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**CIVIL SERVICE BUREAU  
GOVERNMENT SECRETARIAT**  
WEST WING  
CENTRAL GOVERNMENT OFFICES  
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HONG KONG

本函檔號 Our Ref.: CSBCR/DP/1-145-001/7 Pt. 16

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17 May 2012

Clerk to Panel on Public Service  
(Attn : Mr Simon CHEUNG)  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Mr CHEUNG,

**Panel on Public Service  
Follow-up to special meeting on 14 April 2012**

At the special meeting of the Panel on Public Service on 14 April 2012, Members requested the Administration to provide information on the following –

- (a) the respective number of cases in the past few years in which civil servants were prosecuted, convicted and acquitted for offence under section 3 of the Prevention of Bribery Ordinance (Cap. 201); 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 number 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.

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Attached at **Annex** is a list of cases in the five years of 1.4.2007 to 31.3.2012 in which the civil servant was imposed a disciplinary punishment for his/her conviction of an offence (offences) under section 3 of the Prevention of Bribery Ordinance (Cap. 201), or the common law offence of Misconduct in Public Office. The Civil Service Bureau does not have figures on cases in which the officers were prosecuted but acquitted or the officers were convicted but not imposed a disciplinary punishment.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ivy LAW', with a long, wavy horizontal line extending to the right.

( Ms Ivy LAW )  
for Secretary for the Civil Service

**Cases of disciplinary punishment imposed under the Public Service (Administration) Order or the relevant disciplined services legislation for the civil servant's conviction of an offence (offences) under section 3 of the Prevention of Bribery Ordinance (Cap. 201), or the common law offence of Misconduct in Public Office  
1.4.2007 to 31.3.2012**

**(I) Overall figures**

Financial Year	Number of cases convicted with disciplinary punishment imposed	
	Prevention of Bribery Ordinance section 3 (Details at (II) below)	Misconduct in Public Office (Details at (III) below)
2007/08	1	0
2008/09	3	3
2009/10	2	1
2010/11	5	3
2011/12	1	2
<b>Total</b>	<b>12</b>	<b>9</b>

**(II) Section 3 of the Prevention of Bribery Ordinance ("POBO")(Cap. 201)**

There are **12 cases** in the period. **Three** officers were dismissed, **three** were compulsorily retired and **six** were punished by reprimand or severe reprimand with or without financial penalty. A brief account of the cases and the court sentence is as follows –

Case 1: The officer was convicted of 3 counts of POBO s.3, for having accepted loans from persons with official dealings. The officer was sentenced to 6 months' imprisonment and ordered to pay restitution.

Case 2: The officer was convicted of 3 counts of POBO s.3, for having solicited a loan of \$100,000 and accepted loans totalling \$50,000 from subcontractors; as well as other offences. The officer was sentenced to 36 months' imprisonment.

Case 3: The officer was convicted of 11 counts of POBO s.3, for having solicited/accepted loans totalling \$270,000 from colleagues and subordinates. The officer was sentenced to 4 months' imprisonment for each count to run concurrently and ordered to repay the outstanding loans.

Case 4: The officer was convicted of 1 count of POBO s.3, for having accepted a loan of \$30,000 from a contractor. The officer was ordered to perform 200 hours of community service.

Case 5: The officer was convicted of 3 counts of POBO s.3, for having solicited a loan of \$200,000 and accepted two loans totalling \$40,000 from persons with official dealings with the department. The officer was ordered to perform 100 hours of community service for each count to run concurrently.

Case 6: The officer was convicted of 3 counts of POBO s.3, for having accepted loans totalling \$50,000 from a friend. The officer was ordered to perform 120 hours of community service.

Case 7: The officer was convicted of 6 counts of POBO s.3, for having solicited loans totalling about \$29,000 from subordinates / colleagues and accepted loans of \$7,500 from them. The officer was ordered to perform 100 hours of community service and to pay restitution to the Government.

Case 8: The officer was convicted of 1 count of POBO s.3, for having solicited a loan of \$200 from a subordinate. The officer was unconditionally released.

Case 9: The officer was convicted of 1 count of POBO s.3, for having solicited a loan of \$30,000 from a colleague. The officer was fined \$5,000 and ordered to pay penalty to the Government and to pay compensation to the lender.

Case 10: The officer was convicted of 2 counts of POBO s.3, for having solicited and accepted loans totaling \$42,000 from an ex-colleague. The officer was ordered to perform 160 hours of community service.

Case 11: The officer was convicted of 2 counts of POBO s.3, for having solicited and accepted a loan of \$2,000 from a colleague. The officer was fined \$1,500.

Case 12: The officer was convicted of 2 counts of POBO s.3, for having solicited and accepted sponsorships totaling \$30,000 from a contractor on behalf of a professional institution. The officer was sentenced to 3 months' imprisonment for each count to be served concurrently, suspended for 2 years.

### **(III) Misconduct in Public Office (“MIPO”)**

There are **9 cases** in the period. **Three** officers were dismissed, **five** were compulsorily retired with or without financial penalty and **one** was punished by reduction in rank. A brief account of the cases and the court sentence is as follows –

Case 1: The officer was convicted of 5 counts of MIPO, for having created false arrival and departure records for persons to facilitate their unlawful stay in Hong Kong; and another offence. The officer was sentenced to 4 years and 5 months’ imprisonment.

Case 2: The officer was convicted of 2 counts of MIPO, for having caused a contractor to award a contract to a company in which the officer’s relative had interest, and solicited and accepted from the contractor an advantage of employment for the officer’s daughter. The officer was fined \$600,000.

Case 3: The officer was convicted of 1 count of MIPO, for having taken various steps to cover up a mistake made in the course of duty. The officer was ordered to perform 120 hours of community service.

Case 4: The officer was convicted of 1 count of MIPO, for staying at mahjong school while on duty and making false entries in official records purporting to have performed duty. The officer was ordered to perform 240 hours of community service.

Case 5: The officer was convicted of 1 count of MIPO, for having stocked up postal stationery items and resold them or intended to resell them for personal gain. The officer was ordered to perform 100 hours of community service and to repay the Government.

Case 6: The officer was convicted of 1 count of MIPO, for having failed to declare a conflict of interest arising from the officer’s close personal friendship with a supplier and given the company an unfair advantage over other people. The officer was ordered to perform 100 hours of community service.

Case 7: The officer was convicted of 1 count of MIPO, for having abused the officer’s official capacity to obtain and divulge privileged information relating to two suspected fraud cases being handled by the department to the complainant. The officer was sentenced to 11 months’ imprisonment.

Case 8: The officer was convicted of 2 counts of MIPO, for having used a copy of instrument, which was, and which the officer knew or believed to be, a false instrument, with the intention of concealing the officer’s neglect or mistake made in the course of duty as a public officer. The officer was ordered to perform 240 hours of community service.

Case 9: The officer was convicted of 1 count of MIPO, for having amended the date of an official record and falsified records, and paid a private visit to the case suspect without authorisation from supervisor. The officer was sentenced to 9 months' imprisonment.

Civil Service Bureau  
May 2012