

**Administration's Further Response to Points raised
by Members of the Bills Committee
on Elections (Corrupt and Illegal Conduct) Bill**

Meeting on 15 April 1999 (LC Paper No. CB(2)1805/98-99(01))

C3: To provide details on the existing practices of UGC-funded institutions and public-funded bodies concerning their staff's engagement in remunerated and non-remunerated public office and to consider a member's suggestion that the practices should be standardized under an agreed set of policy guidelines.

A3: Details of the existing practices of UGC-funded institutions and Hospital Authority-funded institutions are shown at Annexes A and B respectively. As regards subvented organisations in the welfare sector, many of them require their staff to inform or to seek approval from the management before taking up public service. Although no formal guidelines has been issued by the Social Welfare Department specifically on the practices of employees of subvented organisations taking up public service, the Department closely monitors the performance of subvented organisations to ensure that it is up to standard. We have conveyed the Member's suggestion of a standardized practice to the relevant bureaux and departments for consideration.

Meeting on 20 April 1999 (LC Paper No. CB(2)1805/98-99(02))

C3: To advise whether any candidate had included in an election return costs incurred for holding banquets of large scale in the 1998 LegCo election.

A3: According to information provided by the Returning Officers, no candidate of the 1998 LegCo election had declared any expenses for holding a banquet for voters. Some candidates, however, had declared expenses for celebration gatherings with their election agents and staff after the election.

Meeting on 28 April 1999 (LC Paper No. CB(2)1838/98-99(01))

C1: In relation to publishing of election advertisements, to respond to a member's view that an exemption provision similar to section 19(1A) of CIPO should be included in clause 34 of the Bill.

A1: Subject to Members' views, we propose to amend clause 34(3) to change the requirement to lodge a statutory declaration from "before the advertisement is published" to "not later than 7 days after the advertisement is published".

Constitutional Affairs Bureau
11 May 1999

CWP973

**Guidelines on Engagement in Outside Practice
for Employees of Tertiary Institutions
Funded by the University Grants Committee (UGC)**

- All UGC-funded institutions have established procedures and guidelines governing their employees' engagement in outside practice. Such procedures differ slightly among the institutions. In general, an employee has to seek the permission of the Head of his department, or in some cases the Head of his institution, to engage in outside practice.
- An employee applying for outside practice must submit to the management of the institution information that generally includes name of the client, nature of outside practice, number of working hours involved in outside practice, level of remuneration, if any, and whether there will be any use of the institution's facilities.
- If the time spent on outside practice is so little that there is no interference with the normal duties, there will be no adjustment of salaries and benefits.
- If the time spent on outside practice exceeds a certain percentage of an employee's time of work in his institution, his level of remuneration will be adjusted on a pro-rata basis. If this percentage is 50% or more, an employee may apply for, or be required to take, no-pay leave, or change his full-time appointment during the tenure of such outside practices. There is no requirement for an employee to change his terms of appointment from permanent to contract terms in such case.
- An employee undertaking outside practice has to report to the institution the remuneration received, or receivable. The Institution normally charge a levy on such earnings. The amount of the levy to be charged depends on the amount of remuneration and the rates of the levy differ among the institutions.

Human Resources Policy Manual of the Hospital Authority

Chapter H8 OUTSIDE WORK

H8.8 Engagement in public offices (including campaigning for public offices)

H8.8.1 As a general rule, an employee who wishes to campaign for a public office (such as the Legislative Council, Regional/Urban Council or District Boards) should not be released to conduct electioneering activities during normal working hours. Approval may normally be given for the employee to take leave to conduct such activities except if it interferes with the efficient discharge of the employee's normal duties.

H8.8.2 An employee who has been elected to a public office will need to declare the proportion of normal working hours to be spent in taking up the office. He is also required to obtain agreement from the Hospital Chief Executive or the HAHO (CE), as appropriate, regarding the arrangement of his working hours, any corresponding changes in his wages, or if necessary, the need to take no pay leave or change the nature of his appointment with the HA according to the policy stated in H8.8.3 to H8.8.5 below.

H8.8.3 If the work is expected to take up fewer than 12 working days of official release per calendar year (subject to operational requirement), the employee may be permitted to retain 100% of the remuneration received from the public office.

H8.8.4 If the work is expected to take up more than 12 working days of official release per calendar year but the amount of time involved is still considered as acceptable, in terms of the extent of which the employee is able to fulfil his roles and responsibilities, the employee may be permitted to retain 100% of the remuneration received from the public office, and his wages may be deducted on a pro-rated basis in accordance with the declared proportion of time to be spent in taking up the public office.

- H8.8.5 Depending on the nature of the job and the position of the employee concerned, if the amount of normal working hours to be taken up by the employee due to his engagement in public office is considered as substantially restraining the employee from fulfilling his roles and responsibilities, he (i) may apply for no pay leave of up to his tenure of public office or (ii) may be required by HA (if circumstances allow) to change the nature of appointment during the tenure of public office to an appropriate type of employment available under Chapter B1 on Types of Employment and Conditions of Service.
- H8.8.6 The employee should inform the approving authority of any change in the proportion of time spent in taking up the public office and the approving authority should closely monitor this proportion of time so that adjustment to the conditions of approval can be made in a timely manner.