

# 立法會

## *Legislative Council*

LC Paper No. CB(1)2549/11-12  
(These minutes have been seen  
by the Administration)

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### **Panel on Public Service**

**Minutes of special meeting  
held on Saturday, 14 April 2012, at 8:34 am  
in Conference Room 2 of the Legislative Council Complex**

**Members present** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)  
Dr Hon PAN Pey-chyou (Deputy Chairman)  
Hon LEE Cheuk-yan  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon LI Fung-ying, SBS, JP  
Hon IP Wai-ming, MH

**Member attending** : Hon Emily LAU Wai-hing, JP

**Members absent** : Hon TAM Yiu-chung, GBS, JP  
Dr Hon LEUNG Ka-lau  
Hon WONG Sing-chi  
Hon LEUNG Kwok-hung

**Public officers  
attending** : **Agenda item I**

Miss Denise YUE, GBS, JP  
Secretary for the Civil Service

Mr Raymond H C WONG, JP  
Permanent Secretary for the Civil Service

Ms Shirley LAM, JP  
Deputy Secretary for the Civil Service 3

**Attendance by  
invitation**

: **Agenda item I**

Hong Kong Federation of Civil Service Unions

Mr LAU Kam-iu  
Chairman

Hong Kong Food and Environmental Hygiene  
Supervisory Staffs Union

Mr HO Wai-ming  
Chairman

Hawker Control Officers Union

Mr WONG Ka-yau  
President

Hong Kong Confederation of Trade Unions

Mr Gordon LAM Chung-ming  
Chairman of Civil Servant Committee

Education Employees General Union

Ms Eva YU Yee-wah  
Chairlady

Hong Kong Chinese Civil Servants' Association

Mr Cantor CHEUNG Chi-Fai  
General Treasurer

Mutual Rights Organization

Mr Jim CHIMA  
Chairman

HKSAR Government Employees General Union

Ms Venus SIU

**Clerk in attendance** : Mr Arthur LEUNG  
Chief Council Secretary (1)7

**Staff in attendance** : Mr YICK Wing-kin  
Assistant Legal Adviser 8

Mr Simon CHEUNG  
Senior Council Secretary (1)9

Miss Iris CHEUNG  
Legislative Assistant (1)7

Miss May KWONG  
Clerical Assistant (1)7

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Action

**I. Impact of the Chief Executive's acceptance of hospitality offered by tycoons on the morale of the civil servants**

(LC Paper No. CB(1)1497/11-12(01) -- Administration's paper on the Mechanism Governing Acceptance of Advantages and Entertainment by Civil Servants

LC Paper No. CB(1)1497/11-12(02) -- Paper on the impact of Chief Executive's accepting hospitality offered by tycoons on the morale of civil servants prepared by the Legislative Council Secretariat (Background brief))

The Chairman said that the special meeting was convened to provide a platform for members and the Administration to listen to the views of representatives from civil service unions on the impact on the morale of civil

servants caused by the acceptance of hospitality by the Chief Executive ("CE"). She then welcomed the deputations and the Administration to the meeting.

Views of deputations

*Hong Kong Federation of Civil Service Unions*

2. Mr LAU Kam-iu, Chairman of the Hong Kong Federation of Civil Service Unions, said that probity had been widely accepted as one of the core values of the civil service. CE's acceptance of hospitality offered by tycoons had deepened suspicion among members of the public and civil servants about the existence of collusion between the Government and the business sector. While some civil servants considered that CE's acceptance of hospitality had little impact on their morale since such hospitality was out of reach of ordinary civil servants, some other civil servants felt strongly that the incidents revealed an unfair situation which was that section 3 of the Prevention of Bribery Ordinance ("POBO") was applicable to civil servants but not CE. There had been cases in which civil servants found engaging in activities similar in nature to those of CE were subject to disciplinary proceedings and even criminal sanctions for offence under that provision, which prohibited the solicitation or acceptance of any advantage without permission. Mr LAU recalled that when the Prevention of Bribery (Amendment) Bill 2007 was introduced to make certain provisions in POBO applicable to CE, some Members of the Legislative Council ("LegCo") accepted the Administration's explanation that section 3 of POBO could not be amended to bind CE because there was no one from whom CE could seek permission for acceptance of advantages as he was the highest-ranking official in the Government.

*Hong Kong Food and Environmental Hygiene Supervisory Staffs Union  
(LC Paper No. CB(1)1497/11-12(03))*

3. Mr HO Wai-ming, Chairman of Hong Kong Food and Environmental Hygiene Supervisory Staffs Union pointed out that Hong Kong ranked 12<sup>th</sup> in the Corruption Perception Index 2011 among 183 countries and places. This reflected positively on Hong Kong's anti-corruption efforts. Hong Kong's economic success in the past was attributable to the city's persistent and steadfast efforts in battling corruption for decades. Mr HO opined that the core values of probity and integrity were the cornerstone of society, and high-ranking officials should set a good example for civil servants. Yet, the negative media reports concerning the conduct of CE and two former Chief Secretary for Administration had dealt a serious blow to the morale of civil servants, and led to the public querying how effective the policy of giving civil

servants high pay to discourage corruption was in maintaining a clean Government. Given that Article 47 of the Basic Law provided that CE had to be a person of integrity, it was embarrassing for the Government that in meeting CE-elect in Beijing a few days ago, State Premier WEN Jiabao reminded him of the importance of probity and integrity for a person assuming the office of CE. Mr HO opined that every effort should be made to plug the existing loophole of section 3 of POBO not binding CE, so as to uphold the rule of law. Nonetheless, it would be fair of members of the public to wait for the outcome of the review being carried out by the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests ("the Review Committee") led by Mr Andrew LI Kwok-nang and the investigation by the Independent Commission Against Corruption ("ICAC") into the complaints against CE, before passing any judgment on CE's acceptance of hospitality.

*Hawker Control Officers Union*  
(LC Paper No. CB(1)1497/11-12(04))

4. Mr WONG Ka-yau, President of the Hawker Control Officers Union said that civil servants whom the Union had been in contact generally felt shocked, frustrated and helpless about the incidents of CE's acceptance of hospitality offered by tycoons. Those civil servants felt frustrated because CE had failed to live up to the values of probity and integrity cherished by civil servants for decades. Nevertheless, since it was the general public rather than any individual whom civil servants were serving, the incidents had not adversely affected the performance of civil servants. Mr WONG hoped that the new Administration led by Mr LEUNG Chun-ying would conduct a thorough review of the existing control regime and explore amending section 3 of POBO to bind CE. He considered that there ought to be a set of stringent guidelines for CE to follow and for the public to monitor CE's conduct.

*Hong Kong Confederation of Trade Unions*  
(LC Paper No. CB(1)1589/11-12(01))

5. Mr Gordon LAM Chung-ming, Chairman of Civil Servant Committee, HK Confederation of Trade Unions said that views of many junior and middle-level civil servants had been sought on CE's acceptance of hospitality offered by tycoons. Many middle-level officers reflected that following revelation of CE's acceptance of hospitality, they had encountered difficulties in instilling in junior staff and new recruits the value of probity. Mr LAM was disappointed that instead of pointing out the wrongdoing of CE, Secretary for Civil Service ("SCS") forwarded a letter from CE to all civil servants in

which CE made excuses for his activities. He urged SCS to gather courage to tell her boss that he had done wrong.

*Education Employees General Union*  
(LC Paper No. CB(1)1497/11-12(05))

6. Ms Eva YU Yee-wah, Chairlady of the Education Employees General Union said it was disappointing that CE had failed to set a good example for civil servants and provide justifications for accepting hospitality offered by tycoons. In her opinion, CE's conduct had brought disrepute upon the civil service and eroded the trust of the public in the civic service. Noting that the terms of reference of the Review Committee did not include determination of the propriety of CE's conduct, she considered that the motive of the Administration's setting up the Committee was merely to divert public attention. Ms YU strongly urged for the setting up of an independent committee to investigate into CE's acceptance of hospitality offered by tycoons. She considered it absurd that civil servants were subject to stringent regulation of Civil Service Regulations but CE and politically appointed officials ("PAOs") were not subject to such regulations.

*Hong Kong Chinese Civil Servants' Association*  
(LC Paper No. CB(1)1589/11-12(02))

7. Mr Cantor CHEUNG Chi-fai, General Treasurer of Hong Kong Chinese Civil Servants' Association made the following observations –

- (a) the incidents of CE's acceptance of hospitality offered by tycoons and the arrest of a former Chief Secretary for Administration had provoked much discussion among civil servants. While a few civil servants had made telephone calls to radio programmes on current affairs expressing their discontent on the matter, the morale of civil servants generally had not been adversely affected;
- (b) civil servants continued to hold fast to their posts, upholding the values of probity and the spirit of the rule of law as well as observing a stringent requirement for their own conduct. The control regime in the Government remained to be intact and effective while probity was still cherished to be one of the indispensable core values of the civil service. The Association hoped that the incidents would not cause Members and political parties to lose their confidence in the civil service and the control regime;

- (c) the Association considered that it was the primary duty of all civil servants to uphold the value of probity, observe a stringent requirement for their own conduct, and avoid putting themselves in any conflict-of-interest situation. As such, there was no question of civil servants being treated unfairly in that CE was not subject to the same regulation;
- (d) all Hong Kong people including CE should cherish the two core values of probity and the rule of law;
- (e) as the highest-ranking official in the Government, CE should be subject to the same, if not more stringent, rules and regulations against corruption and conflict of interest applicable to civil servants; and
- (f) the Association hoped that in handling matters relating to probity of public officers, Members would adopt an unbiased attitude, uphold the rule of law, and reject any tendency towards "sentencing before trial" or "political trial". Members should put the emphasis on encouraging and guiding civil servants in upholding the value of probity, and assist them in maintaining political neutrality rather than dragging them into party politics. Members should also focus on perfecting the control regime on CE's acceptance of advantages and hospitality, rather than the impact of the incidents on the morale of civil servants.

*Mutual Rights Organization*

*(LC Paper No. CB(1)1497/11-12(06))*

*(LC Paper No. CB(1)1497/11-12(07))*

8. Mr Jim CHIMA, Chairman, Mutual Rights Organization said that CE should have exercised self-discipline in deciding whether or not to accept hospitality offered by tycoons, since he had been working in the Government for over three decades and he was conversant with the relevant rules and regulations. He expressed concern on whether ICAC could conduct the investigation on the complaints against CE independently as CE was still in power. If ICAC failed to conduct the investigation impartially, it would deal a further blow to the morale of civil servants.

9. Mr CHIMA further said that a civil servant found engaging in activities similar in nature to those of CE would be liable for criminal sanctions. He cited a number of cases in which severe punishment had been imposed on civil servants for relatively minor offences –

- (a) in 2006, an Assistant Water Supplies Inspector of the Water Services Department was sentenced to three years' imprisonment for accepting bribes of \$2,000 in cash and a mooncake coupon;
- (b) a general affair assistant of the Leisure and Cultural Services Department was sentenced to 70 hours of community work for obtaining a loan in the amount of \$1,000 from a tennis coach; and
- (c) in 2006, a detective station sergeant was sentenced to 15 months' imprisonment for accepting an advantage consisting of free accommodation in a flat in Macau for six months.

10. Mr CHIMA pointed out that while sanction was unlikely to be imposed on CE for accepting hospitality, the 161 members of Mutual Right Organization ("MRO") whom he represented had been unfairly treated as they were either dismissed or compulsorily retired by the Hong Kong Police Force for minor misconduct. After leaving the service, most of those persons led a miserable life as they could not find suitable jobs, and some of their families broke down. Some of them even committed suicide while others had to rely on Comprehensive Social Security Assistance for a living. The disciplinary proceedings which landed the MRO members the sanctions had been conducted unfairly as the defaulters were not allowed to be legally represented. Although the Court of Final Appeal ruled in the case of *Lam Siu Po v Commissioner of Police (2009)* that the blanket restriction on professional legal representation in police disciplinary proceedings was unconstitutional, null, void and of no effect, MRO members were not allowed to lodge an appeal on account of the case as their cases were ruled to be out of time by the court. MRO members were angry that Mr TSANG Yam-pui, brother of CE and former Commissioner of Police, had refused to exercise his discretionary power to review the cases. Mr CHIMA said that MRO had appealed to the LegCo President for setting up a select committee to look into the cases MRO members.

*HKSAR Government Employees General Union  
(LC Paper No. CB(1)1552/11-12(01))*

11. Ms Venus SIU from the HKSAR Government Employees General Union said that all along civil servants believed that a stringent control regime was in place to ensure a clean government. Yet, the media reports on CE's acceptance of hospitality and the arrest of a high-ranking official for corruption offences had dealt a blow to the morale of civil servants. As the prestige image of the civil service was also adversely affected, junior frontline officers



had encountered difficulties in carrying out law enforcement duties. They also had doubts on whether the control regime was meant for junior officers only. It appeared that high-ranking officials were treated leniently while junior officers were subject to stringent regulation. In order to enhance integrity and probity in the civil service, the Union believed that efforts should be made to eliminate "grey areas" within the existing legislation to ensure that anti-corruption legislation was applicable to everyone working in the Government and subvented bodies, regardless of ranks and positions.

#### Discussion with deputations and the Administration

12. SCS thanked deputations for conveying the views and concerns of civil servants about CE's acceptance of hospitality offered by tycoons and the renting of an apartment in Shenzhen. She said that she fully comprehended the uneasy, anxious and helpless feelings of civil servants. On 28 February 2012, CE issued a personal letter to all members of the civil service, admitting that media coverage of his travel and retirement plans had been unsettling for the civil service. CE also attended a LegCo Question and Answer session on 1 March 2012, during which he made a solemn apology for the series of incidents causing public concern. SCS said that integrity was the cornerstone of good governance. Probity and integrity were core values cherished by all civil servants, and she was delighted to note that all of the deputations affirmed such values and they supported the control regime for safeguarding such values in the civil service. She did not consider that the integrity of the control regime would be undermined by isolated cases.

#### *Rules and regulations applicable to civil servants, PAOs and CE*

13. SCS then explained to members the rules and regulations on acceptance of advantages and avoidance of conflict of interest applicable to civil servants, PAOs and CE. All civil servants were required to comply with Civil Service Regulations ("CSR"), circulars issued by Civil Service Bureau ("CSB") and other policy bureaux, the relevant provisions in POBO and the prevailing version of the Acceptance of Advantages (Chief Executive's Permission) Notice ("AAN") promulgated by CE under section 3 of POBO. Of the above, PAOs were required to comply with the relevant provisions in POBO and the AAN. Yet, PAOs were also required to comply with Code for Official under the Political Appointment System, which contained provisions on avoidance of conflict of interest similar to those applicable to civil servants. With the exception of sections 3 and 8, the provisions in POBO applicable to civil servants and PAOs were also applicable to CE. Civil servants, PAOs and CE were liable for criminal prosecution for the common law offence of misconduct in public office.

14. In reply to the Chairman's enquiry, SCS advised that section 3 of POBO and the AAN were applicable to all "prescribed officers" as defined under section 2 of POBO, which included any person holding an office of emolument under the Government (including civil servants), PAOs, judicial officers, ICAC staff, staff of the Hong Kong Monetary Authority and Chairman of the Public Service Commission. In reply to the further enquiry of the Chairman, SCS said that according to her understanding, section 3 of POBO was not applicable to staff of the Securities and Futures Commission who did not fall within the definition of "prescribed officers".

15. Mr LEE Cheuk-yan enquired if SCS would consider the corruptive acts of CE to be in breach of section 3 of POBO, had that section been applicable to CE. SCS replied that as section 3 of POBO was currently not applicable to CE, she was not in a position to answer the hypothetical question raised by Mr LEE. She further said that other than section 3 of POBO, there were other provisions of POBO which were applicable to CE. ICAC would conduct an investigation upon receipt of a pursuable complaint or on its own initiative.

16. Ms LI Fung-ying said that same as many civil servants, she was disheartened by the media reports on CE's acceptance of hospitality by tycoons and the arrest of a former Chief Secretary for Administration. While civil servants were subject to stringent requirements on avoidance of real or perceived conflict of interest, acceptance of advantages, and taking up post-service outside work, CE and PAOs were subject to general guidelines only. She considered that the Administration should learn from mistakes and strive to improve the control regime on acceptance of advantages by CE, PAOs and civil servants. She requested SCS to relay the views and concerns of members and civil servants to the top level of the Government. SCS replied that she would do so.

*Control regime on acceptance of advantages by CE*

17. Ms Emily LAU said that through regular contacts with staff members from various levels of the civil service, she and other members of the Democratic Party ("DP") noticed that the civil service did share the concerns expressed by deputations at the meeting. As such, she was puzzled why Mr Cantor CHEUNG said that the morale of the civil service had not been affected by the incidents. Mr CHEUNG responded that the Association had collected the views of affiliated organizations and members of the executive committee on the impact of incidents on the morale of civil servants. It was

found that while the incidents had provoked much discussion among the civil servants, they did not have a significant impact on the morale of civil servants.

18. Ms Emily LAU said that DP members had met with the Review Committee a few days ago to express their views. Yet, she was disappointed that the committee would not examine the propriety of CE's conduct. She supported the conduct of an in-depth investigation into the incidents and she considered that LegCo of the next term should pursue the matter. Ms LAU also expressed concern that CE had set a bad example for civil servants for accepting extravagant meals at highly discounted prices. She urged SCS to point out to CE that his acts had created difficulties in the management of the civil service. She did not see any reason for not subjecting CE to the stringent requirements imposed on civil servants.

19. Ms Emily LAU sought deputations' views on whether the control regime on CE's acceptance of hospitality and advantages should be tightened up and whether, by doing so, would restore the morale of the civil service and public confidence in the civil service. Mr Cantor CHEUNG of Hong Kong Chinese Civil Servants' Association said that the Association believed that CE should be bound by the same, if not more stringent, rules and regulations against corruption and conflict of interest applicable to civil servants. Mr Gordon LAM Chung-ming said that there were no justifications for CE and PAOs being subject to rules and regulations less stringent than those applicable to civil servants. The anomaly had made it difficult to instil a high probity ethical culture in junior civil servants. If the anomaly was not rectified promptly, thousands of frontline civil servants carrying out law enforcement duties might be tempted to abuse their power for personal gains, leading to a gradual deterioration of probity and integrity of the civil service. Ms Eva YU Yee-wah and Mr LAU Kam-iu had similar views. Mr LAU added that LegCo Members should review the present control regime, in particular, measures to prevent the acceptance of "deferred benefits" by retired civil servants.

20. The Chairman considered it unacceptable that CE and PAOs, who wielded much higher power than civil servants, should be subject to less stringent control than civil servants. She rejected the view that the imposition of stringent control on PAOs' taking post-service employments might deter competent people from joining the Administration. In response, SCS advised members that the issue of application of sections 3 and 8 of POBO would be discussed at the meeting of the Panel on Constitutional Affairs scheduled for Monday, 16 April 2012.

21. Dr Margaret NG said that she and some other Members had been pressing for years since 1998 for amending POBO to make it applicable to CE. Eventually, the Administration proposed in 2007 amendments to make certain provisions in POBO applicable to CE, but sections 3 and 8 were excluded. Dr NG said that during the Committee Stage of the Prevention of Bribery (Amendment) Bill 2007, she had proposed an amendment to section 8 of POBO to make it an offence for any person who had official dealing with the Government to offer any advantage to CE. Unfortunately, the amendment was voted down. In view of the recent incidents, she hoped that Members of the next term would support legislative amendments to sections 3 and 8 of POBO to prohibit the acceptance of advantages by CE and offering of advantages to CE.

22. Noting from the statistics on convictions for offences under POBO in 2010 provided by the Administration that the majority of convictions were related to section 3 of POBO, Mr LEE Cheuk-yan considered that this provision was a powerful tool against corruption as the prosecution was not required to prove the advantage was solicited or accepted for a corrupt purpose. He enquired how SCS could address the public accusations of the practicing double standards, i.e. being lenient to CE but harsh to civil servants.

23. SCS stressed that a comprehensive, effective and time-proven control regime had been put in place to deal with misconduct of civil servants, whether they had committed criminal offences under POBO or common law offence of misconduct in public office, or in breach of government regulations, rules and guidelines governing their conduct binding through their employment contracts. Further, the Civil Service Code had clearly set out the core values and standards of conduct for civil servants to follow. As for the regulation of the conduct of CE, PAOs and non-official members of the Executive Council, she urged members and deputations to pass their views to the Review Committee.

24. Following on the queries raised by Mr LEE Cheuk-yan, the Chairman requested the Administration to provide the following information –

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- (a) the respective numbers of cases in the past few years in which civil servants were prosecuted, convicted and acquitted for offence under section 3 of the POBO; a brief description of the convicted cases and the sentence imposed; the number and details of cases in which the civil servants concerned were subject to disciplinary proceedings and the results thereof; and

- (b) the respective numbers of cases in the past few years in which civil servants were prosecuted, convicted and acquitted for the common law offence of Misconduct in Public Office; a brief description of the convicted cases and the sentence imposed; the number and details of cases in which the civil servants concerned were subject to disciplinary proceedings and the results thereof.

*Maintaining the core values of probity and integrity in the civil service*

25. Dr Margaret NG expressed concern that with increasing interactions between high-ranking officials with their mainland counterparts, the clean and honest culture of the civil service was being eroded by the practices in the official circles in the Mainland. Echoing Dr NG's view, the Chairman noticed that CE and high-ranking officials had been engaging in an excessive number of overseas duty visits and the mingled a lot with tycoons in their social life. She considered that as CE and high-ranking officials were amply remunerated, they could live a comfortable life even if they kept a distance from the rich. In her view, there was a pressing need for SCS to enhance integrity education and promote a probity culture within the civil service.

26. Dr PAN Pey-chyou said that he was proud of the high standard of probity and integrity of the civil servants in general. Yet, he was worried about the negative impact on the probity culture among the civil servants brought about by the increased interactions between government officials with their Mainland counterparts.

27. SCS said that according to her observation, there was no evidence of a deterioration of integrity culture among civil servants caused by an increase in interactions between local and Mainland officials. Over the years, CSB and ICAC had joined hands in offering briefing sessions for visiting government officials from the Mainland on anti-corruption measures in Hong Kong and integrity management in the civil service. As a matter of fact, the Mainland officials had a high regard of the anti-corruption regime of Hong Kong.

28. SCS further said that the Administration promoted and enhanced the core value of integrity in the civil service under a three-pronged approach, namely prevention, education, and sanction. The emphasis was on education as it would be better to prevent the misconduct than to take disciplinary actions after misconduct was committed. Under the "Ethical Leadership Programme" implemented by CSB and ICAC, bureaux/departments ("B/Ds") had appointed senior directorate staff as Ethics Officers to lead and coordinate activities and efforts to impart the core value of integrity on civil servants. Examples of

convicted corruption cases were published to assist civil servants to better understand the relevant provisions under POBO. The subject of upholding the civil service core values including honesty and integrity was also a standing item in the induction training for newly appointed civil servants. While some civil servants felt uneasy about the media reports on CE's acceptance of hospitality offered by tycoons, the incidents did have the positive effect of reminding civil servants to be vigilant. In any case, the Administration was keenly aware that there was no room for complacency in its efforts to uphold an honest and clean civil service.

29. Mr LEE Cheuk-yan expressed disappointment that the meeting had failed to address the morale problem of civil servants. He considered that as far as the integrity culture of the civil service was concerned, CE's corruptive acts had far greater impact than the interactions between local and mainland officials. CE's acceptance of hospitality had cancelled out the efforts made by Ethics Officers in B/Ds. He considered that CE had brought the entire civil service and the community of Hong Kong into disrepute. He pointed out that in his letter to civil servants, CE did not admit any mistake at all. In reply to questions raised at a Council meeting by Members, CE claimed that he was criticized only because the expectations of Hong Kong people had risen to a level above the current rules and regulations. Mr LEE urged SCS to gather the courage to openly denounce CE's mistakes in order to rebuild the morale of the civil servants.

30. SCS responded that CE had already expressed his feelings about the recent incidents to civil servants in his letter. CE also made, at the special Question & Answer Session on 1 March 2012, a solemn apology for the series of incidents causing concern among members of the public, the media, Members and civil servants, and undermining people's confidence in the system of Hong Kong. She assured members that the Administration would continue to entrench the culture of integrity and honesty in the civil service through different means. The Administration expected that senior government officials should set positive examples for their subordinates, and hence they would be subject to more severe punishment if they were found to have violated any anti-corruption laws. She had confidence that civil servants would continue to observe a high level of integrity and honesty in their daily work.

31. Mrs Sophie LEUNG said that as a true lover of Hong Kong, she was having a heavy heart with the recent incidents. Yet, she considered that one should not lose faith in the control regime just because of the acts of an individual. No matter how tight a system was, one could always find a way to evade it if he wished. Instead of hitting a person when he was down, a

more constructive way to bring the civil service out of the predicament would be to critically review the control regime with a view to closing all loopholes. It was possible to restore confidence as well as the culture of probity and integrity within the civil service. She urged members to be self-critical and supportive in reminding each other in avoiding similar wrongdoings. In her opinion, civil servants should not subscribe to a "Yes Boss Mentality". They should perform their duties in accordance with the rules, and refrain from giving way to unreasonable and rule-bending instructions from supervisors. In this connection, she requested SCS to take the lead in coordinating efforts in enhancing the control regime, and identify feasible ways to encourage them to act with a high degree of probity and integrity in discharging duties.

32. Responding to Mrs LEUNG, Ms Venus SIU said that deputations attending the meeting had no intention of launching an attack on CE when he was down. In her view, as a person who had been working in the Government for more than three decades, CE should have the sensitivity that his acceptance of hospitality offered by other parties would bring the Government into disrepute. She hoped that the Administration would take concrete steps to eliminate the existing grey areas to ensure that the new CE would no longer be exempted from section 3 of POBO. CE, civil servants, and other public officers should be subject to the same set of control mechanism. Mr LAU Kam-iu and Ms Eva YU Yee-wah expressed similar views, and stressed that there should be no double standards for CE and the civil servants. Mr Cantor CHEUNG affirmed that the core value of integrity was deeply entrenched in the civil service and the morale of civil servants would not be affected by the acts of an individual.

*Assistance to dismissed and compulsorily retired police officers*

33. Dr Margaret NG declared the interest that she was the defence lawyer in the case of *Lam Siu Po v Commissioner of Police (2009)* and for a number of MRO members in the disciplinary proceedings against them. She pointed out that it was obvious in a number of cases that the police officers had been treated unfairly in the disciplinary proceedings against them. Some of the police officers might have been acquitted, had they been allowed to be represented by a lawyer or someone with legal training during the disciplinary proceedings. There were legal constraints hindering the lodging of appeals by MRO members on account of the Court of Final Appeal judgement in the *Lam Siu Po* case. She was disappointed that the Commissioner of Police had refused to exercise the discretionary power vested in him to review the cases, given that his counterpart in the United Kingdom had done so.

34. Since the Commissioner of Police had discretionary power to review convicted cases involving dismissed and compulsorily retired police officer, Mr Jim CHIMA requested to place on record his request for SCS to take the matter up with the Commissioner. As CE was not subject to any sanction, he enquired whether arrangements could be made by CSB to re-instate these police officers. SCS responded that the cases involving the dismissed and compulsorily retired police officers were processed in accordance with the rules and disciplinary proceedings some years ago. As she knew, MRO had communicated directly with the Commissioner on its request for a review of the cases, and been given a formal reply. As such, she considered that no follow up action was required by CSB.

**II. Any other business**

35. There being no other business, the meeting ended at 11:02 am.