</b>	<b>Major Amendments</b>
April 2005	Paragraph 1	To spell out clearly the approving authority and respective ceiling of expenditure per head
February 2007	Paragraphs 9 and 10	To introduce guidelines on purchase of gifts for social functions hosted by local leaders
April 2007	Paragraph 1	To reflect the new expenditure ceiling per head as promulgated by the Director of Administration with effect from 1 April 2007 (i.e. \$300 (instead of \$250) for lunch and \$400 (unchanged) for dinner)
July 2009	Paragraph 1	To explicitly state that “beverages” should also be counted towards expenditure per head in entertainment expenses
December 2010	Paragraph 1	To reflect the new expenditure ceiling per head as promulgated by the Director of Administration with effect from 1 January 2011 (i.e. \$350 (instead of \$300) for lunch and \$450 (instead of \$400) for dinner)





**PART II**

To: \_\_\_\_\_ via EO/F (for noting funding commitment after approval)  
Subject Officer (Name and Post)

**The above entertainment is approved\* / not approved\*.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approving Officer (Name and Post): \_\_\_\_\_

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**PART III** (To the Finance Office for payment processing after the entertainment)

To: EO/F via \_\_\_\_\_ File Ref: \_\_\_\_\_  
Supervising Officer (Name and Post)

**Please refer to the approval in Part II and the attached duly certified invoice\* / receipt\* and arrange payment\* / reimbursement\* as follows:**

**Amount in figures:** \_\_\_\_\_

**Amount in words:** \_\_\_\_\_

**Full name of payee:** \_\_\_\_\_ (HKID No. \_\_\_\_\_ )  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subject Officer (Name and Post): \_\_\_\_\_

\* Delete as appropriate.

**Item 7 : Please provide response and/or information on the following issues :**

**With reference to Annex 3 to the ICAC's reply dated 14 June 2013 to the Public Accounts Committee, please provide the details of each of the six lunches/dinners hosted by Mr Timothy TONG and the one lunch/dinner you hosted for the Consuls General from 2007-08 to 2012-13 including -**

- (a) the date of the lunch/dinner;**
- (b) purpose of the lunch/dinner;**
- (c) type of meal (e.g. lunch or dinner);**
- (d) venue;**
- (e) department/unit of ICAC responsible for arranging the lunch/dinner;**
- (f) whether any outside party was engaged in providing unremunerated services; and if so, the relevant details;**
- (g) number of guests entertained;**
- (h) number of attending ICAC officers;**
- (i) expenditure breakdown and the vote(s) to which the expenditure was charged;**
- (j) expenditure per head (including food, beverages and tips);**
- (k) gift(s) bestowed, the value and the recipient(s)**
- (l) whether cocktail reception was held prior to the lunch/dinner; if so, whether the cost of the cocktail reception was included as part of the expenditure for the lunch/dinner;**
- (m) in respect of (l) above, if the cost of cocktail reception was not included as part of the expenditure for the lunch/dinner, please provide the expenditure breakdown, the vote(s) to which the expenditure was charged and the expenditure per head for the cocktail reception; and**
- (n) records on the application and approval for the expenditure involved.**

- The ICAC cannot provide the information required in respect of Mr Timothy TONG, the ex-Commissioner, as such information falls within the scope of an on-going investigation. The information related to the lunch hosted by the incumbent Commissioner, Mr Simon PEH, for the Consuls General on 25.10.2012 is as follows :

- (a) the date of the lunch/dinner: **25.10.2012**
- (b) purpose of the lunch/dinner: ***Liaison lunch with Consuls-General, Honorary Consuls and Heads of Major Chambers of Commerce in Hong Kong***
- (c) type of meal (e.g. lunch or dinner): ***Lunch***
- (d) venue: ***ICAC Staff Mess***
- (e) department/unit of ICAC responsible for arranging the lunch/dinner: ***Community Relations Department***
- (f) whether any outside party was engaged in providing unremunerated services; and if so, the relevant details: ***No***
- (g) number of guests entertained: **85**
- (h) number of attending ICAC officers: **17**
- (i) expenditure breakdown and the vote(s) to which the expenditure was charged: ***Lunch buffet \$35,500 (Entertainment Vote)***
- (j) expenditure per head (including food, beverages and tips): ***\$348***
- (k) gift(s) bestowed, the value and the recipient(s): ***Yes, a mug with ICAC logo; \$9,226 for 70 recipients***
- (l) whether cocktail reception was held prior to the lunch/dinner; if so, whether the cost of the cocktail reception was included as part of the expenditure for the lunch/dinner: ***No***
- (m) in respect of (l) above, if the cost of cocktail reception was not included as part of the expenditure for the lunch/dinner, please provide the expenditure breakdown, the vote(s) to which the expenditure was charged and the expenditure per head for the cocktail reception: ***N.A.***
- (n) records on the application and approval for the expenditure involved: ***Approval was obtained from the Commissioner on 17.10.2012 to host the lunch for 102 participants (85 guests and 17 ICAC officers) at a cost of \$350 per head.***

**Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

1. According to Annex 3 to the ICAC's reply dated 14 June 2013 to the Public Accounts Committee, Mr Timothy TONG has hosted six lunches/dinners for the Consuls General from 2007–08 to 2012–13. Please provide the dates of these six lunches/dinners and confirm which ones were lunches and which ones were dinners.
  - The ICAC cannot provide the information required in respect of Mr Timothy TONG, the ex-Commissioner, as such information falls within the scope of ICAC's on-going investigation into whether Mr TONG has committed the alleged offences under the Prevention of Bribery Ordinance and common law offence of "Misconduct in Public Office".

**Item 1 : The Select Committee notes from the evidence given by Mr Timothy TONG at the hearing that there is a management committee overseeing the operation of the ICAC staff mess. Please provide the terms of reference of this management committee, its composition and term of office.**

- The ICAC Staff Mess Caterer comes under the supervision and monitoring of the ICAC Staff Club through its General Committee. The General Committee consisting of a Chairman, a Vice-chairman, a Treasurer, a Secretary, a Mess Monitor and up to nine other Members, who are ICAC officers serving on a volunteer basis, are elected by other staff members at the Annual General Meeting of the Staff Club.
  
- 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 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. It is the duties of the Mess Monitor to liaise with the selected contractor of the Mess in respect of all matters in connection with the Mess operation and to make reports to the General Committee on a regular basis.

**Item 3 : Whether there were any precedent cases in which chefs from other organizations were arranged to provide catering services for the functions of ICAC at the ICAC staff mess before the tenure of the former Commissioner, ICAC, Mr Timothy TONG; if so, please provide the details of the functions, including**

- (i) the date of the function;**
- (ii) the purpose of the function;**
- (iii) type of meals (e.g. lunch or dinner);**
- (iv) number and names of organizations/persons entertained;**
- (v) expenditure per head; and**
- (vi) whether and how ICAC had paid for the cost of the food and services provided by the chefs.**

➤ The ICAC does not have any records on the required information.

## Commission Standing Orders ( Part I ) Chapter 25

### Commission Standing Orders ( Part I )

Chapter 25

Title : Finance

Internal Reference : 25-04

Section : 04

Heading : Entertainment Expenses and  
: Offering / Exchange of  
Souvenirs

Version Date : 4/10/2013

#### Entertainment Expenses

1. As a general principle, officers are reminded to exercise prudence when incurring official entertainment expenses and should adhere to strict economy in expenses to avoid giving any notion of unjustified expenses.

2. An officer may be reimbursed expenses incurred for provision of official entertainment which has been approved by C (for Commission-wide, Administration Branch and Corruption Prevention Department functions), H/Ops (for Operations Department functions) and DCR (for Community Relations Department functions). To allow sufficient internal control, all official entertainments hosted by Head of Department (HoD) (i.e. H/Ops, DCR and DCP) should be approved by C. For proper checks and balances, H/Ops will endorse official entertainments hosted by C; whereas AD/A will check compliance of those attended by both C and HoDs. Officers should seek approval **in advance** before the expenses are incurred and give justifications for the entertainment and choice of venue. The subject officer should complete a standard form (Form ICAC 569) specifying that the entertainment expenses are for official purpose and that the entertainment is essential and the prices paid are fair and reasonable. Officers hosting the entertainment should also observe the relevant guidelines on the rate of entertainment expenses as may be issued by the Administration from time to time.

3. Expenditure may be charged to the entertainment vote when it is –

- (a) directly related to the discharge of an officer's duties or a necessary part of making or maintaining contacts in his official capacity; and
- (b) in the public interest.

4. The expenditure per head, inclusive of food, beverages (both alcoholic and non-alcoholic) and tips, is currently subject to the following ceiling –



- (a) Operational liaison lunch : \$150
- (b) Lunch : \$350
- (c) Dinner : \$450

If the overall expenditure per head exceeds the ceiling rate, justifications have to be provided and C's approval must be sought.

5. All entertainment functions, irrespective of the vote chargeable and those arising from the publicity projects, are subject to the same approval authorities and ceiling rates as set out in paragraphs 2 and 4 above. When under the circumstances that entertainment expenditure is included in a package charge covering costs for meal, venue and tea session, etc that cannot be quoted as a separate item, the total expenditure should also be taken as entertainment expenditure in the same occasion. In case there are other expenditure items (e.g. wine, dessert, snacks, etc.) serving before, during or after the same function, such cost should also be included as part of the total entertainment expenditure and C's approval should be sought with justifications if the overall expenditure per head exceeds the ceiling rate. Splitting of bills or charging them to different votes is strictly prohibited.

6. Except for the following two occasions, official entertainment must be for non-government personnel -

- (a) entertaining representatives of staff associations; or
- (b) expressing appreciation to staff for exceptional achievements, significantly beyond the normal call of duty.

7. Expenditure arising from the presence of other Government officers and their spouses may be reimbursed when -

- (a) it is in the public interest that the principal guests (who are not civil servants) should meet such officers; or
- (b) it is necessary for such officers to assist in entertaining the principal guests.

8. Only guests directly related to the context of the official business should be considered for invitation for entertainment. Moreover, the number of Commission officers attending the event should be kept to the minimum and confined to those who are directly related to the context of the official business concerned. Except under very special circumstances and with full justifications given, the number of Commission officers should not exceed the number of guests.

9. When official entertainment is combined with private entertainment, only that proportion of the expenditure that is attributable to the presence of the host and hostess and of their official guests may be charged to public funds.

10. Expenditure on official entertainment should be fully supported by receipts wherever possible. Claims for expenditure on home entertainment when receipts are not produced must be supported by full details and certified as reasonable by C personally.

11. Vouchers must include sufficient supporting information to enable the Audit Commission to ascertain whether the provisions of the relevant regulations are complied with. The list of guests for a particular function must be retained for at least 12 months and produced for the Audit Commission's examination if required.

12. Tipping should strictly follow the guidelines issued by the Secretary for Financial Services and the Treasury -

<u>Entertainment Expenses</u>	<u>Amount of Tips</u>
Up to \$2,000	5% of the bill amount
From \$2,000 to \$4,000	\$100 maximum
Over \$4,000	\$200 maximum

### **Serving of Alcoholic Beverages**

13. The use of hard liquor in official functions is banned while the purchase of wine for official purpose will be suspended if there is wine stock in the Commission. When table wine is required for official use, officers should draw from the existing wine stock kept under the custody of Supplies Officer/Administration Branch. Officer must include in his / her application for entertainment expenditure the number of bottles and the type of table wine he / she requests if the use of wine is deemed necessary. Bottles of wine drawn but remained unused after each official entertainment should be returned to Supplies Officer/Administration Branch for storage and record. On exhaustion of the office stock, officers may procure wine separately but the cost of wine consumed in official functions should be properly accounted for and included in the estimate / cost of the entertainment.

## Gifts for Social Functions

14. It is customary for officers to present gifts when invited to social functions (such as wedding or birthday parties) hosted by local leaders who have frequent official contact with the Commission. Subject to the following financial limits on the value of such gifts, the expenditure involved is chargeable to Component 149 General Departmental Expenses Item 566 Official Entertainment (Local) -

<u>Gift</u>	<u>Maximum Value</u>
	(\$)
(a) one gift to be purchased when only one officer is invited	400
(b) one joint gift to be purchased when two officers are invited	600
(c) one joint gift to be purchased when more than two officers are invited	800

15. Officers are advised that as far as possible, gifts rather than cash should be offered. There is no particular restriction on the type of gifts and the general guideline is that a gift suitable to the occasion should be presented. Common sense and social norm should prevail. The greeting card accompanying the gift should contain all the names of the officers invited to the function.

## Offering and Exchange of Gifts / Souvenirs

16. Offering of gifts / souvenirs to ICAC contacts are chargeable to Component 149 General Departmental Expenses Item 402 Office Stationery and Materials. As a general principle, officers should not offer gifts / souvenirs to official guests and should avoid as far as possible exchanging gifts / souvenirs with official guests. As appropriate, the organization concerned should be notified in advance of the arrangement and the Commission's economy drive. Where the exchange of gifts / souvenirs is unavoidable, officers should only present one standard souvenir inscribed with the ICAC logo (e.g. ICAC Building model, ICAC Annual Report or ICAC plaque, etc.) to the organisation concerned. No gift / souvenirs should be given on a personal basis. If it is deemed appropriate to present non-standard gifts / souvenirs to an organisation, the approval of HoD should be sought and Admin Branch should be duly alerted. For proper record of accounting purpose, the nature of gift / souvenir, quantity, value and officials / organisations presented with the gift / souvenir should be provided to the Finance Office, as far as possible, for effecting payment.

17. To enhance checks and balances, the Admin Branch will report to the Advisory Committee on Corruption on a regular basis any departure from the normal practice in respect of entertainment functions and presenting gifts / souvenirs to external parties

**Item 30 : Details of ICAC's policy, rules and guidelines on bestowing and receipt of gifts when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the policy during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.**

#### Bestowing of gifts

- (a) Within the spirit of prudent and economical use of government funding and on the basis of reasonableness and necessity, the ICAC follows government policy and guidelines in drawing up its own policy and guidelines on the bestowing of gifts. Since 1996, ICAC has adopted a policy to limit to the minimum the exchange of gifts on official occasions and the change of gifts should be made from organisation to organisation. ICAC also follows Government's Stores and Procurement Regulations in the procurement of gifts whereby subject officers must seek funding approval from the line management for the purchase of gifts and their certification when claiming for reimbursement of the expenses. In line with the relevant government rules, the ICAC did not have any laid down rules or guidelines specifying the types and the amount in value of gifts to be presented. There was no review conducted on the subject during Mr TONG's tenure.
- (b) After a review in May 2013, ICAC issued further guidelines, under which officers should offer only one standard ICAC souvenir if exchange of gifts / souvenirs is unavoidable and should not present any gifts / souvenirs on a personal basis.

#### Receipt of gifts

- (c) The ICAC follows government policy, rules and guidelines in drawing up its policy, rules and guidelines on acceptance of gifts, in the form of Commission Standing Orders.
- (d) All gifts presented to an officer in his official capacity are gifts to the Commission. They should not be accepted unless they cannot be declined without causing offence or embarrassment. Approval authorities for acceptance of gifts by ICAC officers for personal retention are stipulated in the Schedule of Authorities as follows :

- (i) the Chief Executive: Commissioner in accordance with CSB Circular No. 4/2007
  - (ii) the Commissioner: for directorate officers
  - (iii) Heads of Department (except Director of Community Relations) : for non-directorate officers in respective departments
  - (iv) Assistant Director/Community Relations: for non-directorate officers in the Community Relations Department
  - (v) Assistant Director/Administration: for officers in the Administration Branch
- (e) ICAC does not make rules of its own in this regard.

**Item 2 : Please provide response and/or information on the following issues :**

**Date and other details on which the ICAC's policy on exchange of gifts was incorporated into ICAC's Commission Standing Orders ("CSO"), and whether there have been any changes to the relevant part of the CSO thereafter.**

- ICAC Staff Circular No.23/96 on "The Giving and Receiving of Gifts on Official Entertainment" was cancelled in August 2001 and the details on giving and receiving of gifts were incorporated in CSO (I) 09-03 on "Acceptance of Advantages". The policy on exchange of gifts was incorporated into the current version of CSO (I) 25-04 on "Entertainment Expenses and Offering/Exchange of Gifts" in October 2013. A copy of the relevant CSOs is attached (English version only).

<b>Commission Standing Order ( Part I )</b>		
Chapter : 09	Title : Conduct and Discipline	Internal Reference : 09-03
Section : 03	Heading : Acceptance of Advantages	Version Date : 15.08.200
		1

**Definition of "Advantage"**

1. "Advantage" is defined in Section 2 of the POBO to mean almost anything which is of value, except entertainment which will be covered under Section 9-04. Common examples include any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service, favour, etc.

2. It may constitute an offence under Section 3 of the POBO if an officer solicits or accepts any advantage not in accordance with the general or special permission given under the AAN.

**Restricted Advantages**

3. The AAN lists the advantages that a government officer may solicit or accept without committing an offence under Section 3 of the POBO. Under this Notice, the Chief Executive has given general permission to an officer to solicit or accept advantages without restrictions (including favours and loans of objects) except for four types specified as "restricted advantages" which may only be solicited or accepted under certain circumstances having regard to the relationship with the offeror, the occasion the advantage is offered and the value of the advantage. The "restricted advantages" under the AAN are -

- (i) gifts (both of money and in kind);



- (ii) discounts;
- (iii) loans of money; and
- (iv) air, sea and overland passages.

4. An officer should read **Annex 9-1** (*Circumstances for Accepting Restricted Advantages*) to familiarize himself with the limited circumstances under which general permission is given under the AAN for him to solicit or accept any "restricted advantage". In case of doubt, he should seek clarification from his supervising officer at the Senior Commission Against Corruption Officer level (SCACO) or above.

#### **Special Permission**

5. In circumstances not covered by the general permission under the AAN, an officer should apply to his Head of Department for special permission ( using the sample form at **Annex 9-2** (*Application for Special Permission to Accept Restricted Advantages*) ) prior to or as soon as reasonably possible after accepting any "restricted advantage" in accordance with paragraphs 8 and 9 of the AAN.

#### **Conflict of Interest**

6. An officer may be liable to disciplinary action if he solicits or accepts any advantage (even one permitted under the AAN) if this has led, or could have led to a conflict between his private interests and his official duties or position. See also Section 9-05 on conflict of interest.

#### **Acceptance of Advantages Presented in One's Official Capacity**

7. An officer is discouraged from accepting advantages presented to

△

him in his official capacity. The policy of the Commission is to limit to the minimum the exchange of gifts on official occasions. Where an exchange of gifts is unavoidable on a particular occasion, the exchange should be made from organization to organization. Although it may be difficult formally to ask visitors not to offer any gift, it would be desirable to disclose the Commission's policy on this matter to other organisations wherever possible in advance.

△ *Acceptance of Gifts*

8. All gifts presented to an officer in his official capacity, including prizes won through free lucky draws or free raffle tickets during official functions are to be regarded as gifts to the Commission, which the officer receives on behalf of the Commission. Where it can be done without causing offence or embarrassment, the gift should be returned to the donor with a carefully worded explanation that Commission policy restricts the acceptance of gifts and a polite word of gratitude for the thought behind the gifts. A gift should only be accepted in circumstances where it is considered that its acceptance cannot be declined.

*Report of Acceptance of Gifts*

9. As soon as possible after gifts are presented and accepted, an officer should make a report to his Head of Department in the format shown in **Annex 9-3** (*Report on Acceptance of Gift Presented to an Officer in His Official Capacity*). Staff are not required to seek permission for accepting gifts of which are of no commercial or resale value, e.g. plaques, banners, pennants, printed calendars, laisee envelopes, which are marked with inscriptions and names of organisations. However, they are required to make reports to their supervisors at SCACO level or above who may decide how

these gifts should be disposed of. Where an officer wishes to retain the gift personally, he should seek prior approval from his Head of Department or the designated directorate officer.

### *Guidelines for Disposal of Official Gifts*

10. The Commission's guidelines for the disposal of official gifts are set out at **Annex 9-4** (*Guidelines for the Disposal of Gifts Presented to an Officer in his Official Capacity*). Directorate officers wishing to retain gifts received on official occasions must seek permission from the Commissioner.

11. If an officer has any doubt about the disposal of gifts he has received on an official occasion, he should consult his Head of Department.

### *Acceptance of Honorarium*

12. Notwithstanding CSR 550(j), ICAC officers are not allowed to receive honorarium for talks delivered on behalf of the Commission. Should it be considered offensive or difficult to reject a fee, the officer should make a report to the Assistant Director/Administration who shall arrange for the fee to be paid to the General Revenue via the Treasury.

### *Acceptance of Flight Awards*

#### *Flight Awards from Duty Travel*

13. Duty air passages are normally booked through the Supplies Office. Any mileage awards will be credited to the Commission's corporate accounts, if applicable.

14. Where the airline offers awards to personal accounts only, an

officer may claim and accept the flight awards (see also para 16). However, the first call on the use of such awards arising from duty travel, including passages provided for overseas postings and training, must be for subsequent duty travel. This may include upgrading of passages or providing a passage for a spouse to travel with the officer where there is justification but where normal rules or funding would not permit public funds to be used.

15. If an award is not expected to be used for subsequent duty travel before the expiry date of the award, approval for an officer at SCACO and below to use the award for private purposes has to be sought from Assistant Director/Administration. In respect of directorate officers who wish to use such awards for a private purpose, approval must be sought from the Commissioner.

16. The Commission does not oblige officers on duty travel to claim flight awards from airlines. However, if and when such awards are claimed and credited to an officer's personal mileage account, the officer should report the awards to his Head of Department and the Administration Branch to facilitate planning for the possible use of the awards for subsequent duty travel. The officer must report to his Head of Department should there be a conflict of interest between the acceptance of the travel award and the officer's official duties.

#### *Flight Awards from other Government Passages*

17. Officers may accept flight awards earned from other government passages, including leave and leave-cum-duty passages. General permission has already been given under paragraph 4 of the AAN for them to accept such awards. Approval is also given under CSB Circular No 17/92 for officers to accept flight awards earned from other government passages, subject to the

conditions stipulated in paragraphs 13 to 15 above for awards arising from duty travel.

18. An officer should report to his Head of Department if there is a conflict of interest between the acceptance of the travel award and his official duties.

### *Courier Passages*

19. All officers are **NOT** allowed to undertake courier duties and to accept the free or discounted passages offered.

### *Acceptance of Free Service*

20. Although free service is regarded as an "unrestricted advantage" under the AAN for the purpose of Section 3 of the POBO, an officer should ensure that he has no official dealings with the service providers before accepting the service so that he will not be obligated to arbitrarily favour the service providers in their official dealings with the Commission. In case of doubt, an officer should consult his supervisor.

21. If an official relationship between the officer and the service provider arises after acceptance of the service, the officer should report the acceptance to his Head of Department so as to avoid a perceived conflict of interest.

**Commission  
Standing Orders  
( Part I )**

**Chapter : 25**

**Section : 04**

**Title : Finance**

**Heading : Entertainment Expenses  
and Offering / Exchange of  
Souvenirs**

**Internal Reference : 25-04**

**Version Date : 04/10/2013**

### **Entertainment Expenses**

1. As a general principle, officers are reminded to exercise prudence when incurring official entertainment expenses and should adhere to strict economy in expenses to avoid giving any notion of unjustified expenses.

2. An officer may be reimbursed expenses incurred for provision of official entertainment which has been approved by C (for Commission-wide, Administration Branch and Corruption Prevention Department functions), H/Ops (for Operations Department functions) and DCR (for Community Relations Department functions). To allow sufficient internal control, all official entertainments hosted by Head of Department (HoD) (i.e. H/Ops, DCR and DCP) should be approved by C. For proper checks and balances, H/Ops will endorse official entertainments hosted by C; whereas AD/A will check compliance of those attended by both C and HoDs. Officers should seek approval **in advance** before the expenses are incurred and give justifications for the entertainment and choice of venue. The subject officer should complete a standard form (Form ICAC 569) specifying that the entertainment expenses are for official purpose and that the entertainment is essential and the prices paid are fair and reasonable. Officers hosting the entertainment should also observe the relevant guidelines on the rate of entertainment expenses as may be issued by the Administration from time to time.

3. Expenditure may be charged to the entertainment vote when it is –

- (a) directly related to the discharge of an officer's duties or a necessary part of making or maintaining contacts in his official capacity; and
- (b) in the public interest.

4. The expenditure per head, inclusive of food, beverages (both alcoholic and non-alcoholic) and tips, is currently subject to the following ceiling –

- (a) Operational liaison lunch : \$150
- (b) Lunch : \$350
- (c) Dinner : \$450

If the overall expenditure per head exceeds the ceiling rate, justifications have to be provided and C's approval must be sought.

5. All entertainment functions, irrespective of the vote chargeable and those arising from the publicity projects, are subject to the same approval authorities and ceiling rates as set out in paragraphs 2 and 4 above. When under the circumstances that entertainment expenditure is included in a package charge covering costs for meal, venue and tea session, etc that cannot be quoted as a separate item, the total expenditure should also be taken as entertainment expenditure in the same occasion. In case there are other expenditure items (e.g. wine, dessert, snacks, etc.) serving before, during or after the same function, such cost should also be included as part of the total entertainment expenditure and C's approval should be sought with justifications if the overall expenditure per head exceeds the ceiling rate. Splitting of bills or charging them to different votes is strictly prohibited.

6. Except for the following two occasions, official entertainment must be for non-government personnel -

- (a) entertaining representatives of staff associations; or
- (b) expressing appreciation to staff for exceptional achievements, significantly beyond the normal call of duty.

7. Expenditure arising from the presence of other Government officers and their spouses may be reimbursed when -

- (a) it is in the public interest that the principal guests (who are not civil servants) should meet such officers; or
- (b) it is necessary for such officers to assist in entertaining the principal guests.

8. Only guests directly related to the context of the official business should be considered for invitation for entertainment. Moreover, the number of Commission officers attending the event should be kept to the minimum and confined to those who are directly related to the context of the official business concerned. Except under very special circumstances and with full justifications given, the number of Commission officers should not exceed the number of guests.

9. When official entertainment is combined with private entertainment, only that proportion of the expenditure that is attributable to the presence of the host and hostess and of their official guests may be charged to public funds.

10. Expenditure on official entertainment should be fully supported by receipts wherever possible. Claims for expenditure on home entertainment when receipts are not produced must be supported by full details and certified as reasonable by C personally.

11. Vouchers must include sufficient supporting information to enable the Audit Commission to ascertain whether the provisions of the relevant regulations are complied with. The list of guests for a particular function must be retained for at least 12 months and produced for the Audit Commission's examination if required.

12. Tipping should strictly follow the guidelines issued by the Secretary for Financial Services and the Treasury -

<u>Entertainment Expenses</u>	<u>Amount of Tips</u>
Up to \$2,000	5% of the bill amount
From \$2,000 to \$4,000	\$100 maximum
Over \$4,000	\$200 maximum

### **Serving of Alcoholic Beverages**

13. The use of hard liquor in official functions is banned while the purchase of wine for official purpose will be suspended if there is wine stock in the Commission. When table wine is required for official use, officers should draw from the existing wine stock kept under the custody of Supplies Officer/Administration Branch. Officer must include in his / her application for entertainment expenditure the number of bottles and the type of table wine he / she requests if the use of wine is deemed necessary. Bottles of wine drawn but remained unused after each official entertainment should be returned to Supplies Officer/Administration Branch for storage and record. On exhaustion of the office stock, officers may procure wine separately but the cost of wine consumed in official functions should be properly accounted for and included in the estimate / cost of the entertainment.



## **Gifts for Social Functions**

14. It is customary for officers to present gifts when invited to social functions (such as wedding or birthday parties) hosted by local leaders who have frequent official contact with the Commission. Subject to the following financial limits on the value of such gifts, the expenditure involved is chargeable to Component 149 General Departmental Expenses Item 566 Official Entertainment (Local) -

<u>Gift</u>	<u>Maximum Value</u>
	(\$)
(a) one gift to be purchased when only one officer is invited	400
(b) one joint gift to be purchased when two officers are invited	600
(c) one joint gift to be purchased when more than two officers are invited	800

15. Officers are advised that as far as possible, gifts rather than cash should be offered. There is no particular restriction on the type of gifts and the general guideline is that a gift suitable to the occasion should be presented. Common sense and social norm should prevail. The greeting card accompanying the gift should contain all the names of the officers invited to the function.

## **Offering and Exchange of Gifts / Souvenirs**

16. Offering of gifts / souvenirs to ICAC contacts are chargeable to Component 149 General Departmental Expenses Item 402 Office Stationery and Materials. As a general principle, officers should not offer gifts/souvenirs to official guests and should avoid as far as possible exchanging gifts/souvenirs with official guests. As appropriate, the organization concerned should be notified in advance of the arrangement and the Commission's economy drive. Where the exchange of gifts / souvenirs is unavoidable, officers should only present one standard souvenir inscribed with the ICAC logo (e.g. ICAC Building model, ICAC Annual Report or ICAC plaque, etc.) to the organisation concerned. No gift/souvenirs should be given on a personal basis. If it is deemed appropriate to present non-standard gifts/souvenirs to an organisation, the approval of HoD should be sought and Admin Branch should be duly alerted. For proper record of accounting purpose, the nature of gift/souvenir, quantity, value and officials/organisations presented with the gift/souvenir should be provided to the Finance Office, as far as possible, for effecting payment.

17. To enhance checks and balances, the Admin Branch will report to the Advisory Committee on Corruption on a regular basis any departure from the normal practice in respect of entertainment functions and presenting gifts/souvenirs to external parties.

"

## Examples of "Commission-wide" Gifts

Gifts	Quantity	Unit cost (\$)
All gifts with unit cost <\$5		
Eraser with ICAC logo	20 000	1
Memo pad	40 000	2
Coaster	8 830	2
Pen	34 000	2
Non-woven shopping bag	10 000	4
Examples of gifts with unit cost in the range of \$5 – \$99		
Lanyard with card-holder	350	15
ICAC key-ring	201	15 – 20
ICAC pin	834	15 – 20
Photo frame	1 233	40
Pen	741	65 – 100
Edible gifts (biscuits, cookies, Chinese cakes, chocolate, etc.)	600	5 – 100
Examples of gifts with unit cost in the range of \$100 – \$349		
ICAC Building model	34	100 – 280
ICAC plaque	148	100 – 290
Edible gifts (biscuits, cookies, Chinese cakes, chocolate, mooncakes, etc.)	184	105 – 250
Pen	233	126 – 295
Photo frame	20	300
All gifts with unit cost in the range of \$350 - \$4,150		
ICAC Building model	33	360 – 480
Stamp Album	10	550
ICAC plaque	3	360 - 650
Crystal junk	1	675
Chocolate	1	680
Cooked food (beef brisket and fish ball)	2	815
Tankard	5	1,580
Camera	1	1,650
Pen	84	350 – 1,650
Digital photo frame	8	590 – 1,890

<b>Gifts</b>	<b>Quantity</b>	<b>Unit cost (\$)</b>
Wine	1	1,960
Scarf	3	400 – 2,090
Goat-shape ornament	1	2,380
Hong Kong Skyline model	28	1,200 – 2,350
Tiger-shape ornament	1	4,140

## Examples of Gifts Procured by ICAC's Individual Departments

<b>Gifts</b>	<b>Quantity</b>	<b>Unit cost (\$)</b>
All gifts with unit cost <\$5		
Pen	1 700	4
Examples of gifts with unit cost in the range of \$5 – \$99		
ICAC pin	486	20
ICAC cufflink	193	25 – 30
ICAC key ring	372	15 – 35
Mug holder	205	60 – 65
Pen	2 193	10 – 75
Edible gifts (Chocolate, Chinese cakes, dried beef)	63	30 – 100
Ceramic card stand	70	100
Examples of gifts with unit cost in the range of \$100 – \$349		
ICAC watch	270	150
Coffee cup	50	180
Edible gifts (cookies, Chinese cakes, mooncakes)	29	148 – 200
Pen holder	43	190 – 240
ICAC Building model	212	100 – 280
Crystal stand	25	280
ICAC plaque	123	100 – 310
All gifts with unit cost in the range of \$350 - \$4,150		
ICAC Building model	115	360 – 400
ICAC plaque	119	360 – 650
Crystal trophies	12	600
Ceramic art-piece	118	450 – 800
Hong Kong Skyline model	32	1,300 – 1,950
Pen	5	2,170
Eagle-shape ornament	1	4,730

Examination of Estimates of Expenditure 2012-13

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO  
SUPPLEMENTARY QUESTION**

<b>S-ICAC001</b>
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Question Serial No.

SV012
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Head: 72 – Independent Commission  
Against Corruption

Subhead (No. & title):

Programme:

Controlling Officer: Commissioner, Independent Commission Against Corruption

Director of Bureau: Commissioner, Independent Commission Against Corruption

Question :

Pursuant to reply nos. ICAC013 and ICAC014, the Commissioner is requested to provide the following information:

- (a) a list of gifts presented by the former Commissioner, Mr Timothy HM TONG, to government officials of different places and paid out of public funds during his tenure, and the list of such officials on each occasion;
- (b) in respect of the seminar attended by Mr TONG and 21 ICAC officers in Macau on 8 November 2009, the nature and objective of the seminar, who decided whether the Commission should be represented in the seminar, and a breakdown of the expenditure incurred for the visit.

Asked by : Hon. Dennis KWOK

Reply:

- (a) A list of gifts presented by the former Commissioner, Mr Timothy HM TONG to government officials of different places and paid out of public funds during his tenure is as follows:

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2007-08	1	Photo frame with commemorative photos	33	\$1,234.20	Distinguished guests attending the Opening Ceremony of ICAC Building
2007-08	2	Crystal ICAC Building model ( large )	1	\$400.00	Discipline Inspection Group of Ministry of Education
		Crystal ICAC Building model ( 3D Laser )	8	\$1,080.00	Head of Discipline Inspection Group; Deputy Director of Ideological and Political Department; Deputy Director of Hong Kong, Macao and Taiwan Affairs Office; Deputy Director of Basic Education Department; Deputy Director of Supervision Department; Cadre of General Office of Ministry of Education and two other

Year	Gift	Qty.	Value (\$)	Receiving organisation/official
				officials
3	Crystal ICAC Building model ( large )	1	\$400.00	Ningbo Municipal Commission for Discipline Inspection
	Crystal ICAC Building model ( 3D Laser )	5	\$675.00	Secretary of Commission for Discipline Inspection; Standing Committee Member, Head of Publicity Department; Director of Information Office of Ningbo; and 2 accompanying staff
4	Crystal ICAC Building model ( large )	12	\$4,800.00	(Duty Visit)
	Crystal ICAC Building model ( small )	7	\$1,260.00	Procurator-General of Supreme People's Procuratorate (SPP) Deputy Director of Hong Kong and Macao Affairs Office (HKMAO) of State Council Vice Minister of Ministry of Supervision (MoS) Deputy Director of National Bureau of Corruption Prevention Secretary of Commission for Discipline Inspection and Superintendent General of Ministry of Public Security Director of General Administration of Customs Deputy Chief Procurator of People's Procuratorate; Director of Supervision Department; Secretary of Political Science and Law Commission Committee of Jiangsu Province Chief Procurator of Municipal People's Procuratorate; Director of Municipal Supervision Department; Secretary of Political Science and Law Commission of Suzhou Secretary of Political Science and Law Commission, Suzhou Industrial Park Vice Mayor of Kunshan Municipal People's Government Four other organizations/ officials

Year		Gift	Qty.	Value (\$)	Receiving organisation/official	
2007-08	5	Crystal ICAC Building model ( large )	7	\$2,800.00	[Seminar jointly organized by ICAC, MoS and Commission Against Corruption of Macao (CCAC)] Officials of MoS and Shenzhen Municipal Anti-Corruption Authorities	
		Crystal ICAC Building model ( small )	5	\$900.00		
		Crystal ICAC Building model ( 3D Laser )	5	\$675.00		
2007-08	6	Ornament	1	\$2,377.50	(Duty Visit) Guangdong Provincial People's Procuratorate (GDPP)	
		Crystal ICAC Building model ( large )	7	\$2,800.00	Secretary for Administration and Justice of Macao Chief Procurator of Municipal People's Procuratorate; Director of Municipal Supervision Department; Government Procurement Centre of Zhuhai Chairperson and Vice-chairperson of the CPPCC 10th Provincial Committee of Guangdong Director of General Office of CPPCC Guangdong Provincial Committee	
		Crystal ICAC Building model ( small )	5	\$900.00	Vice-mayor of Municipal People's Government; Secretary of Municipal Political Science and Law Commission of Guangzhou Secretary for Security; Director-General of Customs; Commander of the Chief Public Security Police Force of Macao	
		Hong Kong scenery crystal ornament ( small )	1	\$1,500.00	Deputy Director of Guangdong Provincial Supervision Department	
		Hong Kong scenery crystal ornament ( large )	1	\$2,352.00	GDPP	
		Crystal paper weight	3	\$150.00	Commissioner of CACC; Procurator-General of Macao Director of Guangdong Provincial Public Security Department	
		Crystal ICAC Building model ( 3D Laser )	10	\$1,350.00	Other officials of organizations visited	
		7	Hong Kong scenery crystal ornament ( small )	1	\$1,500.00	Officials in Liaison Office of the Central People's Government in HKSAR
		8	ICAC plaque	1	\$360.00	Assistant Minister of Ministry of Foreign Affairs
9	ICAC plaque	1	\$360.00	Staff Director of House Democratic Caucus, US Congressional Staffer		
2007-08	10	ICAC plaque	1	\$360.00	Member of Parliament, Australia	



Year		Gift	Qty.	Value (\$)	Receiving organisation/official
	11	ICAC plaque	1	\$360.00	All Party Parliamentary China Group, UK
	12	ICAC plaque	1	\$360.00	Deputy Commissioner, State Administration of Taxation, PRC
	13	ICAC plaque	1	\$360.00	Minister of State for Trade and Industry, Singapore
	14	Ornament	1	\$4,140.00	Supreme People's Procuratorate
	15	Crystal ICAC Building model ( large )	1	\$400.00	Vice Minister, Ministry of Health
	16	Crystal ICAC Building model ( large )	1	\$400.00	Principal, The Albright Group
	17	Crystal ICAC Building model ( large )	1	\$400.00	Vice Minister, Ministry of Commerce
	18	Crystal ICAC Building model ( large )	1	\$400.00	Member of Executive Board, European Central Bank
	19	Crystal ICAC Building model ( large )	1	\$400.00	Commissioner, National Bureau of Statistics
	20	Stamp album and stamp pack	8	\$4,400.00	For visitors to ICAC
<b>20 occasions, total value:</b>				<b>\$39,853.70</b>	

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2008-09	1	Crystal ICAC Building model ( large )	1	\$400.00	Director of Foreign Affairs Bureau of MoS
		Crystal ICAC Building model ( small )	1	\$180.00	Director of General Department of National Bureau of Corruption Prevention
2008-09	2	Crystal ICAC Building model ( large )	4	\$1,600.00	(Duty Visit) Director of Beijing Municipal Supervision Department Director of Supervision Department; Secretary of Commission for Discipline Inspection, Guangxi Zhuang Autonomous Region Director of Guilin Municipal Supervision Department
					Crystal ICAC Building model ( small )
		Hong Kong scenery crystal ornament	1	\$2,352.00	Minister of MoS and Director of National

Year	Gift	Qty.	Value (\$)	Receiving organisation/official	
2008 -09	( large )			Bureau of Corruption Prevention	
	ICAC pen	45	\$2,925.00	Other officials of organizations visited	
	Crystal ICAC Building model( 3D Laser )	3	\$405.00		
	3	ICAC pin	50	\$1,000.00	(Duty Visit) Anti-corruption officials and academics participating in a seminar in Hangzhou
		ICAC pen	3	\$1,650.00	Professors of Peking University, Tsinghua University and China Politics and Law University
		Crystal ICAC Building model ( large )	4	\$1,600.00	Vice Minister of MoS Secretary of Zhejiang Provincial Commission for Discipline Inspection Secretaries of Hangzhou Municipal Committee and Commission for Discipline Inspection
	4	Camera	1	\$1,650.00	Officials in Liaison Office of the Central People's Government in HKSAR
		ICAC pen	1	\$550	
	5	ICAC ornament - cauldron	8	\$2,000.00	(Duty Visit) Vice Chairperson of Legislative Affairs Committee, National People's Congress Head, Discipline Inspection Group, Chinese Academy of Social Sciences Executive Deputy Chief Procurator of Municipal People's Procuratorate; Secretary of Municipal Committee of Lijiang Procurator-General of SPP Vice Minister of MoS Chief Procurator of Yunnan Provincial People's Procuratorate Deputy Director of HKMAO of State Council
	6	Crystal ICAC Building model ( large )	1	\$400.00	Guangdong Sub-Administration of Customs Director; Deputy Director; Director of General Office; Secretary to Director, Guangdong Sub-Administration of Customs Commanders of Shenzhen, Gongbei and Zhanjiang Customs
	Crystal ICAC Building model ( 3D Laser )	7	\$945.00		
7	Hong Kong scenery crystal ornament ( large )	1	\$2,352.00	GDPP	
8	Crystal ICAC Building model ( large )	1	\$400.00		

Zhejiang Provincial Commission for

Session 5 ICAC – page 5

Year	Gift	Qty.	Value (\$)	Receiving organisation/official
2008 -09	Crystal ICAC Building model ( 3D Laser )	10	\$1,350.00	Discipline Inspection Secretary of Provincial Commission for Discipline Inspection; Director of Foreign Affairs Office of Provincial People's Government and two other officials of Zhejiang
	9 Crystal ICAC Building model ( large )	1	\$400.00	Shenzhen Municipal Commission for Discipline Inspection
	Crystal ICAC Building model ( small )	6	\$1,080.00	Secretary and Vice Secretary of Municipal Commission for Discipline Inspection; Director of Municipal Supervision Department; Deputy Director of General Office of Municipal Supervision Department; and two other official of Shenzhen
	10 Crystal ICAC Building model( 3D Laser )	5	\$675.00	Directors-General of Administrative Department and Department of Finance; and two other officials of Ministry of Foreign Affairs  Deputy Director of General Department of Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR
	11 Crystal ICAC Building model ( small )	18	\$2,430.00	1. Consul-General, Singapore 2. Consul-General, Malaysia 3. Acting Consul-General, United State of America 4. Consul-General, Germany 5. Consul-General, Austria 6. Consul-General, Switzerland 7. Consul-General, Thailand 8. Acting Consul-General Saudi Arabia 9. Consul-General Australia 10. Consul-General, Belgium 11. Consul-General, Netherlands 12. Consul-General, Korea 13. Consul-General, Japan 14. Consul-General, New Zealand, 15. Consul-General, Canada 16. Commissioner, Office of the Ministry of Foreign Affairs (OCMFA) 17. Deputy Commissioner, OCMFA 18. Director-General, Consular Department, OCMFA
	12 Crystal ICAC Building model ( large )	1	\$400.00	Permanent Secretary of the Public Service Division, Prime Minister's Office, Singapore
	13 Crystal ICAC Building model ( large )	1	\$400.00	Director-General, Department of Policy

Year	Qty.	Gift	Value (\$)	Receiving organisation/official
				Research, HKMAO of the State Council
14	1	Crystal ICAC Building model ( large )	\$400.00	Vice Minister, Ministry of Civil Affairs
15	22	Crystal ICAC Building model ( small )	\$2,970.00	1. Consul, Hungary 2. Consul-General, Argentina 3. Consul-General, Israel 4. Consul-General, Myanmar 5. Consul-General, Kuwait 6. Acting Consul-General, Lao People's Democratic Republic 7. Consul-General, Philippines 8. Consul-General, Nigeria 9. Consul-General, Indonesia 10. Consul-General, Brunei Darussalam 11. Consul-General, Democratic People's Republic of Korea 12. Consul-General, Colombia 13. Consul-General, Cambodia 14. Consul-General, Turkey 15. Consul-General, Vietnam 16. Consul-General, Czech Republic 17. Consul-General, Russian Federation 18. Consul-General, Romania 19. Consul-General, Egypt 20. Consul-General, South Africa 21. Acting Consul-General and Consul Poland 22. Director-General, Consular Department, OCMFA
16	1	Crystal ICAC Building model ( large )	\$400.00	Vice-Chairman of the China Securities Regulatory Commission
17	1	Crystal ICAC Building model ( large )	\$400.00	Vice Minister of Customs, General Administration of Customs
18	1	Crystal ICAC Building model ( large )	\$400.00	Vice Minister, Ministry of Justice
<b>18 occasions, total value:</b>			<b>\$31,894.00</b>	
2009	1	ICAC pen	\$550.00	Officials in Liaison Office of the Central

Year	Gift	Qty.	Value (\$)	Receiving organisation/official
-10	Crystal ICAC Building model ( large )	1	\$400.00	People's Government in HKSAR
	2 ICAC pen	1	\$1,665.00	Officials in Liaison Office of the Central People's Government in HKSAR
	3 ICAC pen	4	\$2,692.00	(Duty Visit) Chief Procurator; Deputy Chief Procurator; and Director of Mutual Assistance Scheme Office of GDPP Chief Procurator of Guangzhou Municipal People's Procuratorate
	ICAC pen	6	\$1,266.00	Director of Law and Policy Research Office and an official of Mutual Assistance Scheme Office of GDPP Director of HKMAO of Guangdong Provincial People's Government Secretary and Deputy Secretary of Municipal Committee; Secretary of Municipal Political Science and Law Commission of Zengcheng
	ICAC pen	5	\$1,055.00	Deputy Secretary and Standing Member of Municipal Committee of Zengcheng Chief Procurator of Zengcheng Municipal People's Procuratorate Deputy Director of Anti-corruption Department of Shenzhen Municipal People's Procuratorate Chief Procurator of Huadu District People's Procuratorate
	ICAC pen	7	\$2,849.00	Deputy Director of Mutual Assistance Scheme Office; Deputy Director of Anti-corruption Department and an official of GDPP Secretary of Guangzhou Municipal Political Science and Law Commission Chief Procurator, Deputy Chief Procurator and an official of Shenzhen Municipal People's Procuratorate
	ICAC pen	20	\$1,300.00	Other officials of organizations visited
	Crystal ICAC Building model ( small )	4	\$720.00	Director of HKMAO of Guangdong Provincial People's Government Secretary of Municipal Committee; Chief Procurator of Municipal People's Procuratorate of Zengcheng Chief Procurator of Shenzhen Municipal People's Procuratorate

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2009 -10	4	ICAC pen	1	\$673.00	Officials in Liaison Office of the Central People's Government in HKSAR
		Crystal ICAC Building model ( small )	1	\$180.00	Officials in Liaison Office of the Central People's Government in HKSAR
		Crystal ICAC Building model ( 3D Laser )	5	\$675.00	Director General; Deputy Director General; Deputy Inspector; Division Chief; and Officials in Liaison Office of the Central People's Government in HKSAR
	5	ICAC pen	1	\$1,293.00	Deputy Director of the State Administration of Radio Film and Television
		ICAC pen	2	\$2,505.00	Vice Minister and an official of MoS
		ICAC pen	8	\$2,136.00	Head of Discipline Inspection Group; Director of Supervision Department of Chinese Academy of Social Sciences  Six academics of Peking University, Tsinghua University, Renmin University of China, Beijing Normal University etc
		ICAC pen	2	\$876.00	Deputy Director of Foreign Affairs Department of MoS  Deputy Commissioner of CCAC
		ICAC pen	3	\$633.00	Deputy Secretary General of Hong Kong, Macao and Taiwan Academic Exchange Committee of Chinese Academy of Social Science  Director of Supervision Department and an official of the State Administration of Radio Film and Television
		ICAC pin	44	\$792.00	Participants of APEC Anti-Corruption Workshop
		6	ICAC pen	2	\$876.00
	ICAC pen		3	\$801.00	An official of Foreign Affairs Department of MoS  Head of Community Relations Department of CCAC  An official of CCAC
	ICAC pen		1	\$211.00	An investigator of CCAC
Crystal ICAC Building model ( large )	1		\$400.00	Chief Executive of Macao SAR	

Year	Gift	Qty.	Value (\$)	Receiving organisation/official	
2009 -10	Crystal ICAC Building model ( small )	1	\$180.00	Secretary for Security of Macao	
	ICAC pin	56	\$1,008.00	Participants of the Seminar	
	7	ICAC pen	1	\$438.00	Honorary President of Guangdong Institute of Supervision
		Hong Kong scenery crystal ornament ( large )	1	\$2,352.00	Guangdong Institute of Supervision
		Crystal ICAC Building model ( small )	5	\$900.00	Honorary President of Guangdong Institute of Supervision
					Vice President of Guangdong Institute of Supervision
					Deputy Director of HKMAO of Guangdong Provincial People's Government
					Honorary President of Shenzhen Institute of Supervision
					Deputy Secretary General of Guangdong Provincial Supervision Department
	8	Digital AV discs	2	\$70.00	(Duty Visit) Officials of Ministry of Justice and Control Yuan, Taiwan
	AV discs	4	\$100.00		
	ICAC pen	2	\$876.00	President of Control Yuan, Taiwan	
				Minister of Justice, Taiwan	
	ICAC pen	7	\$1,869.00	Director General of Investigation Bureau of Ministry of Justice Deputy Director and Section Chief of International Operations Division of Investigation Bureau of Ministry of Justice Vice Minister and Section Chief of Department of Government Employees Ethics of Ministry of Justice Secretary General and Vice Secretary General of Control Yuan, Taiwan	
	ICAC pen	2	\$422.00	An official of Ministry of Justice and an official of General Planning Office of Control Yuan, Taiwan	
	ICAC pen	4	\$634.00	Four officials of Ministry of Justice, Taiwan	
	ICAC plaque	3	\$870.00	Minister of Justice, Taiwan	
				Director General of Investigation Bureau of Ministry of Justice	
				President of Control Yuan, Taiwan	
	ICAC pin	20	\$360.00	Other officials of organizations visited	

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2009 -10	9	Crystal ICAC Building model ( small )	1	\$180.00	Supervision Commissioner of MoS
		ICAC pin	8	\$144.00	Supervision Commissioner; Deputy Director of Inspection Office; Head and Deputy Head of Inspection Group; an official of Foreign Affairs Department of MoS and three other officials
	10	Crystal ICAC Building model ( small )	1	\$180.00	Director of Hunan Provincial Public Security Department
		Crystal ICAC Building model ( 3D Laser )	7	\$945.00	Deputy Director of Provincial Public Security Department; Director of Exit and Entry Administration of Hunan;  Deputy Directors of Political Division; Police Order Division; and Hong Kong, Macao and Taiwan Affairs Office and two other officials of Hunan Provincial Public Security Department
	11	ICAC plaque	1	\$290.00	President of Guangdong Provincial Higher People's Court
		Crystal ICAC Building model ( 3D Laser )	10	\$1,350.00	President; Director of General Office; Chief Judges of Second Criminal Division, First Civil Division and Fourth Civil Division; Director of Research Office; Secretary to President; Deputy Director of Foreign Affairs Department of Guangdong Provincial Higher People's Court  President of Shenzhen Municipal Intermediate People's Court  President of Zhuhai Municipal Intermediate People's Court
	12	Crystal ICAC Building model ( small )	1	\$180.00	Officials in Liaison Office of the Central People's Government in HKSAR
		Crystal ICAC Building model ( 3D Laser )	6	\$810.00	Director General; two Deputy Directors General; two Division Chiefs and Officials in Liaison Office of the Central People's Government in HKSAR
	13	Crystal ICAC Building model ( 3D Laser )	7	\$945.00	Deputy Secretary of Commission for Discipline Inspection; Deputy Director of Foreign Affairs Office; and Deputy Directors of two other offices of Guangdong Provincial Public Security Department  Secretary of Commission for Discipline Inspection of Shenzhen Municipal Public Security Department  Deputy Secretary of Party Committee of Huizhou Municipal Public Security Department



Year	Gift	Qty.	Value (\$)	Receiving organisation/official	
2009 -10	ICAC plaque	1	\$290.00	Guangdong Provincial Public Security Department	
	14	Hong Kong scenery crystal ornament (small)	1	\$1,500.00	Chief Procurator of Shenzhen Municipal People's Procuratorate
	15	Crystal ICAC Building model (large)	1	\$400.00	Discipline Inspection Group, Ministry of Health
		Crystal ICAC Building model (3D Laser)	6	\$810.00	Head of Discipline Inspection Group; Deputy Director of Supervision Bureau; Deputy Director of Planning and Financial Affairs Department; Director of Hong Kong, Macao and Taiwan Affairs Office; and General Manager of the state-owned enterprise of Ministry of Health  Director of an office of State Council
	16	Crystal ICAC Building model (small)	1	\$180.00	Vice President of Supreme People's Court
	17	Crystal ICAC Building model (small)	1	\$180.00	Deputy Commissioner of Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR
	18	ICAC plaque	1	\$290.00	Officials in Liaison Office of the Central People's Government in HKSAR
	19	ICAC plaque	1	\$290.00	Deputy Director of Beijing Municipal Public Security Department
	20	Crystal ICAC Building model (large)	1	\$400.00	Chair, Asia-Pacific Economic Cooperation Business Advisory Council
	21	ICAC pin	39	\$780.00	1. Vice Consul-General, Angola
					2. Deputy Consul-General, Argentina
					3. Consul-General, Austria
					4. Consul-General, Bangladesh
5. Consul-General, Cambodia					
6. Consul-General, Canada					
7. Consul-General, Chile					
8. Vice Consul, Czech Republic					
9. Consul-General, Democratic People's Republic of Korea					
10. Consul-General, Denmark					
11. Consul, Egypt					
12. Liaison Officer, France					
13. Consul-General, Germany					
14. Consul-General, India					
15. Consul-General, Indonesia					
16. Consul-General, Japan					
17. Consul-General, Korea					
18. Consul-General, Kuwait					

Year	Gift	Qty.	Value (\$)	Receiving organisation/official	
2009-10				19. Ag. Consul-General, Lao People's Democratic Republic	
				20. Consul-General, Malaysia	
				21. Consul-General, Myanmar	
				22. Consul-General, Netherlands	
				23. Consul-General, New Zealand	
				24. Consul-General, Nigeria	
				25. Assistant Trade Officer, Pakistan	
				26. Consul-General, Philippines	
				27. Consul-General, Portugal	
				28. Consul-General, Romania	
				29. Consul-General, Russian Federation	
				30. Consul-General, Sweden	
				31. Consul-General, Switzerland	
				32. Consul-General, Thailand	
				33. Deputy Consul-General, United Kingdom	
				34. Ag. Consul-General, USA	
				35. Deputy Consul-General, Venezuela	
				36. Consul-General, Vietnam	
				37. Commissioner, Office of the Ministry of Foreign Affairs (OCMFA)	
				38. Deputy Commissioner, OCMFA	
				39. Director-General, Consular Department, OCMFA	
		22 Crystal ICAC Building model ( large )	1	\$400.00	Vice-Minister, General Administration of Quality Supervision, Inspection and Quarantine
		23 Crystal ICAC Building model ( large )	1	\$400.00	Vice-Minister, Mainland Ministry of Industry and Information Technology
		24 Crystal ICAC Building model ( large )	1	\$400.00	Deputy Auditor General, National Audit Office
		25 Crystal ICAC Building model ( large )	1	\$400.00	Director, Department of Liaison, HKMAO of State Council
		26 Crystal ICAC Building model ( large )	1	\$400.00	Director of China Satellite Maritime Tracking and Control Department
		27 Crystal ICAC Building model ( large )	1	\$400.00	Vice-minister, Ministry of Science and Technology
		28 Crystal ICAC Building model ( large )	1	\$400.00	Deputy Director, Legislative Affairs Commission of the Standing Committee of the National People's Congress
		29 Crystal ICAC Building model ( large )	1	\$400.00	Vice Minister, Ministry of Justice
		<b>29 occasions, total value: 47,971.00</b> [Note: As there were two ICAC pens (total value: \$876) not presented eventually, the total here at \$47,971 is smaller than the total amount shown in ICAC014 for 2009-10 which is \$49,000 (rounded off to the nearest thousand).]			

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2010 -11	1	Scarf	1	\$399.00	Head of Discipline Inspection Group of Chinese Academy of Social Science
		Crystal ICAC Building model ( large )	1	\$400.00	
	2	Crystal ICAC Building model ( large )	1	\$400.00	Vice Mayor of Guangzhou City
	3	Crystal ICAC Building model ( large )	1	\$400.00	Honorary President of Guangzhou Municipal Institute of Supervision
	4	Crystal ICAC Building model ( large )	1	\$400.00	Head of Discipline Inspection Group of Guangdong Provincial Higher People's Court
	5	ICAC pen	1	\$211.00	Deputy Director of Department of Asset Declaration by Public Functionaries of Control Yuan, Taiwan
		ICAC pen	2	\$422.00	Head of General Planning Office; and Investigation Commissioner of Department of Supervisory Investigation of Control Yuan, Taiwan
		ICAC pen	1	\$267.00	Deputy Secretary General of Control Yuan, Taiwan
		ICAC pen	1	\$141.00	Director of Department of Supervisory Investigation of Control Yuan, Taiwan
		Scarf	1	\$399.00	Deputy Secretary General of Control Yuan, Taiwan
		Crystal ICAC Building model ( large )	1	\$400.00	Deputy Secretary General of Control Yuan, Taiwan
	6	Scarf	1	\$2,082.00	President of International Association of Anti-Corruption Authorities (IAACA)
		ICAC pen	9	\$585.00	Participants of IAACA Executive Committee Meeting
	7	ICAC pen	1	\$1,665.00	(Duty Visit) Minister of MoS
		ICAC pen	7	\$2,149.00	An official of Foreign Affairs Bureau of MoS Head of Discipline Inspection Group of the State Administration of Radio, Film and Television

Year	Gift	Qty.	Value (\$)	Receiving organisation/official
2010 -11				Secretary General of IAACA
				Director of International Cooperation Bureau and other officials of SPP
	ICAC pen	1	\$438.00	Vice Minister of MoS
	ICAC pen	4	\$564.00	Deputy Director of an office of Sichuan Provincial People's Government
				Deputy Director of Sichuan Provincial Supervision Department
				Director of Chengdu Municipal Supervision Department
				Secretary of Leshan Municipal Commission for Discipline Inspection
	Crystal ICAC Building model (small)	2	\$360.00	Director of Chengdu Municipal Supervision Department
				Secretary of Leshan Municipal Commission for Discipline Inspection
	Crystal ICAC Building model (large)	3	\$1,200.00	Minister of MoS
				Vice Governor of Sichuan Provincial People's Government
				Director of Sichuan Provincial Supervision Department
	ICAC pen	9	\$585.00	Other officials of organizations visited
	ICAC pin	24	\$432.00	
	8	ICAC pen	4	\$1,068.00
			Two officials of China Executive Leadership Academy, Pudong	
			Officials in Liaison Office of the Central People's Government in HKSAR	
	ICAC pen	1	\$141.00	Division Chief of China Executive Leadership Academy, Pudong
	ICAC pin	10	\$180.00	Other officials of organizations visited
	ICAC plaque	2	\$580.00	Vice President of China Executive Leadership Academy, Pudong
			Director of Shanghai Municipal Public Security Bureau	
9	ICAC pen	1	\$267.00	(Duty Visit) Division Chief of Judicial Cooperation Division of GDPP

Year	Gift	Qty.	Value (\$)	Receiving organisation/official	
2010-11	Crystal ICAC Building model ( large )	3	\$1,200.00	Deputy Director of HKMAO of Guangdong Provincial People's Government	
				Chief Procurator of Guangzhou Municipal People's Procuratorate	
				Chief Procurator of Shaoguan Municipal People's Procuratorate	
	ICAC pin	55	\$990.00	Other officials of organizations visited	
	10	ICAC pen	10	\$650.00	(Seminar jointly organized by ICAC, MoS and CCAC) Participants of the Seminar
	ICAC pen	2	\$534.00		
	ICAC pin	85	\$1,530.00		
	ICAC plaque	2	\$580.00	Executive Vice Governor of Heilongjiang Provincial People's Government	
				Secretary of Harbin Municipal Commission for Discipline Inspection	
	11	ICAC pen	1	\$267.00	Standing Committee Member of Ningbo Municipal Committee
	Crystal ICAC Building model ( large )	4	\$1,600.00	Standing Committee Member of Municipal Committee; Secretary and Standing Committee Member of Municipal Commission for Discipline Inspection of Ningbo and accompanying staff	
				Deputy Secretary of Cixi Municipal Commission for Discipline Inspection	
				Deputy Secretary of Xiangshan County Commission for Discipline Inspection	
	Crystal ICAC Building model ( 3D Laser )	3	\$405.00	Deputy Secretary of Yinzhou District Commission for Discipline Inspection	
12	ICAC pen	20	\$1,300.00	Participants of IAACA 4th Annual Conference	
ICAC pin	44	\$792.00			
ICAC plaque	3	\$870.00	Head, General Inspection Organization, Iran		
			Director, Anti-Fraud Office of Catalonia, Spain		
			Vigilance Commissioner, Central Vigilance Commission, India		
13	Digital photo frame with commemorative photos	1	\$1,890.00	Procurator-General of SPP	
	Digital photo with frame commemorative photos	6	\$4,130.00	Chief Procurator of Fujian Provincial People's Procuratorate	

Year	Gift	Qty.	Value (\$)	Receiving organisation/official
2010 -11				Chief Procurator of Jiangsu Provincial People's Procuratorate
				Chief Procurator of Zhejiang Provincial People's Procuratorate
				Director of General Office of SPP
				Director of International Cooperation Bureau of SPP
				Secretary to Procurator-General of SPP
	ICAC pen	3	\$195.00	Secretary to Procurator-General of SPP
				Accompanying Staff of Procurator-General of SPP
				An official of International Cooperation Bureau of SPP
	ICAC pen	2	\$282.00	Director of General Office of SPP
				Director of International Cooperation Bureau of SPP
	ICAC pen	3	\$801.00	Chief Procurator of Fujian Provincial People's Procuratorate
				Chief Procurator of Jiangsu Provincial People's Procuratorate
				Chief Procurator of Zhejiang Provincial People's Procuratorate
	ICAC pen	1	\$1,665.00	Procurator-General of SPP
Hong Kong scenery crystal ornament (large)	1	\$2,352.00	Procurator-General of SPP	
ICAC pin	1	\$18.00	Accompanying Staff of Procurator General of SPP	
14	Hong Kong scenery crystal ornament (small)	1	\$1,500.00	Director of International Cooperation Bureau of SPP
	ICAC pen	2	\$534.00	Director of General Office of International Cooperation Bureau of SPP
			Deputy Chief Procurator of Fujian Provincial People's Procuratorate	
15	ICAC pen	1	\$438.00	Vice Governor of Sichuan Provincial People's Government
	Hong Kong scenery crystal ornament (large)	1	\$2,352.00	
16	ICAC pen	1	\$438.00	Ex Commissioner of CCAC
	ICAC pen	2	\$534.00	Deputy Commissioner of CCAC
				Ex Chief of Cabinet of CCAC

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2010 -11	17	ICAC pen	1	\$267.00	Deputy Director (Operations) of Corrupt Practices Investigation Bureau, Singapore
		ICAC plaque	1	\$290.00	Deputy Director (Operations) of Corrupt Practices Investigation Bureau, Singapore
		ICAC pin	4	\$72.00	Participants of IAACA Expert Meeting
		ICAC pen	6	\$390.00	Four officials of Corrupt Practices Investigation Bureau, Singapore and two participants of IAACA Expert Meeting
	18	Hong Kong scenery crystal ornament ( large )	1	\$2,352.00	Commissioner of CCAC
	19	Hong Kong scenery crystal ornament ( small )	1	\$1,500.00	Head of Discipline Inspection Group of Chinese Academy of Social Science
	20	Hong Kong scenery crystal ornament ( small )	1	\$1,500.00	Commissioner of Ministry of Foreign Affairs in HKSAR
	21	Crystal ICAC Building model ( large )	1	\$400.00	Deputy Commissioner of the Office of Commissioner of Ministry of Foreign Affairs in HKSAR
		ICAC pin	28	\$504.00	Deputy Commissioner; Councillor of Policy Research Department; Deputy Director General of Department of Treaty and Law; and 25 officials of Office of Commissioner of Ministry of Foreign Affairs in HKSAR
	22	Crystal ICAC Building model ( large )	1	\$400.00	Deputy Chief Procurator of GDPP
	23	Crystal ICAC Building model ( large )	1	\$400.00	Executive Vice President of Chinese Academy of Governance
		ICAC pin	20	\$360.00	Trainers of National Affairs Study Programmes
	24	Crystal ICAC Building model ( large )	1	\$400.00	Deputy Procurator-General of SPP
		ICAC pin	8	\$144.00	Deputy Procurator-General; Director of Public Prosecution Office; Director of Judicial Reform Office; Deputy Director of International Cooperation Bureau; Division Chief of Law and Policy Research Office; and Division Chief of Political Department of SPP
					Chief Procurator of Liaoning Provincial People's Procuratorate
					Division Chief of State Judges Institute

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2010 -11	25	Crystal ICAC Building model ( large )	1	\$400.00	President of National Policy Foundation
	26	Crystal ICAC Building model ( small )	1	\$180.00	Supervision Commissioner of Guangdong Provincial Supervision Department
	27	ICAC plaque	1	\$290.00	People's Liberation Army Hong Kong Garrison
		ICAC pin	9	\$162.00	Political Commissar; Deputy Commander; Deputy Political Commissar; Political Department Director; Deputy Director and Secretaries of Commander Office; and two officials of People's Liberation Army Hong Kong Garrison
	28	ICAC pin	9	\$162.00	Director of Letters and Calls Department; two Supervision Commissioners; a Division Chief, a Deputy Division Chief and a cadre of MoS and three other officials
		Crystal ICAC Building model ( large )	1	\$400.00	Director of Letters and Calls of MoS
	29	ICAC plaque	1	\$290.00	Chongqing Municipal People's Procuratorate
		ICAC pin	24	\$432.00	Deputy Chief Procurator; two Division Chiefs; and two Deputy Division Chiefs of Chongqing Municipal People's Procuratorate and 19 other officials from Chongqing procuratorate authorities
	30	ICAC plaque	1	\$290.00	Consul General of the Republic of Kazakhstan Hong Kong
	31	Crystal ICAC Building model ( large )	1	\$400.00	Officials in Liaison Office of the Central People's Government in HKSAR
	32	Crystal ICAC Building model ( large )	1	\$400.00	Secretary General of the People First Party in Taiwan
	33	Crystal ICAC Building model ( large )	1	\$400.00	Advisor to the Straits Exchange Foundation
	34	ICAC pen	35	\$10,325.00	1. Consul-General, Australia
					2. Acting Consul-General, Austria
3. Consul-General, Belgium					



Year	Gift	Qty.	Value (\$)	Receiving organisation/official		
2010 -11				4. Consul-General, Cambodia		
				5. Consul-General, Canada		
				6. Consul-General, Colombia		
				7. Consul-General, Czech Republic		
				8. Consul-General, Denmark		
				9. Police Officer, France		
				10. Acting Consul-General, Germany		
				11. Consul-General, India		
				12. Consul-General, Italy		
				13. Acting Consul-General, Japan		
				14. Consul-General, Korea		
				15. Consul-General, Malaysia		
				16. Acting Consul-General, Mexico		
				17. Consul-General, Myanmar		
				18. Consul-General, Nepal		
				19. Consul-General, Netherlands		
				20. Consul-General, New Zealand		
				21. Consul-General, Nigeria		
				22. Consul-General, Portugal		
				23. Deputy Consul-General, Romania		
				24. Consul-General, Russian Federation		
				25. Consul-General, Singapore		
				26. Consul-General, South Africa		
				27. Consul-General, Switzerland		
				28. Consul-General, Thailand		
				29. Deputy Consul-General, USA		
				30. Deputy Consul-General, Venezuela		
				31. Consul-General, Vietnam		
				32. Head of Office, European Union		
				33. Commissioner, OCMFA		
				34. Deputy Commissioner, OCMFA		
				35. Director-General, Consular Department, OCMFA		
		35	Crystal ICAC Building model ( large )	1	\$400.00	Hon Attorney General, Mauritius
		36	Crystal ICAC Building model ( large )	1	\$400.00	Ambassador Extraordinary and Plenipotentiary of PRC to the European Union
		37	Crystal ICAC Building model ( large )	1	\$400.00	Commissioner, Corruption Eradication Commission of Indonesia
	38	Crystal ICAC Building model ( large )	1	\$400.00	Vice President, Superme People's Court	
	39	Crystal ICAC Building model ( large )	1	\$400.00	Vice Minister, Minstry of Justice	
	40	Crystal ICAC Building model ( large )	1	\$400.00	Director-General, Department of Law, HKMAO	
	41	Crystal ICAC Building model ( large )	1	\$400.00	Director-General, Department of Hong Kong and Macao Affairs Related to Taiwan, Taiwan Affairs Office of the	

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2010-11	42	Crystal ICAC Building model (large)	1	\$400.00	State Council Chairperson, Anti-Corruption & Civil Rights Commission of Korea
	<b>42 occasions, total value:</b>				<b>\$70,292.00</b>

Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2011-12	1	ICAC pen	1	\$267.00	Chief Procurator of Tianjin Municipal People's Procuratorate
	2	ICAC pen	1	\$267.00	Secretary General of IAACA
	3	Mug (pair)	1	\$160.00	Procurator-General of SPP
			7	\$1,120.00	Chief Procurator of Jiangxi Provincial People's Procuratorate
					Chief Procurator of Guangdong Provincial People's Procuratorate
					Chief Procurator of Sichuan Provincial People's Procuratorate
					Director of International Cooperation Bureau of SPP
					Deputy Director of General Office of SPP
					Accompanying staff of Procurator-General of SPP
	Deputy Division Chief of International Cooperation Bureau of SPP				
	4	ICAC pen	3	\$801.00	Deputy Director; and Director of International Cooperation Department of General Administration of Customs and Division Chief of Operations of Guangdong Sub-Administration of Customs
			1	\$141.00	An official of General Office of General Administration of Customs
	5	ICAC pen	1	\$267.00	Director of Shenzhen Municipal Supervision Department
		Crystal ICAC Building model (large)	1	\$400.00	
	6	Mug	1	\$80.00	(Duty Visit) Deputy Director of Foreign Affairs Bureau of MoS
1			\$80.00	Head of Discipline Inspection Group of Chinese Academy of Social Science	
2			\$160.00	Vice President of Changsha Municipal Intermediate People's Court	

Year	Gift	Qty.	Value (\$)	Receiving organisation/official	
2011-12	ICAC pen	7	\$1,986.60	Supervision Commander and an official of Foreign Affairs Bureau of MoS	
				Deputy Director of General Administration of Customs	
				Standing Committee Member; Secretary of Commission for Discipline Inspection; Director of Supervision Department; Director of Political Division of Public Security Department of Hunan Province	
		2	\$282.00	Deputy Director of Hunan Provincial Bureau of Corruption Prevention	
				Deputy Secretary of Party Committee of Hunan University	
		ICAC plaque	5	\$1,450.00	Steering Committee Member, China Academy of Discipline Inspection and Supervision
	Director of Hunan Provincial Supervision Department				
	Deputy Secretary of Party Committee of Hunan University				
	Standing Committee Member of Changsha Municipal Committee				
	Vice President of Changsha Municipal People's Court				
	ICAC pen	21	\$1,365.00	Other officials of organizations visited	
	ICAC pin	10	\$180.00		
	ICAC tie	5	\$250.00		
	7	ICAC pen	2	\$130.00	Officials of Shanghai Municipal People's Procuratorate
		ICAC pin	5	\$90.00	Participants of IAACA Shanghai Training Seminar
8	ICAC pen	1	\$438.00	Vice Minister of MoS	
	Crystal ICAC Building model (large)	1	\$400.00	Vice Minister of MoS	
	ICAC watch	10	\$2,800.00	Vice Minister; Director of General Office; Deputy Director of Performance Management Supervision Department; Deputy Director of Foreign Affairs Bureau; Inspector; Deputy Division Chief, Research Division of General Office of MoS and four other officials	
9	ICAC pen	2	\$876.00	Executive Deputy Procurator-General of SPP	
				Director of International Cooperation Bureau of SPP	

		Crystal ICAC Building model ( large )	1	\$400.00	Executive Deputy Procurator-General of SPP
	10	ICAC pen	1	\$438.00	Deputy Director of National Bureau of Corruption Prevention
		Crystal ICAC Building model ( large )	1	\$400.00	
<b>Year</b>		<b>Gift</b>	<b>Qty.</b>	<b>Value (\$)</b>	<b>Receiving organisation/official</b>
2011-12	11	ICAC plaque	1	\$290.00	(Duty Visit) Chief Procurator of Tianjin Municipal People's Procuratorate
		ICAC pen	9	\$585.00	Other officials of Tianjin
ICAC pin		4	\$72.00		
	12	Crystal ICAC Building model ( large )	1	\$400.00	Chief Procurator of GDPP
		ICAC pen	8	\$520.00	Deputy Director of Political Department; Division Chiefs of Duty Offences Prevention, Judicial Cooperation Division and Criminal Appeal Division; Deputy Division Chief of Planning, Financial Affairs and Equipment Division; Deputy Director of Supervision Office; Deputy Division Chief of Law & policy Research Office; and an section chief of GDPP
	13	ICAC pen	1	\$141.00	An official of SPP
	14	ICAC pen	3	\$851.40	A secretariat official of IAACA
Deputy Director of National Bureau of Corruption Prevention					
An official of General Office of National Bureau of Corruption Prevention					
ICAC pen		8	\$195.00	Participants of IAACA 5th Annual Conference	
		ICAC pin	6	\$108.00	
	15	ICAC pen	1	\$283.80	Secretary of Shanghai Municipal Commission for Discipline Inspection
		Crystal ICAC Building model ( large )	1	\$400.00	
	16	ICAC pen	1	\$283.80	Deputy Chief Procurator of Shenzhen Municipal People's Procuratorate
		ICAC pen	4	\$260.00	Officials of Shenzhen Municipal People's Procuratorate
	17	ICAC pen	2	\$130.00	Officials of SPP
	18	Crystal ICAC Building model ( small )	1	\$180.00	Director, Professional Office, Training Department, National Judges College of Supreme People's Court
	19	Crystal ICAC Building model ( small )	1	\$180.00	Head, First Inspection Group of General Administration of Customs
		ICAC pin	6	\$108.00	Head, First Inspection Group of General Administration of Customs Deputy Inspector; and Director of Supervision and Audit Office of Guangdong Sub-Administration of

					Customs Head, Discipline Inspection Group of Guangzhou Customs Head, Discipline Inspection Group of Shenzhen Customs Head, Discipline Inspection Group of Huangbu Customs
Year		Gift	Qty.	Value (\$)	Receiving organisation/official
2011-12	20	Crystal ICAC Building model ( large )	1	\$400.00	Head, Discipline Inspection Group of General Administration of Customs
	21	Crystal ICAC Building model ( large )	1	\$400.00	Vice Minister of Justice, Taiwan
	22	Crystal ICAC Building model ( large )	1	\$400.00	Head, Discipline Inspection Group of Ministry of Housing & Urban-Rural Development
	23	Crystal ICAC Building model ( large )	1	\$400.00	Member of European Parliament, Vice President of Group of the European People's Party, Austria
	24	Crystal ICAC Building model ( large )	1	\$400.00	Vice Minister, Ministry of Commerce
	25	ICAC plaque	1	\$290.00	President, Hunan Provincial Higher People's Court
	26	ICAC pin	5	\$90.00	Participants of IAACA Executive Committee Member Meeting
	27	ICAC pin	12	\$216.00	Officials of Thailand Anti-corruption Authorities
	28	ICAC watch	39	\$5,850.00	1. Vice Consul, Angola 2. Consul-General, Australia 3. Consul-General, Austria 4. Consul-General, Bangladesh 5. Consul-General, Brazil 6. Consul-General, Cambodia 7. Acting Consul-General, Canada 8. Consul-General, Czech Republic 9. Head, European Union 10. Consul-General, Finland 11. Deputy Consul-General, France 12. Consul-General, Germany 13. Consul-General, India 14. Consul-General, Indonesia 15. Consul-General, Iran 16. Deputy Consul-General, Italy 17. Consul-General, Japan 18. Consul, Korea 19. Vice Consul, Kuwait 20. Consul-General, Mexico 21. Consul-General, Myanmar 22. Consul-General, Nepal 23. Consul-General, Netherlands 24. Consul, Nigeria

Year	Gift	Qty.	Value (\$)	Receiving organisation/official
2011-12				25. Deputy Consul-General, Philippines
				26. Consul-General, Republic of Kazakhstan
				27. Vice Consul, Romania
				28. Consul-General, Russia
				29. Acting Consul-General, Saudi Arabia
				30. Deputy Consul-General, Singapore
				31. Consul-General, South Africa
				32. Consul-General, Spain
				33. Consul-General, Thailand
				34. Consul-General, Turkey
				35. Consul-General, United State of America
				36. Consul-General, Vietnam
				37. Commissioner, OCMFA
				38. Deputy Commissioner, OCMFA
39. Director-General, Consular Department, OCMFA				
<b>28 occasions, total value: \$28,502.6</b>				

- (c) The Ministry of Supervision, the Hong Kong's Independent Commission Against Corruption (ICAC) and the Commission Against Corruption of Macao have been co-organising thematic seminars on an annual basis since 2008. These seminars aim to provide a platform for graft fighters, government officials and the business sector in the three places to exchange experience and views on issues of common concern. So far, five seminars have been held on aspects of corruption prevention in the finance and construction industries, corporate governance in the private and public sectors as well as integrity management in the civil service. Two seminars were respectively held in Hong Kong and the Mainland. Excluding the speakers and working staff, each seminar was attended by dozens of officers respectively from the anti-graft bodies in the three places for experience sharing purposes.

The former Commissioner decided to lead a 22-member delegation to attend the thematic seminar (with about 140 participants in total) held in Macao between 8 and 10 November 2009 after considering the actual needs and duties of the ICAC officers.

The former Commissioner delivered a speech at the seminar and was interviewed by the Hong Kong and Macao reporters on the graft-fighting efforts jointly made by the three places. 4 ICAC representatives spoke at the seminar; other officers discharged their respective duties and exchanged views at the seminar. Among them, 5 officers were responsible for liaising with the participants and introducing the work of the ICAC; 2 were responsible for media liaison; 1 represented the ICAC in the working group of the seminar; 4 were responsible for technical support and photographic work; 2 were responsible for preparing the notes of meetings and reports; and 3 of them were officers of the Mainland Liaison Office. Most of the officers either stayed for one night only or returned on the same day.

The Commissioner decided that the Commission should be represented in the seminar. The breakdown of expenditure incurred is as follows:

Officials	Period	Expenditure (\$)	Total Amount (\$)
Mr TONG Hin-ming, Timothy, ex-Commissioner	8/11/2009 – 10/11/2009 (2 overnights)	a) 8,996 (Subsistence allowance) b) 584 (Ferry ticket / others)	9,580
6 accompanying officers	8/11/2009 – 10/11/2009 (2 overnights)	a) 41,460 (Subsistence allowance) b) 4,037 (Ferry ticket / others)	45,497
13 accompanying officers	9/11/2009 – 10/11/2009 (1 overnight)	a) 44,915 (Subsistence allowance) b) 7,815 (Ferry ticket / others)	52,730
1 accompanying officer	9/11/2009 (Return on the same day)	a) 730 (Ferry ticket / others) (Officer is not entitled to subsistence allowance with no overnight stay.)	730
1 accompanying officer	10/11/2009 (Return on the same day)	a) 804 (Ferry ticket / others) (Officer is not entitled to subsistence allowance with no overnight stay.)	804
Total 22 officers with total expenditure \$109,341			

Name in block letters: Simon YL PEH

Post Title: Commissioner, ICAC

Date: 22.4.2013

**Item 3: Please provide a list of the standard souvenirs currently available in the ICAC with details on the value of each of the souvenirs.**

- The standard souvenirs currently available in the ICAC include:

	<u>Current unit price</u>
● ICAC Building display (big/small)	\$135 / \$400
● ICAC cufflink/pin/tie/coffee mug/key ring	\$25 - \$90
● ICAC plaque	\$230 - \$560
● Key ring and ball pen gift set/ICAC pen	\$50 - \$280

- Besides, the ICAC still has in stock souvenirs with the ICAC logo. Those souvenirs were bought previously but have not yet been given out. They include ICAC glasses, name card holders, memo pads and pen holders, commemorative badges, silver plates, paperweights and folders, memory sticks and name card holder gift sets, tripods, ICAC commemorative pens and crystal displays with Hong Kong views, etc. The unit prices of the few items of ICAC commemorative pens range from \$1,665 to \$2,168 while those of the crystal displays with Hong Kong views from \$1,425 to \$2,175. For the rest of the souvenirs, their unit prices vary from around \$9.5 to \$800.



16 February 2007

**CIVIL SERVICE BUREAU CIRCULAR NO. 4/2007**

**Advantages/entertainment offered to an officer in his official capacity  
and gifts and donations to a department for the benefit of staff**

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**To : Directors of Bureau                      c.c. Judiciary Administrator**  
**Permanent Secretaries                      Commissioner, Independent**  
**Heads of Department                      Commission Against Corruption**  
**Secretary, Public Service Commission**

*(Note : Distribution of this circular is **Scale A**, i.e. it should be read by all officers. A Chinese version is attached.)*

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**Introduction**

This circular gives guidance to officers and bureaux/departments on how the following should be handled –

- (a) advantages offered to an officer in his official capacity, including gifts presented on social/ceremonial/other occasions, complimentary tickets and free raffle tickets;
- (b) entertainment offered to an officer in his official capacity; and
- (c) gifts and donations offered to a department for the benefit of staff.

2. This circular should be read in conjunction with CSB Circulars No. 3/2007 on “Acceptance of advantages offered to an officer in his private capacity” and No. 2/2004 on “Conflict of Interest”. CSB Circular No. 16/2002 is hereby superseded.

**The Acceptance of Advantages (Chief Executive’s Permission) Notice**

3. Under section 3 of the Prevention of Bribery Ordinance, Cap. 201 (“POBO”), any prescribed officer<sup>(1)</sup> who, without the general or special permission

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(1) As defined in section 2 of the POBO, a “prescribed officer” includes any person holding an office of emolument, whether permanent or temporary, under the Government. All Government officers, including civil servants and those employed on non-civil service terms in the Government, are prescribed officers.

of the Chief Executive, solicits or accepts any advantage shall be guilty of an offence. The Acceptance of Advantages (Chief Executive's Permission) Notice ("AAN") sets out the circumstances under which general permission has been given for prescribed officers to solicit or accept certain advantages in their private capacity. Outside of these prescribed circumstances, they have to seek special permission for their solicitation/acceptance of the advantage. Relevant guidelines are set out in CSB Circular No. 3/2007 on "Acceptance of advantages offered to an officer in his private capacity".

### **Gifts/Advantages offered/presented to an officer in his official capacity**

4. Officers should note that under CSR 444(2), advantages offered to an officer and/or the officer's spouse by virtue of the officer's official position or on an occasion attended in the officer's official capacity (including those offered/presented by another government department), whether in Hong Kong or elsewhere, are regarded as advantages to the bureau/department in which the officer works. They should be disposed of in accordance with the guidelines set out hereunder.

#### ***Official capacity***

5. An occasion which an officer attends in his official capacity would usually be considered to be one that the officer attends on duty, whether within or out of working hours, and as a result of the duties of his office or an instruction by his superior officers. An occasion which an officer attends by virtue of his official position would usually be considered to be one to which he would not have been invited had he not held the post that he held in the Government at the time.

#### ***General principle***

6. Officers should as far as possible decline to accept gifts offered/presented to them by virtue of their official position. Where this cannot be done owing to protocol reasons or the need to avoid causing great offence or embarrassment, such as where a gift is offered/presented to an officer when attending a social/ceremonial occasion in his official capacity, he should take it back to his bureau/department and report to the approving authority for a decision on how to dispose of the gift. A sample form for seeking approval to dispose of the gift is at **Annex I**.

#### ***Approving authority***

7. Gifts offered/presented to an officer in his official capacity should be dealt with in accordance with paragraphs 9 to 13 below. Permanent Secretaries/Heads of Department have been given the authority to decide how gifts offered/presented to other officers in their bureaux/departments should be dealt with. In the case of gifts that are presented to Permanent Secretaries/Heads of Department personally, they may also decide on the method for disposing of the gifts, other than approving personal retention of the gifts by themselves. The authority to approve personal retention of such gifts by a Head of Department has been delegated to the respective Permanent Secretary, whereas the authority to approve personal retention



of gifts by a Permanent Secretary remains with the Secretary for the Civil Service.

8. The approving authority (as shown in **Annex II**) may authorise officers in his bureau/department to deal with such applications on his behalf. Such authorisation is subject to the conditions set out in paragraph 2 of CSB Circular No. 11/94 on “Delegations Relating to Conduct Matters”, except that the authority should not be exercised by officers below the rank of Chief Executive Officer or equivalent.

### ***Factors for consideration***

9. The approving authority should first determine if it is in the public interest to accept the gifts. In so doing, he may take the following factors into consideration –

- (a) whether it is appropriate to decline the offer and return the gifts to the donor;
- (b) the nature and the value of the gifts;
- (c) the status and reputation of the donor;
- (d) whether there is any conflict of interest or the extent of official dealings, if any, between the donor and the officer concerned;
- (e) whether the acceptance of the gifts will place the officer, the department or the Government in an obligatory position towards the donor or cause embarrassment to them or invite criticism;
- (f) whether it is inappropriate to accept the gifts in view of prevailing Government policy (e.g. tobacco and product from endangered species);
- (g) whether the offer is also available on equal terms to persons who are not government officers on the same occasion;
- (h) the number of occasions that gifts/advantages have been offered by the same donor previously;
- (i) whether the officer has regulatory responsibility over the offeror (e.g. contractors) and whether such gifts should be disposed of in ways other than personal retention by the officer to avoid actual or perceived conflict of interest; and
- (j) the public perception angle.

### ***Methods of disposal***

10. At the discretion of the approving authority and where this can be done

without causing great offence or embarrassment, the gift should be returned to the donor with a carefully worded explanation that Government regulations do not permit the acceptance of gifts and a polite word of gratitude for the thought behind the gift.

11. In circumstances where it is not considered that the gift should be returned, then the following alternatives may be adopted –

- (a) if the gift falls into one of the categories described in paragraph 13 below, and subject to compliance with the conditions set out in the table therein, it may be retained by the officer;
- (b) if the gift is of perishable nature, e.g. food, drink or flower, it may be shared among the office or displayed in the office where the recipient works or donated to charity;
- (c) if the gift is a useful item, it may be sent to a charitable organisation, or, if of historical or other interest, to a school, library or museum. It may also be retained for use in the office;
- (d) if the gift is suitable for display (e.g. a painting or a vase), it may be retained for display in the office of the recipient or elsewhere in the department; or
- (e) if it is suitable and the value of the gift does not exceed \$1,000, the gift may be donated to the department's social functions as a lucky draw prize.

12. In each case, the decision should be recorded on the form at Annex I. Separately, all gifts that are retained for use or display in the office are the property of the office and must be placed on the office's inventory record.

### *Personal retention of gifts*

13. Officers may be presented with souvenir plaques, shields, banners or other gift items when attending official functions as an officiating guest or the principal representative of their bureau/department at the event. Some of these items may be personally inscribed. At some official events such as conferences and seminars, officers may receive souvenir items which are widely distributed to participants. Sometimes, officers may also receive by virtue of their official position seasonal gifts sent to them by working contacts. Examples of such gift/souvenir items include ball pen, memo pad, calendar, desk diary, etc. These items may also be inscribed with the names of the organisation/donor and may be of limited commercial value. In the interest of administrative convenience, **blanket permission** is given by the Secretary for the Civil Service for Permanent Secretaries to personally retain items in categories (a) and (b)(i) of the table below and subject to a report by the officer (a sample form for the purpose is at **Annex III**) -



Category	Value of the item	Arrangement
(a)	Not exceeding <b>\$50 or 0.1% of substantive salary</b> , whichever is the higher	Blanket permission is given for personal retention*.
(b)	<b>Above \$50 or 0.1% of substantive salary</b> , whichever is the higher, <b>to \$400</b>	(i) Blanket permission is given for personal retention* of a gift/souvenir that is <i>personally inscribed</i> with the officer's name or received by the officer at official functions as <i>the Guest of Honour or an officiating guest</i> .  (ii) Special permission is required for personal retention of a gift/souvenir other than that at (i) above. Permission may be given having regard to the factors listed in paragraph 9.
(c)	<b>Above \$400 to \$1,000</b>	Special permission is required for personal retention. Permission may be given if the gift/souvenir is <i>personally inscribed</i> with the officer's name or received by the officer at official functions as <i>the Guest of Honour or an officiating guest</i> , and having regard to the factors listed in paragraph 9.
(d)	<b>Above \$1,000</b>	No personal retention should be permitted unless in very exceptional circumstances.

\* *Despite the blanket permission, the officer is still required to report the retention of the gift(s)/souvenir(s) by using the form at Annex III.*

Bearing in mind that gifts/souvenirs from official contacts may be received by staff from junior level to very senior level, the setting of a specified amount as the threshold for personal retention of such gifts/souvenirs is considered too rigid. To balance the risks of officers being "sweetened" by such gifts/souvenirs and the administrative workload, the threshold for blanket permission for gift item under category (a) of the table above is set at \$50 or 0.1% of the officer's substantive salary, whichever is the higher. The financial limits for gift/souvenir items in other categories are determined having regard to policy objective and operational experience over the years. Permanent Secretaries and Head of Departments may consider giving similar blanket permission for officers under them to personally retain such items, but the overall regime should strictly adhere to the table above.

14. By virtue of CSR 444(2) read in conjunction with section 7(a) of the AAN, an officer may personally retain a gift/souvenir received in his official capacity in accordance with the directive issued by the Secretary for the Civil Service as in the context of this circular. Under section 7(a) of the AAN, a prescribed officer may accept a gift/souvenir that he is permitted to accept under any Government regulations.

#### ***Acceptance of complimentary tickets***

15. Complimentary tickets to functions and performances (e.g. movie, show, sports event, conference, seminar, etc.) are gifts. Where they are offered to an officer by virtue of his official position, they should be handled in accordance with the guidelines outlined in paragraphs 9 to 12 above. Only where it is in the interest of the bureau/department or serves an operational need for an officer to attend the function/performance, the approving authority may approve acceptance of the complimentary tickets by the officer concerned.

16. Invitations to entertainment extended to an officer by virtue of his official position should be dealt with in accordance with CSRs 431 – 435 (see paragraphs 20 – 29 below).

#### ***Acceptance of raffle tickets and participation in lucky draws***

17. Officers may be presented with free raffle tickets or invited to take part in free lucky draws when attending social or festive functions in their official capacity. They should decline to accept such tickets or to participate in such free lucky draws. If participation cannot be avoided, prizes won should be returned to the organiser for a re-draw. If this may cause great offence or embarrassment, the officer should take the prize back to his bureau/department for a decision by the Permanent Secretary/Head of Department on its disposal in accordance with paragraphs 4 to 13 above, as prizes won under such circumstances are gifts to the bureau/department.

18. On occasions where officers are invited to buy raffle tickets during such official functions, they may accept the prize won, if any, without having to seek special permission. Nevertheless, they should be mindful to avoid taking part in dubious lucky draws which could compromise their integrity (e.g. where one only needs to pay a small sum of money for the raffle tickets but expensive prizes are given to all participants).

#### ***Sponsored visits***

19. Sponsored visits undertaken by an officer in his official capacity as a representative of a department are not regarded as an advantage to the officer and should be dealt with in accordance with CSB Circular No. 7/94 on “Sponsored Visits”.



## Acceptance of entertainment

20. Entertainment when offered by way of a favour is not of itself an advantage as defined in section 2 of the POBO. However, the acceptance of free food, drink, show, etc. may, by reason of its nature and the circumstances in which it is given, go beyond just being a favour (i.e. a gratuitous service or courtesy, free of obligation to, or by, both the giver and the receiver) and becomes an advantage if it falls within one of the other categories that make up the definition of advantage in section 2 of the POBO, such as “a discharge of an obligation to pay”. In other words, the acceptance of free food, drink, show, etc. is capable of becoming an advantage the acceptance of which renders the officer liable to prosecution under the POBO.

21. Officers who have doubts about accepting an offer of entertainment are strongly advised to seek guidance from their Permanent Secretaries/Heads of Department before they accept the entertainment.

22. Officers should not accept lavish, or unreasonably generous or frequent entertainment, or indeed any entertainment that is likely to –

- (a) put the officers in an obligatory position in the discharge of their duties;
- (b) bring the officers or the public service into disrepute; or
- (c) give rise to any potential or real conflict of interest.

23. Accepting free meal, drink or other related entertainment may in some circumstances give negative connotations such as creating a sense of obligation or a perception that an officer’s impartiality has been compromised. When offered entertainment, an officer should consider carefully, in the light of the guidelines mentioned above, whether the entertainment offered could be regarded as –

- (a) excessive – taking into account its value, substance, frequency and nature;
- (b) inappropriate – taking into account the relationship between the officer and the donor (e.g. whether they have any direct official dealings); or
- (c) undesirable – taking into account the character of the host, etc.

24. An officer who accepts entertainment other than in accordance with CSRs 431 – 435 or any relevant departmental guidelines issued by his Permanent Secretary/Head of Department (see paragraph 28 below) renders himself liable to disciplinary action. The opportunity is taken to bring the content of CSRs 431 – 435 up-to-date. An up-dated version of the relevant CSRs is at **Annex IV** in the form of amendment sheets. They replace the relevant pages of the Civil Service Regulations with effect from the date of this circular.

### *Departmental instructions on entertainment*

25. In dealing with cases of entertainment, Permanent Secretaries/Heads of Department should have regard to the circumstances surrounding its provision, the value, substance, frequency and nature of the entertainment offered (whether it gives the officer something which he might not have access to or be able to afford), the relationship between the officer and the donor, and whether or not an obligation or conflict of interest might be created, etc.

26. Where it is considered not appropriate to decline an invitation to entertainment which may contravene the guidelines in paragraphs 22 and 23 above for reasons of courtesy or special circumstances, the officer should seek prior approval from his Permanent Secretary/Head of Department as necessary. If it is impractical for prior approval to be obtained (e.g. where an official contact paid the bill for a meal for an officer or his family or friends without informing the officer in advance), the officer should make an effort to effect the repayment. If this is unsuccessful, he should seek covering approval to accept the entertainment.

27. In circumstances where acceptance of entertainment in an official capacity is considered necessary in the interest of the bureau/department (e.g. for liaison, information gathering and public relations purposes), the number of representatives from the bureau/department should be kept to the minimum.

28. Permanent Secretaries/Heads of Department are reminded that under CSR 435, they may issue directions to their staff to supplement the rules in CSR 434. They are strongly advised to do so where their staff, because of their job nature, are often invited to meals or entertainment by their working contacts or the public. The supplementary guidelines may provide guidance, with illustrative examples where practicable, on –

- (a) the types of entertainment officers are prohibited from accepting or from accepting without permission;
- (b) how to avoid and handle offers of entertainment which are inappropriate (e.g. from persons with whom they have direct official dealings) or undesirable (e.g. taking into account the character of the host); and
- (c) the departmental procedures for approving acceptance of entertainment.

29. Where operational circumstances so warrant, a Permanent Secretary/Head of Department may consider encouraging/requiring his staff to report acceptance of entertainment/hospitality offered to them in their official capacities. This will be conducive to embedding a culture of probity within the bureau/department.



## **Gifts and donations to a department as a whole for the benefit of staff**

30. Gifts and donations which are offered or presented to a bureau/department as a whole for the benefit of staff, rather than presented to an individual officer, should not be accepted without the proper approval.

31. Permanent Secretaries have been delegated with the authority to approve the acceptance of such donations by a department under their respective schedule, where –

- (a) for a donation from one single person or organisation on any one occasion, the value does not exceed \$10,000; and
- (b) for donations to one single social or recreation function, the cumulative value does not exceed \$30,000.

32. Approval may be given subject to the following criteria being met –

- (a) the circumstances leading to the donation should be above board and not open to misconstruction;
- (b) acceptance of the donation must not embarrass the bureau/department or Government (e.g. donations from a tobacco company should be avoided in view of the anti-smoking policy) or cause a conflict of interest or put the bureau/department or Government in an obligatory position towards the donor;
- (c) the donation must be voluntary and not solicited and there is no undue pressure or compulsion whatsoever on the donor by the bureau/department;
- (d) neither the bureau/department nor the Government is involved in advertising or promoting the donor or any commercial products;
- (e) acceptance of the donation will not bring into question the impartiality of the bureau/department or Government and there is no undue publicity associated with the acceptance;
- (f) the value of the donation should not be excessive or disproportionately high;
- (g) for departmental social or recreation functions, donations should preferably be accepted in kind;
- (h) where gifts are donated, departments should record the estimated value of the items;
- (i) where recurrent costs (e.g. in fuel or maintenance) are involved, the advice of the Secretary for Financial Services and the Treasury should

be sought before acceptance; and

- (j) the officer authorised to take day-to-day decision on behalf of the Permanent Secretary should be at directorate level.

33. The approval of the Secretary for the Civil Service must be sought in the following cases –

- (a) acceptance of donations by bureaux for the benefit of staff; and
- (b) acceptance of such donations offered to departments of values exceeding the limits as specified in paragraph 31 above.

Departments should also seek the support from their policy bureau when submitting such cases to the Secretary for the Civil Service for consideration.

#### ***Submission of half-yearly returns on donations accepted***

34. To enable the Civil Service Bureau to monitor the overall situation, bureaux/departments are requested to make half-yearly returns (ending June and December) to the Civil Service Bureau showing gifts and donations for the benefit of staff accepted, on or before the 15<sup>th</sup> of January and July. A sample proforma is attached at **Annex V**.

#### ***Acceptance of donations to staff welfare funds***

35. Cases involving acceptance of donations to staff welfare funds should be processed in accordance with CSB Circular No. 11/2003.

#### **The Prevention of Bribery Ordinance**

36. All officers should familiarize themselves with the main provisions in the POBO which are applicable to the acceptance of advantages in their official capacity -

- (a) Section 3 : it is an offence for a prescribed officer to solicit or accept any advantage without the Chief Executive's general or special permission; and
- (b) Section 4 : it is an offence for a public servant to solicit or accept any advantage in Hong Kong or elsewhere as an inducement to or reward for or otherwise on account of his performing or abstaining from performing any act in his capacity as a public servant.

An extract of sections 3 and 4 of the POBO and the AAN (with particular attention drawn to sections 2 and 7 therein) are at **Annex VI**.

37. Officer should note that they will be guilty of an offence under section

4 of the POBO if they solicit or accept any advantage (even one permitted under the AAN) for abusing his official power or position.

### **Distribution**

38. Bureaux/departments are requested to provide a copy of this circular to all newly appointed officers as soon as possible after appointment and to re-circulate this circular to their staff every six months.

### **Enquiries**

39. Any enquiry about the content of this circular should first be addressed to Departmental Secretaries who, if in doubt, may contact Chief Executive Officer (Conduct & Discipline) at 2810 3493 or Senior Executive Officer (Conduct & Discipline)1 at 2810 3185 of the Civil Service Bureau.



( Mrs Rosanna URE )  
for Secretary for the Civil Service

**Application for approval to dispose of gift(s) presented to an officer in his official capacity**

To : \_\_\_\_\_ (Permanent Secretary/HoD) (Attn. : \_\_\_\_\_ )  
via \_\_\_\_\_ (Division/Branch Head)

**Part I (To be completed by the recipient)**

I wish to report the following gift(s) presented to me in my official capacity on the following occasion (please specify the event and date) -

\_\_\_\_\_  
\_\_\_\_\_

Details of gift(s) presented –

Gift	Estimated value (\$)	Offeror
(a)		
(b)		
(c)		

Please tick the appropriate box below-

- The item is personally inscribed.
- The item was received at an official function where I was the Guest of Honour/an officiating guest.
- The item does not fall under the above two categories and my substantive salary is \$ \_\_\_\_\_.

Additional information (if any)

\_\_\_\_\_

The following disposal method(s) is/are recommended –

- Gift item(s) \_\_\_\_\_ to be returned to the offeror.
- Gift item(s) \_\_\_\_\_ to be retained personally by the recipient.
- Gift item(s) \_\_\_\_\_ to be shared among staff in the recipient’s office or \_\_\_\_\_. \*
- Gift item(s) \_\_\_\_\_ to be displayed in the recipient’s office or \_\_\_\_\_. \*
- Gift item(s) \_\_\_\_\_ to be donated to an outside organisation (name : \_\_\_\_\_).
- Gift item(s) \_\_\_\_\_ to be donated to the department’s social functions as lucky draw prize.

Name of recipient \_\_\_\_\_ Signature \_\_\_\_\_  
Rank/Post \_\_\_\_\_ Date \_\_\_\_\_



**Part II (To be completed by the authorised officer)**

The recommendation is approved.

The recommendation is not approved. The gift should be \_\_\_\_\_.

Name of officer \_\_\_\_\_ Signature \_\_\_\_\_

Rank/Post \_\_\_\_\_ Date \_\_\_\_\_

\* delete whichever is inapplicable

**Approving authority for handling gifts  
offered/presented to an officer in his official capacity**

	<b>Gifts received by Permanent Secretaries</b>	<b>Gifts received by Heads of Department</b>	<b>Gifts received by other officers in bureaux/departments</b>
(a) for personal retention	Secretary for the Civil Service	Permanent Secretaries	Permanent Secretaries/ Heads of Department respectively
(b) for other disposal ways (as specified in para. 11(b) to (e) of CSB Circular No. 4/2007)	Permanent Secretaries	Heads of Department	Permanent Secretaries/ Heads of Department respectively

(SAMPLE)

**Report on gifts retained by an officer received in his official capacity  
covered by the blanket permission in para. 13 of CSB Circular No. 4/2007**

To : \_\_\_\_\_ (Permanent Secretary/HoD) (Attn. : \_\_\_\_\_ )  
via \_\_\_\_\_ (Division/Branch Head)

I wish to report the following gift presented to me in my official capacity on the following occasion. The gift is retained by me under the blanket permission given in para. 13(a) & (b)(i) of CSB Circular No. 4/2007.

Name of donor	
Event/Occasion	
Date	
Description of gift	
Estimated value (\$)	

Please tick the appropriate box below-

- The gift is personally inscribed and the cost of the gift is \$400 or below.
- The gift was received by me as the Guest of Honour or one of the officiating guests at the official function stated above and the cost of the gift is \$400 or below.
- The gift does not exceed \$50 or 0.1% of my substantive salary (my substantive salary is \$\_\_\_\_\_).

Additional information (if any) –

\_\_\_\_\_

Name of recipient \_\_\_\_\_ Signature \_\_\_\_\_  
Rank/Post \_\_\_\_\_ Date \_\_\_\_\_

**Civil Service Regulations 431 – 435**  
**Acceptance of Entertainment**

- 431**  
Dec 92
- (1) Entertainment is not of itself an advantage as defined by section 2 of the Prevention of Bribery Ordinance (Cap. 201).
- Dec 92
- (2) An officer is permitted to accept any entertainment from any person except such entertainment as is prohibited by Regulation 434 or under Regulation 435.
- 432**  
Dec 92
- (1) Entertainment is defined by section 2 of the Prevention of Bribery Ordinance to mean –
- “the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provision.”
- For the purposes of Regulations 431 – 435, the same definition applies.
- (2) The following are examples of what constitutes entertainment –
- (a) a meal;
- (b) an occasion at which drinks of any kind are provided;
- (c) attendance at a cinema, theatre or other public entertainment before or after a meal;
- (d) dancing or other entertainment before, during or after a meal.
- Feb 2007
- (3) Officers are warned that notwithstanding Regulation 431(1) and paragraph (2) above, the acceptance of free food, drink, show, etc., may in certain circumstances be regarded as “an advantage”, which may constitute a criminal offence under the Prevention of Bribery Ordinance. For example, when an officer visits a restaurant with which he has official dealings and at the end of the meal the restaurant owner waives the bill, the free meal may amount to “a discharge of obligation” which is an advantage under the Prevention of Bribery Ordinance, in that the officer is discharged from the obligation to pay the bill. If in doubt about such provision, the officer should reject it, or seek advice from his Permanent Secretary/Head of Department.
- 433**  
Feb 2007
- An officer who accepts entertainment other than in accordance with Regulations 431 – 435 may be subject to disciplinary proceedings.



- 434**  
Feb 2007
- (1) An officer may not, without the permission of his Permanent Secretary/Head of Department, accept entertainment from any person if the entertainment is likely, for example by reason of its excessive nature or of the relationship between the officer and the other person or of the character of that person –
- (a) to lead to the embarrassment of the officer in the discharge of his functions; or
- (b) to bring the officer or the public service into disrepute.
- Feb 2007
- (2) In this regulation, reference to the Head of a Department means –
- (a) in relation to a person who is himself the Permanent Secretary/Head of Department, the Secretary for the Civil Service;
- (b) in relation to any other officer –
- (i) the Permanent Secretary/Head of Department of the bureau/department in which that officer is serving at the time when the entertainment is offered to the officer;
- (ii) any other officer of that bureau/department authorised in writing by the Permanent Secretary/Head of Department to act on his behalf for the purposes of this regulation.
- 435**  
Feb 2007
- (1) A Permanent Secretary/Head of Department may, with the approval of the Secretary for the Civil Service, issue directions to the officers serving in that bureau/department.
- Feb 2007
- (2) Such directions may prohibit an officer serving in that bureau/department from accepting, or from accepting without the permission of the Permanent Secretary/Head of Department or another officer of the bureau/department authorised by the Permanent Secretary/Head of Department for this purpose, any entertainment which such officer would, but for such prohibition, be permitted to accept, or to accept with permission.
- (3) An officer who contravenes any direction applicable to him issued under this regulation shall be deemed to have accepted entertainment other than in accordance with these regulations.
- Dec 92
- (4) Any directions issued under this regulation shall be supplementary to Regulation 434.

**(SAMPLE PROFORMA)**

**Return on gifts and donations accepted by Bureaux/Departments for the benefit of staff**  
(for the period from \_\_\_\_\_ to \_\_\_\_\_)

To : Civil Service Bureau (Attn : S(CD)1)

From : \_\_\_\_\_ (Bureau/Department)

<u>Name of Donor</u>	<u>Amount of Donation/ Estimated Value of Gifts</u>	<u>Nature and Purpose of Donation</u>	<u>Details of Approval</u> (please state the approving authority, the date and file ref. of the approval)
----------------------	---------------------------------------------------------	---------------------------------------	--------------------------------------------------------------------------------------------------------------------

Name and post of  
contact person : \_\_\_\_\_

Tel. No. : \_\_\_\_\_

Date : \_\_\_\_\_

**PREVENTION OF BRIBERY ORDINANCE**  
**(Chapter 201, Laws of Hong Kong)**

Extract of sections 3 and 4

Soliciting or accepting an advantage 3. Any prescribed officer who, without the general or special permission of the Chief Executive, solicits or accepts any advantage shall be guilty of an offence.

Bribery 4. (1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –

(a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;

(b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

(c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

(2) Any public servant who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his -

(a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;

(b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by himself or by any other public servant in his or that other public servant's capacity as a public servant; or

(c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the



transaction of any business with a public body,  
shall be guilty of an offence.

(3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

(4) For the purposes of subsection (3) permission shall be in writing and -

- (a) be given before the advantage is offered, solicited or accepted; or
- (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,

and for such permission to be effective for the purposes of subsection (3), the public body shall, before giving such permission, have regard to the circumstances in which it is sought.

**PREVENTION OF BRIBERY ORDINANCE**  
(Chapter 201, Laws of Hong Kong)

**ACCEPTANCE OF ADVANTAGES (CHIEF EXECUTIVE'S PERMISSION)  
NOTICE 2010**

Given by the Chief Executive for the purposes of  
section 3 of the Prevention of Bribery Ordinance

[Commencement : 9 April 2010]

- Interpretation
1. In this notice, unless the context otherwise requires, “approving authority” means :-
- (a) in relation to a prescribed officer who is a member of the Executive Council or the Chief Justice or the Director of the Chief Executive’s Office or the Commissioner of the Independent Commission Against Corruption or the Director of Audit or an Under Secretary or a Political Assistant, the Chief Executive;
  - (b) in relation to a prescribed officer who is the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Chapter 66), the Financial Secretary;
  - (c) in relation to a prescribed officer who is a Permanent Secretary or the Head of a Department or holds a post of equivalent status as the Head of a Department other than those in (a) and (b) above, the Secretary for the Civil Service;
  - (d) in relation to a prescribed officer who is a judicial officer other than the Chief Justice, the Chief Justice;
  - (e) in relation to any other prescribed officer, the relevant Permanent Secretary of the Bureau or the Head of the Department or a person who holds a post of equivalent status as the Head of a Department in an organisation in which that prescribed officer is employed at the time when the advantage is offered to or solicited or accepted by the prescribed officer.

“discount” includes vouchers or coupons expressed to have a monetary value in exchange for which goods to that value may be obtained and also includes goods so obtained.

General and special permission of the Chief Executive

2. For the purposes of section 3 of the Prevention of Bribery Ordinance (Chapter 201), by this notice :-

- (a) the general permission of the Chief Executive is given to all prescribed officers in respect of any advantage, other than gifts, discounts, loans of money or passages not permitted by sections 3 to 7;
- (b) the special permission of the Chief Executive is given to any prescribed officer in respect of any advantage for the solicitation or acceptance of which that prescribed officer has been given the permission of the approving authority under section 8 or 9.

Advantages from relations

3. (1) A prescribed officer is permitted to solicit or accept from a relation any gift (whether of money or otherwise), any discount, any loan of money or any air, sea or overland passage.

(2) In sub-section (1) "relation" means :-

- (a) spouse (including a concubine);
- (b) any person with whom the prescribed officer is living in a regular union as if man and wife;
- (c) fiancé, fiancée;
- (d) parent, step-parent, lawful guardian;
- (e) spouse's parent, spouse's step-parent, spouse's lawful guardian;
- (f) grandparent, great-grandparent;
- (g) child, ward of court;
- (h) spouse's child, spouse's ward of court;
- (i) grandchild;
- (j) child's spouse;
- (k) brother, sister;
- (l) spouse's brother, spouse's sister;

- (m) half-brother, half-sister;
- (n) step-brother, step-sister;
- (o) brother's spouse, sister's spouse;
- (p) brother's child, sister's child;
- (q) parent's brother, parent's sister;
- (r) parent's brother's spouse, parent's sister's spouse;
- (s) parent's brother's child, parent's sister's child.

Advantages from tradesmen, etc.

4. (1) Subject to sub-section (2) a prescribed officer is permitted to solicit or accept any gift (whether of money or otherwise), any discount, any loan of money or any air, sea or overland passage given to or made available to a prescribed officer in his private capacity by a tradesman, firm, company, organisation or association :-

- (a) by virtue of the terms on which the prescribed officer's spouse, parent or child, is employed; or
- (b) by virtue of the membership of any organisation or association of the prescribed officer or the prescribed officer's spouse, parent or child; or
- (c) by virtue of the prescribed officer or the prescribed officer's spouse, parent or child being a regular customer; or
- (d) in the course of normal business.

(2) The permission given under sub-section (1) shall only apply where :-

- (a) the advantage is equally available on equal terms to persons who are not prescribed officers; and
- (b) the donor of the advantage has no official dealings with the prescribed officer.

Advantages from close personal friends

5. (1) Subject to sub-section (2) a prescribed officer is permitted to :-

- (a) solicit or accept a loan of money from a close personal friend so long as the loan does not exceed \$3,000 on any



one occasion and is repaid within 30 days;

- (b) accept, but not solicit, a gift or gifts (whether of money or otherwise) or any air, sea or overland passage from a close personal friend given on an occasion such as the prescribed officer's birthday, wedding, wedding anniversary, engagement, baptism, retirement or on any other occasion when gifts are traditionally given or exchanged, so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$3,000 from any one person on any one occasion;
- (c) accept, but not solicit, a gift or gifts (whether of money or otherwise) or any air, sea or overland passage from a close personal friend on any occasion other than one referred to in sub-sub-section (b), so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$500 from any one person on any one occasion.

(2) The permission under sub-section (1) shall only apply so long as :-

- (a) the close personal friend has no official dealings with the department or organisation in which the prescribed officer works;
- (b) in the case of a close personal friend working in the same department or organisation as the prescribed officer, the close personal friend is not subordinate to the prescribed officer;
- (c) in the case of a gift or passage to which sub-sub-section (b) or (c) of sub-section (1) applies, the prescribed officer does not attend the occasion on which the gift or passage is given in his official capacity or by virtue of the official position he holds at the time he attends the occasion.

Advantages  
from other  
persons

6. (1) A prescribed officer is permitted to :-

- (a) solicit or accept a loan of money from any person (not being a loan to which section 4 or 5 applies) so long as the loan does not exceed \$1,500 on any one occasion and is repaid within 30 days;
- (b) accept, but not solicit, a gift or gifts (whether of money



or otherwise) or any air, sea or overland passage from any person (not being a gift or passage to which section 4 or 5 applies) given on an occasion such as the prescribed officer's birthday, wedding, wedding anniversary, engagement, baptism, retirement or on any other occasion when gifts are traditionally given or exchanged, so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$1,500 from any one person on any one occasion.

- (c) accept, but not solicit, a gift or gifts (whether of money or otherwise) or any air, sea or overland passage from any person (not being a gift or passage to which section 4 or 5 applies) on any occasion other than one referred to in sub-sub-section (b), so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$250 from any one person on any one occasion.

(2) The permission under sub-section (1) shall apply so long as :-

- (a) the person offering the loan, gift or passage has no official dealings with the department or organisation in which the prescribed officer works;
- (b) in the case of such a person working in the same department or organisation as the prescribed officer, that person is not subordinate to the prescribed officer;
- (c) in the case of a gift or passage to which sub-sub-section (b) or (c) of sub-section (1) applies, the prescribed officer does not attend the occasion on which the gift or passage is given in his official capacity or by virtue of the official position he holds at the time he attends the occasion.

Advantages  
from the  
Government

7. A prescribed officer is permitted to :-

- (a) accept, but not solicit, a gift (other than a gift of money) or an air, sea or overland passage given on the prescribed officer's retirement, or on other occasions, which the prescribed officer has been permitted to accept under any Government regulations or permitted to accept in accordance with the prescribed officer's terms and conditions of employment or appointment;
- (b) solicit or accept any gift of money or loan of money or other allowance or advance made or given out of any Government

staff welfare fund or permitted by the Government under any Government regulations or permitted in accordance with the prescribed officer's terms and conditions of employment or appointment;

- (c) solicit or accept any air, sea or overland passage provided in accordance with any Government regulations or provided in accordance with the prescribed officer's terms and conditions of employment or appointment.

Permission in respect of advantages other than passages

- 8. (1)(a) If a prescribed officer wishes to accept any gift (whether of money or otherwise), discount or loan of money which he does not have permission to accept under sections 3 to 7, he must, before or as soon as is reasonably possible after being offered or presented with the gift, discount, or loan of money, seek the permission of the approving authority to accept it.

- (b) If a prescribed officer wishes to solicit any gift (whether of money or otherwise), discount or loan of money which he does not have permission to solicit under sections 3 to 7, he must, before soliciting the gift, discount or loan of money, seek the permission of the approving authority to solicit it.

- (2) In the case of gifts other than money, the approving authority may :-

- (a) permit the prescribed officer to solicit or accept the gift either unconditionally or subject to such conditions as the approving authority may specify; or

- (b) refuse him permission to solicit or accept the gift and, if the gift is already in his possession,

- (i) require him to return it to the donor; or

- (ii) require the gift to be handed to a charitable organisation nominated by the prescribed officer and approved by the approving authority; or

- (iii) require him to dispose of the gift in such other manner as the approving authority may direct.

- (3) In the case of discounts, the approving authority may :-

- (a) permit the prescribed officer to solicit or accept or take the benefit of the discount either unconditionally or subject to such conditions as the approving authority may specify; or

(b) refuse him permission to solicit or accept or take the benefit of the discount and, if he has already accepted or taken the benefit of the discount, require him to pay to the donor of the discount an amount equal to the value of the discount.

(4) In the case of gifts of money or loans of money, the approving authority may :-

(a) permit the prescribed officer to solicit or accept the gift of money or loan of money either unconditionally or subject to such conditions as the approving authority may specify; or

(b) refuse him permission to solicit or accept the money and, if the money is already in his possession,

(i) require him to return the money to the donor or lender; or

(ii) require him to dispose of the money in such other manner as the approving authority may direct.

(5) The prescribed officer may, if he has complied with sub-section (1)(a), retain the gift or loan in his possession or take the benefit of the discount until a decision under sub-sections (2), (3) or (4) has been notified to him.

Permission in respect of passages

9. (1)(a) If a prescribed officer wishes to accept any air, sea or overland passage which he does not have permission to accept under sections 3 to 7, he must, before or as soon as is reasonably possible after being offered the passage or presented with the tickets or vouchers to which the passage relates, seek the permission of :-

(i) the Chief Executive; or

(ii) the Financial Secretary; or

(iii) the Secretary for the Civil Service; or

(iv) the Chief Justice; or

(v) the relevant Permanent Secretary of the Bureau or the Head of the Department or a person who holds a post of equivalent status as the Head of a Department in an organisation in which that prescribed officer is employed at the time to accept the passage.



- (b) If a prescribed officer wishes to solicit any air, sea or overland passage which he does not have permission to solicit under sections 3 to 7, he must, before soliciting the passage, seek the permission of :-
  - (i) the Chief Executive; or
  - (ii) the Financial Secretary; or
  - (iii) the Secretary for the Civil Service; or
  - (iv) the Chief Justice; or
  - (v) the relevant Permanent Secretary of the Bureau or the Head of the Department or a person who holds a post of equivalent status as the Head of a Department in an organisation in which that prescribed officer is employed at the time to solicit the passage.

(2) The approving authority referred to in sub-section (4) below may :-

- (a) permit the prescribed officer to solicit or accept the passage either unconditionally or subject to such conditions as he may specify;
- (b) refuse him permission to solicit or accept the passage, and if the tickets or vouchers to which the passage relates are already in his possession, require him to dispose of the passage in such other manner as he may direct.

(3) Where a prescribed officer has sought the permission of the approving authority referred to in sub-section (4) below to solicit or accept a passage and the decision has not been notified to him, he shall not solicit or make the passage or use the tickets or vouchers to which the passage relates.

(4) The approving authority for the purpose of section 9 means :-

- (a) in relation to a prescribed officer who is a member of the Executive Council or the Chief Justice or the Director of the Chief Executive's Office or the Commissioner of the Independent Commission Against Corruption or the Director of Audit or an Under Secretary or a Political Assistant, the Chief Executive;

- (b) in relation to a prescribed officer who is the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Chapter 66), the Financial Secretary;
- (c) in relation to a prescribed officer other than those in (a) above who is at the directorate level, the Secretary for the Civil Service;
- (d) in relation to a prescribed officer who is a judicial officer other than the Chief Justice, the Chief Justice;
- (e) in relation to any other prescribed officer, the relevant Permanent Secretary of the Bureau or the Head of the Department or a person who holds a post of equivalent status as the Head of a Department in an organisation in which that prescribed officer is employed at the time when the passage is solicited or accepted by the prescribed officer.

Revocation

10. The Acceptance of Advantages (Chief Executive's Permission) Notice 2007 which was promulgated on 16 February 2007 is hereby cancelled.

**Item 1 : Whether the Commissioner of ICAC must seek approval from the Chief Executive for personal retention of gifts offered/presented to him in his official capacity, irrespective of the values of these gifts. Please specify the relevant regulations.**

- The Commissioner complies with the Civil Service Bureau Circular No. 4/2007 on “Advantages/entertainment offered to an officer in his official capacity and gifts and donations to a department for the benefit of staff” with regard to the acceptance of gifts in his official capacity. In accordance with the above CSB Circular, the Commissioner shall apply to the Chief Executive for approval if he wishes to personally retain a gift received in his official capacity except under the following circumstances:
  - ✧ the value of the gift does not exceed \$50 or 0.1% of his substantive salary, whichever is the higher;
  - ✧ the value of the gift exceeds \$50 or 0.1% of his substantive salary, whichever is the higher, but less than \$400 and the gift is personally inscribed with the Commissioner’s name or received by him at a function as the guest of honour or an officiating guest.

**Item 31 : Details of the procedure for approving the bestowing and receipt of gifts by the Commissioner of ICAC and other ICAC officers when Mr Timothy TONG was serving as the Commissioner of ICAC; whether there have been any reviews on the procedure during and after Mr TONG's tenure, and what changes have been made as a result of such reviews.**

Bestowing of gifts

- (a) Gifts presented by the Commissioner of ICAC during duty trips outside Hong Kong are normally decided at the pre-trip meetings chaired by the Commissioner. The selection and distribution of gifts are usually decided by the officer who would present them on behalf of the Commission. The subject officers must seek funding approval and certification from the line management for the purchase of gifts and claim for reimbursement of the expenses respectively. The procedure for approving the bestowing of gifts was not reviewed during Mr TONG's tenure. All staff involved will ensure the new guidelines issued in May 2013 are fully complied with.

Receipt of Gifts

- (a) Approval for acceptance of gifts must be sought on a standard application form from the approving authorities as stated in the reply to Item (30).
- (b) Regarding gifts received by the Commissioner, his Personal Assistant will, on his instruction, write a memo to the Personnel Section of the Administration Branch listing out details of the gifts and disposal methods. For items to be personally retained by the Commissioner, Personnel Section will on his behalf seek the Chief Executive's approval, if required.

**Item 3 : Please provide response and/or information on the following issues :**

**Records of the applications made by Mr Timothy TONG to the Chief Executive (“CE”) from 2007-2008 to 2012-2013 for personal retention of gifts offered/presented to him (a) in his official capacity as the Commissioner of ICAC and (b) in his private capacity, and the CE’s replies.**

➤ According to the Commission’s records, Mr Timothy TONG, had made two applications to the Chief Executive (CE) from 2007-2008 to 2012-2013 for personal retention of gifts offered to him in his official capacity as the Commissioner of ICAC. Details of the gifts are as follows :-

- (i) Invitation by the Supreme People’s Procuratorate of the PRC to the Opening Ceremony of the Beijing Olympic Games on 8.8.2008 for Mr TONG and a family member (his daughter) (including admission to the ceremony and accommodation in Beijing);
- (ii) A total of four admission tickets to the Olympic Equestrian Events on 15.8.2008 and 21.8.2008 for Mr TONG and his daughter offered by the Hong Kong Jockey Club.

Although CE had approved application (i), Mr TONG did not attend the event subsequently. Mr TONG had also withdrawn application in (ii) above. Relevant applications are attached (English version only).



**Loose Minute**

CE,

**Approval to attend the Beijing Olympic Games**

Your approval is requested for me to accept an invitation to attend the Opening Ceremony of the Beijing Olympic Games on 8 August 2008. The invitation is extended to me and a family member (my daughter) by the Supreme People's Procuratorate of the PRC. It includes admission to the Opening Ceremony and hotel accommodation while in Beijing. The Supreme People's Procuratorate and the ICAC maintain a cordial working relationship, and Mr Jia Chun-wang, former Procurator-General, visited Hong Kong last December to attend the official opening of the ICAC Building.

2. If your approval is granted, I will take leave for two days on 7-8 August 2008 and pay for our own air passage to Beijing. The same invitation is also extended to [REDACTED] and his family. Subject to your agreement, I will approve his application for accepting the offer.


( Timothy Tong )  
Commissioner, ICAC  
5.6.2008

*Downgraded.*  
**CONFIDENTIAL** *21.78*

Jock WY  
TAM/CEO/HKSARG@CE  
O  
24/06/2008 10:38

To MS TSE/ADM/ICAC/HKSARG@ICAC  
cc  
bcc  
Subject CONFIDENTIAL: Approval to attend 2008 Beijing  
Olympics  
File Ref.:

Urgent  Return receipt  Enigmator Sign  Enigmator Encryp

History:  This message has been replied to and forwarded.

Dear MS,

I refer to the LM from C, ICAC to CE on the above subject.

2. CE has given approval for C, ICAC to accept the invitation from the Supreme People's Procuratorate of the PRC to attend the Opening Ceremony of the Beijing Olympics Games.

Regards,

Jock Tam  
CEO(A)  
CE's Office  
Tel no. 2878 3366

To Private Secretary to Chief Executive  
(Fax No. : 2509 0575)

H/Ops

AD/A

C/MA/7/8  
S/MA/7/8

**Application for Vacation Leave  
by Commissioner, Independent Commission Against Corruption**

PART 1 (to be completed by C, ICAC)

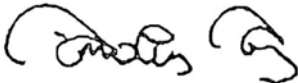
Name : Mr Timothy TONG Hin-ming

Period : 14.8.2008 (p.m.) to 21.8.2008 (a.m.) and 22.8.2008

Remarks : Originally I intended to go to Beijing to attend the Opening Ceremony of the Olympic Games. Owing to scheduling difficulties, I now wish to take leave in Hong Kong and watch some equestrian events.


\* I recommend Mr Daniel LI, Head of Operations to ~~set up~~ double up my post during my absence.

\* ~~There is no need for my duties to be covered by another officer during my absence.~~

Signature :  Date : 5 August 2008

PART 2 (to be completed by CE)

Application ~~not~~ approved / not approved.

Signature :  Date : 6 August 2008  
CE

\* Please delete as appropriate

## MEMO

*From* Commissioner, Independent  
Commission Against Corruption

*Ref.* (46) In ICAC 7/6/3 Pt.3

*Tel. No.* 2826 3121

*Fax. No.* 2537 0767

*Date* 1 August 2008

*To* Director of the Chief Executive's Office

*(Attn.: Mr. TAM Wai-yuen, Jock, CEO (Adm) )*

*Your Ref.* \_\_\_\_\_ *in* \_\_\_\_\_

*dated* \_\_\_\_\_ *Fax. No.* 2524 3099

*Total Pages* 1

### Acceptance of Advantage

#### Mr. TONG Hin-ming, Timothy, Commissioner, ICAC

I would be grateful if you would seek the Chief Executive's approval for Mr. Timothy TONG, Commissioner (C) to accept and handle a gift, details as follows:

(A) Occasion :-

- (i) Name of donor/organization : The Hong Kong Jockey Club
- (ii) Function : Olympic Equestrian Events (EQ 08) on 15.8.2008  
Olympic Equestrian Events (EQ 13) on 21.8.2008

(B) Gift :-

- (i) Gift to be received by : C
- (ii) Two tickets for EQ 08 and two tickets for EQ 13 for C and C's daughter, Miss Tania TONG. The tickets are complimentary but based on tickets on sale in the market are estimated to cost \$550/each. Similar complimentary tickets are also dished out as gifts to other heads of bureau/departments.

2. Chief Executive's approval is sought for Mr. TONG to accept the tickets as

- (a) it is the interest of the Commission to attend the events; and
- (b) there is no conflict of interest involved.



(Ms Judy LI)

for Commissioner,  
Independent Commission Against Corruption

Judy KC  
LI/ADM/ICAC/HKSAR  
G  
12/08/2008 10:25

To Jock WY TAM/CEO/HKSARG  
cc MS TSE/ADM/ICAC/HKSARG  
bcc  
Subject Application for Acceptance of EQ tickets from HK Jockey  
Cub by C, ICAC

Urgent  Return receipt  Sign  Encrypt

Dear Jock,

I refer to our telecon this morning and confirm that due to other engagement, Mr Timothy TONG was unable to make it to the EQ 08 and EQ13 events on 15 and 21 August 2008. Please consider this mail as formal notice of withdrawal of application vide my memo ref (46) in ICAC7/6/3 Pt 3 dated 1 August 2008.

2. Thank you for your attention.

Ms Judy LI  
S/MA1  
ICAC



**(Urgent by fax: 3151 7052)**

20 March 2014

Ms Anita Sit  
Clerk to Select Committee  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms Sit,

**Select Committee to Inquire into Matters Relating to  
Mr Timothy Tong's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

**Request for Records**

I refer to your letters of 21 February and 13 March 2014.

According to our records, the former Commissioner of the Independent Commission Against Corruption (ICAC), Mr Timothy TONG, made three applications to the Chief Executive from 2007-08 to 2012-13 for personal retention of gifts offered/presented to him.

Two of the applications concerned gifts offered to Mr TONG in his official capacity as the then Commissioner of ICAC. We note that the ICAC already provided relevant information to the Select Committee in Annex 3 of its letter on 19 February 2014. We have nothing to add in respect of these two applications.

**中華人民共和國香港特別行政區行政長官辦公室**  
Office of the Chief Executive of the Hong Kong Special Administrative Region of the People's Republic of China  
香港添馬 電話: +852 2878 3300 傳真: +852 2509 0580 電郵: ceo@ceo.gov.hk  
Tamar, Hong Kong Telephone: +852 2878 3300 Fax: +852 2509 0580 E-mail: ceo@ceo.gov.hk

The third application, which was received while Mr TONG was on pre-retirement leave, concerned a retirement gift presented to Mr TONG by a group of 30 personal friends at a private party on 1 July 2012. A copy of the relevant application and our reply is attached at **Annex** (English version only). The names of Mr TONG's personal friends who presented the gift to him have been redacted for personal data reasons.

In view of the on-going criminal investigation involving Mr TONG, we have handled your request with care to avoid prejudicing the investigation. While we wish to facilitate the work of the Select Committee, we also wish to stress that our agreement to provide the requested information on this specific occasion shall not be regarded as setting any precedent or practice on our part.

Yours sincerely,



(Miss Ivy Chan)  
for Director of the Chief Executive's Office

BY FAX

To: Chief Executive's Office  
Tamar, Hong Kong  
(Attn: Mr Jock TAM)  
Fax 2524 3099

From: Timothy HM TONG,  
Officer on Pre-retirement leave  
(former C, ICAC)  
FAX: 2537 9122

11 July 2012

Application to Accept Retirement Gift

I hereby apply for permission for me to accept a retirement gift from personal friends, with details as follows:

The gift: one Golf driver brand TaylorMade; Model R11S,  
Price: \$3800 (approx.)

Occasion: A private party held on 1 July 2012 hosted jointly by many personal friends of mine, to celebrate my retirement from service.

Gift paid by:



(Of the above, [redacted] is a serving Government officer; [redacted] and [redacted] are retired government officers. The rest are my personal friends and their families some having known me for over twenty years.)

Please let me know if permission for acceptance is granted.

(Timothy H M TONG)





By Fax : 2537 9122

本函檔號 Our Ref :  
來函檔號 Your Ref :

傳真號碼 Fax No.: 2524 3099  
電話號碼 Tel. No.: 2878 3366

26 July 2012

Mr Timothy HM Tong

Dear Mr Tong,

**Application to accept retirement gift**

I refer to your letter of 11 July 2012.

Approval is given for you to accept the retirement gift (a golf driver) presented to you by your personal friends at a private party on 1 July.

Yours sincerely,

( Jock Tam )  
for Permanent Secretary,  
Chief Executive's Office

**中華人民共和國香港特別行政區行政長官辦公室**  
**Office of the Chief Executive of the Hong Kong Special Administrative Region of the People's Republic of China**

香港添馬 電話: +852 2878 3300 傳真: +852 2509 0580 電郵: ceo@ceo.gov.hk  
Tamar, Hong Kong Telephone: +852 2878 3300 Fax: +852 2509 0580 E-mail: ceo@ceo.gov.hk

Examination of Estimates of Expenditure 2013-14

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

<b>ICAC014</b>
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Question Serial No.

1534
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Head: 72 – Independent Commission  
Against Corruption

Subhead (No. & title): 000 Operational expenses

Programme:

Controlling Officer: Commissioner, Independent Commission Against Corruption

Director of Bureau: Commissioner, Independent Commission Against Corruption

Question:

Please state the amount of non-accountable entertainment allowances received by the 5 ICAC Commissioners from 2002 to 2012. Please also state the number of occasions on which Timothy HM TONG presented government officials of different places with gifts paid out of public funds during his tenure and the actual amount on each occasion.

Asked by: Hon. KWOK, Dennis

Reply:

The Commissioner, Independent Commission Against Corruption (ICAC) is not entitled to non-accountable entertainment allowance. All entertainment expenditure in relation to the Commissioner, ICAC should be accountable.

The information in connection with gifts paid out of public funds to government organisations / officials of different places during the tenure of Timothy TONG, ex-Commissioner is listed below:

<u>Financial year</u>	<u>Number of occasions*</u>	<u>Total amount (\$)</u>	<u>Range of actual amount for each occasion (\$)</u>
2007-08	19	40,000	360 – 11,430
2008-09	18	32,000	400 – 7,460
2009-10	29	49,000	180 – 9,880
2010-11	42	70,000	180 – 11,330
2011-12	<u>28</u>	<u>29,000</u>	90 – 6,550
<b>Grand Total:</b>	<b>136</b>	<b>220,000</b>	

\* Each activity or duty visit as conducted by the Commissioner is counted as one occasion. In each activity or duty visit, the Commissioner may present souvenirs to more than one organisation and/or more than one person.

Name in block letters: Simon YL PEH

Post Title: Commissioner, ICAC

Date: 3.4.2013



## Press Releases

Archive

### ICAC Statement

26 April 2013

Regarding a press report saying that the ICAC had not included food items in the list of gifts presented by former ICAC Commissioner Timothy Tong Hin-ming during his tenure which had been submitted to the Legislative Council (Legco), the Commission admitted that it had not given thorough consideration in categorising the items due to time constraint. The ICAC stressed that the Commission had absolutely no intention to conceal any information, and apologised for any misunderstanding caused by the misjudgment.

Given the volume of accounting records, the Commission needs more time to conduct a thorough search and ascertain if there are any other relevant records to be retrieved. The ICAC would provide Legco and the media as soon as possible should there be any more relevant information.

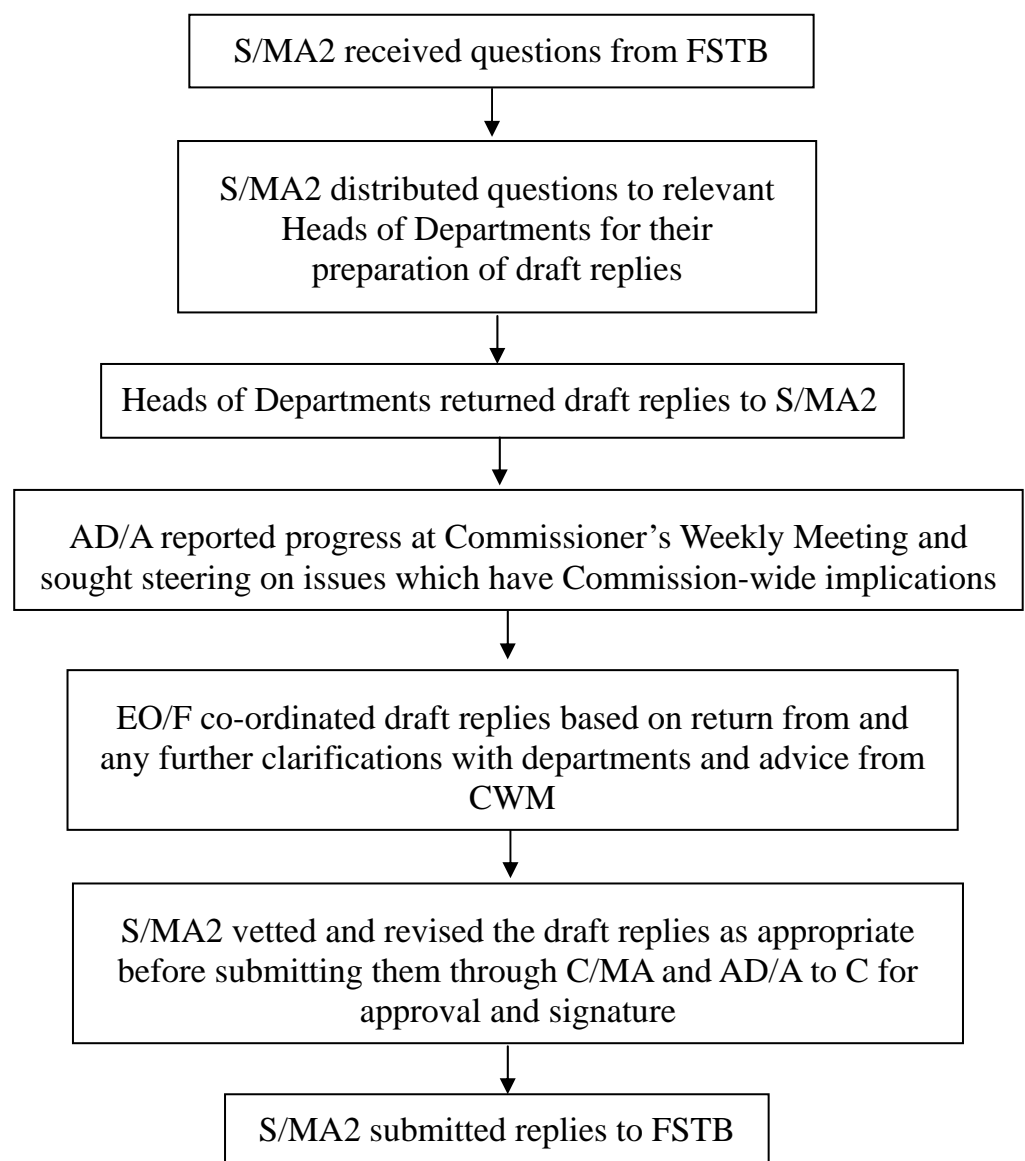
In addition, when asked by the press yesterday if he had dined with officials of the Liaison Office of the Central People's Government in Hong Kong (Liaison Office), ICAC Commissioner Simon Peh Yun-lu had replied in the negative, meaning that he had not hosted any meals for the Liaison Office with public funds. The ICAC added that Mr Peh and five directorate officers of the ICAC had been invited to a dinner hosted by the Liaison Office in November last year. Meanwhile, the ICAC's Centre of Anti-Corruption Studies had organised a seminar on "The Development and Management of Anti-Corruption Systems in Hong Kong and Mainland China" in February this year. A number of guests attending the seminar, including an official of the Supervision Office under the Liaison Office, were invited to a welcome dinner hosted by the ICAC.

**Item 45 : Information that should have been but was not included in the replies, and/or information that was included in the replies but was inaccurate, incomplete or out of date.**

- (a) This was related to gifts presented to guests in official capacity and paid out of public funds by the former Commissioner, Mr Timothy TONG, during his tenure. Only information of some food items and small gift items were omitted from the replies inadvertently.
- (b) The Commissioner provided the information of the omissions when he attended the meeting of the LegCo Panel on Security on 27 May 2013. They include:
  - (i) Food items of around \$57,000 in value;
  - (ii) ICAC pens and pins of total value of \$3,650 during a duty trip to Bali in November 2007 for attending a conference; and
  - (iii) ICAC key rings and cufflinks of total value of \$3,750 presented to government officials of different places on various occasions.

**Item 44 : The workflow of the preparation and vetting of ICAC’s replies to Members’ initial and supplementary questions on the Estimates of Expenditure 2013-14, with the names and posts of the ICAC officers involved and their respective responsibility in the process.**

(a) The workflow is shown below:



Legend of posts and holders

<b>Post</b>	<b>Abbreviation</b>	<b>Post holder</b>
Commissioner	C	Mr PEH Yun-lu, Simon
<u>Heads of Departments include</u>		
Head of Operations	H/Ops	Mr WONG Sai-chiu, Ryan
Director of Community Relations	DCR	Ms MU Fee-man, Julie
Director of Corruption Prevention	DCP	Mr TSE Man-shing
Assistant Director / Administration	AD/A	Mrs AU-YEUNG WONG Mei-fong, Jennie
Chief Staff Officer / Management and Administration, Administration Branch	C/MA	Ms KWAN Yee-lan, Sally
Senior Staff Officer / Management and Administration 2, Administration Branch	S/MA2	Ms LI Kwan-chu, Judy
Executive Officer / Finance, Administration Branch	EO/F	Mr TING Hoi-yan, Josiah

**Item 48 : Reasons for and the circumstances leading to the provision of the inaccurate, incomplete or out-of-date information, and the relevant records.**

- (a) The Director of Community Relations and Assistant Director/Administration had discussed the information required in answering the LegCo Finance Committee's initial question raised by Hon Dennis KWOK on the number of occasions on which Mr TONG had presented government officials of different places with gifts paid out of public funds during his tenure and their actual amount on each occasion. After discussion, they decided to provide the required information in relation to **souvenirs** given out on the understanding that food items like cakes and cookies, though presented to government officials, were meant for their staff's consumption. The fact that the information is related to **souvenirs** was clearly specified in the reply dated 3 April 2013 to the Finance Committee after endorsement by the ICAC's Commissioner's Weekly Meeting. When answering the two supplementary questions of the Finance Committee related to the original question, the ICAC built on its previous reply and provided the additional information on 22 April 2013.
- (b) Like many other Government departments using Treasury's Government Financial Management Information System (GFMIS), the ICAC does not keep a separate accounting and payment record or a central register of gifts bestowed. The GFMIS only keeps transaction records chronologically based on the transactions processed in a day by the Finance Office of the Administration Branch. Besides, it does not keep details of individual items and is not meant for the retrieval of transactions by the type of items. Given the time pressure when answering the questions of the LegCo Finance Committee, we had therefore based on the records readily available and kept by user departments, which we knew afterwards that some of the records were incomplete and there were a few inadvertent omissions in the replies. If we were to go through the 25 000 odd transaction records stored in the GFMIS, we had to dig out manually the relevant payment records and vouchers from some 600 paper files, which was a nearly impossible task to provide replies to the questions of the LegCo Finance Committee on or before the deadline.





## **Lists of written evidence/documents**



## **Lists of written evidence/documents**

- A. Evidence/documents provided by the Independent Commission Against Corruption
- B. Documents provided by the Administration
- C. Evidence/documents provided by witnesses
- D. Documents referred to by the Select Committee

**A. Evidence/documents provided by the Independent Commission Against Corruption**

<b>Documents</b>	<b>Select Committee reference no.</b>
1. Reply dated 6 September 2013 from the Independent Commission Against Corruption	ICAC1
2. Reply dated 27 September 2013 from the Independent Commission Against Corruption	ICAC2
3. Press release issued by the Independent Commission Against Corruption on 12 September 2013	ICAC3
4. Press release issued by the Independent Commission Against Corruption on 27 November 2013	ICAC4
5. Reply dated 28 May 2014 from the Independent Commission Against Corruption	ICAC5
6. Reply dated 23 October 2013 from the Independent Commission Against Corruption	ICAC1(C)
7. Information provided by the Independent Commission Against Corruption to the Public Accounts Committee relating to Mr Timothy TONG Hin-ming's duty visits during his tenure as Commissioner of the Independent Commission Against Corruption - Duty Visits	ICAC2(C)
8. Information provided by the Independent Commission Against Corruption to the Public Accounts Committee relating to Mr Timothy TONG Hin-ming's official entertainment during his tenure as Commissioner of the Independent Commission Against Corruption - Official Entertainment	ICAC3(C)
9. Information provided by the Independent Commission Against Corruption to the Public Accounts Committee relating to Mr Timothy TONG Hin-ming's bestowing and receipt of gifts during his tenure as Commissioner of the Independent Commission Against Corruption - Bestowing and Receipt of Gifts	ICAC4(C)

<b>Documents</b>	<b>Select Committee reference no.</b>
10. Information provided by the Independent Commission Against Corruption to the Public Accounts Committee relating to Mr Timothy TONG Hin-ming's duty visits, entertainment, and bestowing and receipt of gifts during his tenure as Commissioner of the Independent Commission Against Corruption - Miscellaneous	ICAC5(C)
11. Reply dated 17 January 2014 from the Independent Commission Against Corruption	ICAC6(C)
12. Information provided by the Independent Commission Against Corruption to the Public Accounts Committee in relation to Chapter 7 of the Director of Audit's Report No. 60 - Others	ICAC7(C)
13. Reply dated 19 February 2014 from the Independent Commission Against Corruption	ICAC8(C)
14. Reply dated 26 March 2014 from the Independent Commission Against Corruption	ICAC9(C)
15. Reply dated 8 April 2014 from the Independent Commission Against Corruption	ICAC10(C)
16. Reply dated 22 April 2014 from the Independent Commission Against Corruption	ICAC11(C)

## B. Documents provided by the Administration

Documents	Select Committee reference no.
1. Civil Service Regulations 710, 713-716 regarding subsistence allowances and travelling expenses	B3
2. Civil Service Bureau memo ref. Ad7/115 dated 20 August 2002 - "Applications for Official Duty Visits from Heads of Departments/Permanent Secretaries"	B4
3. Civil Service Regulation 1365 regarding duty passage	B5
4. Civil Service Bureau Circular No. 14/95 dated 19 July 1995 - "Flight Awards from Government Passages"	B6
5. Civil Service Regulations 750-751 regarding official entertainment expenses	B7
6. Secretary for Civil Service's letter ref. CC 23/1 II dated 4 August 1995 - "Use of Entertainment Expenses"	B8
7. Administration Wing Circular Memo ref. (12) in CSO/AW/GA/09 Pt. 1 dated 13 December 2010 - "General Guidelines on Expenditure on Official Entertainment"	B9
8. Civil Service Regulation 444 regarding acceptance of advantages	B10
9. Civil Service Regulations 431-435 regarding acceptance of entertainment	B11
10. Civil Service Bureau Circular No. 4/2007 dated 16 February 2007 - "Advantages/entertainment offered to an officer in his official capacity and gifts and donations to a department for the benefit of staff"	B12
11. Civil Service Bureau Circular No. 3/2007 dated 16 February 2007 - "Acceptance of advantages offered to an officer in his private capacity"	B13
12. Reply dated 20 March 2014 from the Chief Executive's Office	B14
13. Reply dated 28 May 2014 from the Chief Executive's Office	B15

### C. Evidence/documents provided by witnesses

Documents	Select Committee reference no.
1. Statement from Mr Timothy TONG Hin-ming, Former Commissioner, Independent Commission Against Corruption	W1(C)
2. Statement from Mr Simon PEH Yun-lu, Commissioner, Independent Commission Against Corruption	W2(C)
3. Opening statement by Mr Simon PEH Yun-lu, Commissioner, Independent Commission Against Corruption (produced at the hearing on 1 March 2014)	W3(C)
4. Comments on relevant extracts of the draft report of the Select Committee from Mr Timothy TONG Hin-ming, Former Commissioner, Independent Commission Against Corruption	W4(C)*
5. Comments on relevant extracts of the draft report of the Select Committee from Mr Simon PEH Yun-lu, Commissioner, Independent Commission Against Corruption	W5(C)* W8(C)* W11(C)*
6. Comments on relevant extracts of the draft report of the Select Committee from Ms Julie MU Fee-man, Director of Community Relations, Independent Commission Against Corruption	W6(C)* W9(C)*
7. Comments on relevant extracts of the draft report of the Select Committee from Mrs Jennie AU YEUNG WONG Mei-fong, Acting Assistant Director/Administration, Independent Commission Against Corruption	W7(C)* W10(C)*

\* Documents not available for public inspection

#### D. Documents referred to by the Select Committee

Documents	Select Committee reference no.
1. Extracts from the minutes of the meetings of the House Committee on 24 and 31 May 2013	L1
2. Paper on the indexing system for Select Committee papers	L2
3. Independent Commission Against Corruption's written reply to Members' initial questions in examining the Estimates of Expenditure 2013-2014 - Reply Serial No. ICAC013	L3
4. Independent Commission Against Corruption's written reply to Members' supplementary questions in examining the Estimates of Expenditure 2013-2014 - Reply Serial No. S-ICAC003	L4
5. Independent Commission Against Corruption's written reply to Members' supplementary questions in examining the Estimates of Expenditure 2013-2014 - Reply Serial No. S-ICAC001	L5
6. Independent Commission Against Corruption's written reply to Members' initial questions in examining the Estimates of Expenditure 2013-2014 - Reply Serial No. ICAC014	L6
7. Independent Commission Against Corruption's written reply to Members' supplementary questions in examining the Estimates of Expenditure 2013-2014 - Reply Serial No. S-ICAC002	L7
8. Paper for Panel on Security for the meeting on 23 May 2013 - "Mechanism for Approval of Duty Visits Outside Hong Kong and Reimbursement of Expenditure on Official Entertainment and Souvenirs"	L8
9. Extracts from the minutes of the meeting of the Panel on Security on 27 May 2013	L9



<b>Documents</b>	<b>Select Committee reference no.</b>
10. Press release dated 12 September 2013 on the release of Independent Review Committee on Independent Commission Against Corruption's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits report	B1
11. Report of the Independent Review Committee on Independent Commission Against Corruption's Regulatory Systems and Procedures for handling Official Entertainment, Gifts and Duty Visits (redacted version)	B2
12. Public Accounts Committee Report No. 60A	---



Legislative Council Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts  
during his Tenure as Commissioner of the Independent Commission Against Corruption

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# **Minutes of proceedings**



Ref: CB4/SC/12

**Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

**Extract from the minutes of the closed meeting which contains  
the proceedings on consideration of the report of  
the Select Committee held on Monday, 23 June 2014, at 10:15 am  
in Conference Room 4 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon CHAN Hak-kan, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, BBS  
Hon Paul TSE Wai-chun, JP  
Hon Kenneth LEUNG  
Hon Dennis KWOK  
Hon CHUNG Kwok-pan  
Hon Tony TSE Wai-chuen

**Members absent** : Hon Cyd HO Sau-lan (Deputy Chairman)  
Hon WONG Yuk-man  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Clerk in attendance** : Ms Anita SIT  
Chief Council Secretary (4)1

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1  
  
Ms Wendy JAN  
Senior Council Secretary (4)6

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**II. Consideration and endorsement of the report of the Select Committee paragraph by paragraph**

(LC Paper No. CB(4)832/13-14(01) -- Draft report of the Select Committee)

4. In accordance with Rule 79(7) of the Rules of Procedure, the question that the Chinese text of the draft report, LC Paper No. CB(4)832/13-14(01), be adopted as the Chairman's report and be read a second time paragraph by paragraph, was proposed, put and agreed to.

Part I - Chapter 1

5. Paragraphs 1.1 to 1.5 read and agreed to.
6. Paragraphs 1.6 and 1.7 read and agreed to.

Part I - Chapter 2

7. Paragraph 2.1 read and agreed to.
8. Paragraphs 2.2 to 2.5 read and agreed to.
9. Paragraphs 2.6 and 2.7 read and agreed to.
10. Paragraphs 2.8 to 2.10 read and agreed to.
11. Paragraphs 2.11 to 2.13 read and agreed to.
12. Paragraphs 2.14 and 2.15 read and agreed to.
13. Paragraph 2.16 read and agreed to.
14. Paragraphs 2.17 and 2.18 read and agreed to.

15. Paragraphs 2.19 to 2.28 read and agreed to.
16. Paragraphs 2.29 and 2.30 read and agreed to.

### Part II - Chapter 3

17. Paragraphs 3.1 and 3.2 read and agreed to.
18. Paragraph 3.3 read and agreed to.
19. Paragraph 3.4 read and agreed to.
20. Paragraphs 3.5 to 3.8 read and agreed to.

### Part II - Chapter 4

21. Paragraph 4.1 read and agreed to.
22. Paragraphs 4.2 to 4.5 read and agreed to.
23. Paragraph 4.6 read and agreed to.
24. Paragraphs 4.7 and 4.8 read and agreed to.
25. Paragraphs 4.9 to 4.11 read and agreed to.
26. Paragraph 4.12 read, amended and agreed to.
27. Paragraph 4.13 read and agreed to.
28. Paragraphs 4.14 and 4.15 read and agreed to.
29. Paragraph 4.16 read and agreed to.
30. Paragraphs 4.17 and 4.18 read and agreed to.
31. Paragraph 4.19 read and agreed to.
32. Mr Dennis KWOK proposed to amend paragraph 4.20 by adding "高度" before "關注" and adding "，沒有盡忠職守，履行廉政專員的責任" at the end. Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negated. Paragraph 4.20 read and agreed to.

33. Paragraphs 4.21 and 4.22 read and agreed to.
34. Paragraphs 4.23 and 4.24 read and agreed to.
35. Mr Tony TSE proposed to amend paragraph 4.25 by adding "重要" before "準則", whereas Mr Kenneth LEUNG proposed, as a substitute for Mr TSE's proposed amendment, to add "，或有關職務對履行公署使命及／或職能大有裨益" after "絕對需要". Members expressed diverse views on the proposals.
36. The Chairman put Mr Tony TSE's proposal to vote. The proposal was carried. As Mr Tony TSE's proposal was carried, Mr Kenneth LEUNG's proposal was not put to vote. Paragraph 4.25 read, amended and agreed to.
37. Paragraph 4.26 read and agreed to.
38. Paragraphs 4.27 and 4.28 read and agreed to.
39. Paragraph 4.29 read and agreed to.

## Part II - Chapter 5

40. Paragraphs 5.1 to 5.3 read and agreed to.
41. Paragraphs 5.4 to 5.9 read and agreed to.
42. Paragraph 5.10 read, amended and agreed to.
43. Paragraph 5.11 read and agreed to.
44. Paragraph 5.12 read, amended and agreed to.
45. Paragraphs 5.13 to 5.23 read and agreed to.
46. Paragraphs 5.24 to 5.27 read and agreed to.
47. Paragraphs 5.28 and 5.29 read and agreed to.
48. Paragraphs 5.30 to 5.32 read and agreed to.
49. Paragraphs 5.33 to 5.35 read and agreed to.



50. Mr Dennis KWOK proposed to amend paragraph 5.36 by adding "，並予以譴責" at the end. Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negated. Paragraph 5.36 read and agreed to.

51. Paragraph 5.37 read and agreed to.

52. Paragraph 5.38 read and agreed to.

53. Mr CHUNG Kwok-pan proposed to amend paragraph 5.39 by substituting "令人質疑此等安排亦不符合廉署嚴肅的形象" for "令他們質疑廉署人員對廉署嚴肅的職務是否有正確的認知。再者，此等安排亦不符合廉署的形象"。 The Chairman put the proposal to vote. The proposal was carried.

54. Mr Dennis KWOK then proposed to amend paragraph 5.39 by adding "，破壞廉署的形象，令廉署的聲譽蒙污" at the end. Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negated.

55. Paragraph 5.39 read, amended and agreed to.

56. Mr Dennis KWOK proposed to amend paragraph 5.40 by adding "，亦有可能損害廉署的形象" after "信心". Members expressed diverse views on the proposal. The Chairman put the proposal to vote. The proposal was negated. Paragraph 5.40 read and agreed to.

## Part II - Chapter 6

57. Paragraphs 6.1 and 6.2 read and agreed to.

58. Paragraphs 6.3 and 6.4 read and agreed to.

59. Paragraph 6.5 read and agreed to.

60. Paragraphs 6.6 to 6.9 read and agreed to.

61. Paragraph 6.10 read, amended and agreed to.

62. Paragraph 6.11 read and agreed to.

63. Paragraph 6.12 read, amended and agreed to.

64. Paragraph 6.13 read, amended and agreed to.
65. Paragraphs 6.14 and 6.15 read and agreed to.
66. Paragraph 6.16 read and agreed to.
67. Paragraph 6.17 read, amended and agreed to.
68. Paragraph 6.18 read and agreed to.
69. Paragraphs 6.19 to 6.21 read and agreed to.

#### Part II - Chapter 7

70. Paragraphs 7.1 to 7.4 read and agreed to.
71. Paragraphs 7.5 to 7.7 read and agreed to.
72. Paragraphs 7.8 and 7.9 read and agreed to.
73. Paragraphs 7.10 to 7.13 read and agreed to.
74. Paragraphs 7.14 to 7.18 read and agreed to.
75. Paragraphs 7.19 and 7.20 read and agreed to.
76. Paragraph 7.21 read, amended and agreed to.
77. Paragraphs 7.22 to 7.24 read and agreed to.

#### Part II - Chapter 8

78. Paragraphs 8.1 and 8.2 read and agreed to.
79. Paragraph 8.3(a) read, amended and agreed to.
80. Paragraph 8.3(b) and (c) read and agreed to.
81. Paragraph 8.3(d) and (e) read and agreed to.
82. Paragraph 8.3(f) read, amended and agreed to.
83. Paragraph 8.3(g) read and agreed to.

84. Paragraph 8.3(h) read, amended and agreed to.
85. Paragraph 8.3(i) read and agreed to.
86. Paragraph 8.3(j) read and agreed to.
87. Paragraph 8.3(k) read, amended and agreed to.
88. Paragraph 8.4 read and agreed to.
89. Paragraph 8.5 read and agreed to.
90. Paragraph 8.6(a) read, amended and agreed to.
91. Paragraph 8.6(b) and (c) read and agreed to.
92. Paragraph 8.6(d) read and agreed to.
93. Paragraph 8.6(e) read and agreed to.
94. Paragraphs 8.7 to 8.9 read and agreed to.

### Part III - Chapter 9

95. Paragraphs 9.1 and 9.2 read and agreed to.
96. Paragraphs 9.3 to 9.8 read and agreed to.
97. Paragraph 9.9 read and agreed to.
98. Paragraphs 9.10 to 9.16 read and agreed to.
99. Paragraphs 9.17 to 9.19 read and agreed to.
100. Paragraphs 9.20 to 9.22 read and agreed to.
101. Paragraph 9.23 read, amended and agreed to.
102. Paragraphs 9.24 to 9.27 read and agreed to.
103. Mr Dennis KWOK proposed to amend paragraph 9.28 by substituting "初期" for "這次" and by substituting "提供不盡不實的答覆" for "未能提供完整詳盡的答覆". Members expressed diverse views on the

proposal. The Chairman put the proposal to vote. The proposal was negatived. Paragraph 9.28 read and agreed to.

104. Paragraph 9.29 read and agreed to.

105. Regarding the proposed amendments made by members that were negatived by the Select Committee, members agreed that footnotes would be added to the relevant paragraphs to reflect the proposed amendments.

Acknowledgement

106. The acknowledgement read and agreed to.

**X X X X X X X X**

Council Business Division 4  
Legislative Council Secretariat  
2 July 2014

Ref: CB4/SC/12

**Select Committee to Inquire into Matters Relating to  
Mr Timothy TONG's Duty Visits, Entertainment, and  
Bestowing and Receipt of Gifts during his Tenure as  
Commissioner of the Independent Commission Against Corruption**

**Extract from the minutes of the closed meeting which contains  
the proceedings on consideration of the report of  
the Select Committee held on Monday, 23 June 2014, at 6:30 pm  
in Conference Room 4 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon Cyd HO Sau-lan (Deputy Chairman)  
Hon James TO Kun-sun  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Dennis KWOK  
Hon CHUNG Kwok-pan  
Hon Tony TSE Wai-chuen

**Members absent** : Hon CHAN Hak-kan, JP  
Hon WONG Kwok-kin, BBS  
Hon WONG Yuk-man  
Hon Kenneth LEUNG  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Clerk in attendance** : Ms Anita SIT  
Chief Council Secretary (4)1

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1  
  
Ms Wendy JAN  
Senior Council Secretary (4)6

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## II. Consideration and endorsement of the report of the Select Committee paragraph by paragraph

(LC Paper No.                    -- Draft report of the Select Committee)  
CB(4)832/13-14(01)

3. The Chairman referred members to a letter from the Deputy Chairman tabled at the meeting, in which the Deputy Chairman proposed the following amendments to the Chairman's report:

- (a) to add "然而，湯顯明在聆訊中確認：若他認為有關安排(啤酒大賽、唱卡啦OK等活動)對該次活動有好處，他會批准。" at the end of paragraph 5.38;
- (b) paragraph 5.39 to be substituted by "相比之下，現任專員白韞六先生因跨國、跨境調查取證等事宜與外國駐港領事及外交部駐港人員每年一次會面，以自助午餐形式進行，更符合廉署清廉形象，而前任專員與使節會面的晚宴聯誼活動安排並不恰當，可能會給予宴請的賓客和公眾負面的觀感，令他們質疑廉署人員對廉署嚴肅的職務是否有正確的認知。";
- (c) to add "而湯先生在聆訊期間，多番迴避題問，雖然他確認他在非經常的一次性大型活動有主導角色，卻以主觀印象或記憶模糊為理由，沒有向委員會詳述超乎常態的聯誼活動安排的決策過程，委員會認為湯先生並非誠實可信的證人。" at the end of paragraph 8.3 (f); and
- (d) to add "相比之下，現任專員白韞六先生以自助午餐形式接觸外國及外交部駐港人員，較符合廉政公署的廉潔形象。" after the sentence "或會影響公眾對廉署及湯先生作為專員秉公處理涉及內地官員的貪污案件的信心。" at paragraph 8.3 (g).

4. The Chairman said that since the Select Committee had completed the consideration of Chapters 1 to 9 of the report paragraph by paragraph at the last meeting held in the morning of the same day, it would not be appropriate for the Select Committee to revisit those chapters at the current meeting for consideration of the Deputy Chairman's proposed amendments. Members expressed diverse view on the matter. Mr James TO moved a motion "That the Deputy Chairman's proposed amendments be considered by the Select Committee". The Chairman put the motion to vote. Members requested a division.

The following members voted in favour of the motion:

Mr James TO and Mr Dennis KWOK.  
(2 members)

The following members voted against the motion:

Dr Priscilla LEUNG, Mr Paul TSE, Mr CHUNG Kwok-pan and Mr Tony TSE.  
(4 members)

5. The Chairman declared that two members voted for and four members voted against Mr James TO's motion. He declared that Mr James TO's motion was negated.

6. Members then continued the consideration of the report.

#### Abbreviations

7. The list of abbreviations read and agreed to.

#### Appendices

8. Appendices 1 to 44 to the report read and agreed to.

#### Lists of written evidence/documents

9. Lists of written evidence/documents read, amended and agreed to.

#### Table of contents

10. Table of contents read and agreed to.

Others

11. Mr Dennis KWOK said that since a number of his proposed amendments to the report had been negated by the Select Committee, he would consider writing to the Chairman after the meeting to set out the reasons for proposing such amendments. He asked whether the Select Committee would incorporate his letter in the report of the Select Committee. After discussion, members agreed that the letter from Mr Dennis KWOK would be circulated to members, and subject to members' views after circulating the letter, it would be incorporated into the report as an appendix.

12. The Chairman advised that the Select Committee had completed the consideration and endorsement of the report (Chinese version) paragraph by paragraph. The question that the Chairman's report, as amended, be adopted as the Select Committee's report was proposed, put and agreed to.

13. Members agreed to authorize the Chairman and the Secretariat to make textual and editorial amendments to the report, if necessary. The Chairman said that members should notify the Clerk if they had any suggested revisions to the English version of the report.

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Council Business Division 4  
Legislative Council Secretariat  
2 July 2014