



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

廉政專員

Commissioner, ICAC

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**CONFIDENTIAL**

**By Hand**

8 April 2014

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**

----- Further to my letter dated 26 March 2014, I attach replies to question  
Item 2 of your letter dated 5 March 2014 and all the questions of your letter dated  
27 March 2014 in English and Chinese version, for your necessary action please.

Yours sincerely,

(Simon Y L PEH)

Commissioner

Independent Commission Against Corruption



為下一代 共建廉潔將來

A clean future for our next generation

香港北角渣華道303號

303 Java Road, North Point, Hong Kong

電話 Tel: (852) 2826 3110

圖文傳真 Fax: (852) 2868 4579

網址 Website: [www.icac.org.hk](http://www.icac.org.hk)



附件二

**第 2 項：** 就廉署在 2012 年 7 月至 2014 年 2 月期間送贈的禮物（包括“全署”禮物及個別部門送贈的禮物）提供物品名稱、單位價格、送禮場合及收禮機構或人士的詳情。

- 廉署在 2012 年 7 月至 2014 年 2 月期間送贈約 930 件廉署紀念品予訪問廉署的機構、外訪機構、海外課程主辦機構／講者及學員、國際／區域會議／研討會主辦機構及與會機構代表、廉署培訓活動主講嘉賓／協助機構／外地學員、退任廉署委員會委員、出席廉署主要活動嘉賓等。除廉署紀念品外，廉署送贈了 5 份禮物，包括書籍（“Bribery & Corruption Law in Hong Kong”）和原子筆予外訪機構和卸任諮詢委員會委員；有 2 份禮物（酒杯及茶具）是贈送予地區人士婚宴或壽宴的賀禮。
- 除上述廉署紀念品及禮物外，在此期間，廉署並送贈廉署年報、「廉署行動」光碟、「廉署 40 周年專輯」光碟及防貪教育／宣傳刊物多不同機構、訪客及出席廉署活動的嘉賓等，以宣傳廉署的工作。
- 此外，廉署在一些防貪宣傳及教育活動中，例如：廉署流動展覽、地區嘉年華活動、遊戲攤位、廉署開放日、廉署講座／論壇等等亦有向參加者和市民派發宣傳紀念品，如筆、擦紙膠、間尺、記事貼、書籤、八達通套、鎖匙扣、電話繩等等，每件價值\$0.4 至\$38 不等。在這些活動當中，廉署也有送贈紀念品給主禮嘉賓、協助機構及人士、嘉賓講者、評判、與會人士，包括廉政之友及「愛、廉結」會員等，以感謝他們的協助及參與。有關紀念品包括廉署大樓擺設、廉署紙鎮（名片座）、廉署紀念盾、活動風褸、連相架紀念狀等等，價值\$6.1 至\$440 不等。

## **Annex 2**

### **Item 2 : Details on the items, unit costs, occasions and recipients of the gifts offered by the ICAC, including “Commission-wide” gifts and gifts offered by individual departments, from July 2012 to February 2014.**

- From July 2012 to February 2014, the ICAC offered about 930 ICAC souvenirs to organisations visiting the ICAC, organisations visited, organisers/speakers of overseas courses and trainees, organisers of international/regional conferences/seminars and representatives of participating organisations, guest speakers of the ICAC training activities, assisting organisations, overseas trainees, retiring members of the ICAC advisory committees, and guests attending the ICAC major events, etc. Apart from these ICAC souvenirs, the Commission also bestowed 5 gift items, including books (“Bribery & Corruption Law in Hong Kong”) and ballpens to organisations visited during duty visits and retiring members of an ICAC advisory committee. There are 2 gift items (wine glasses and tea set) presented to local dignitaries on their wedding banquet or birthday party.
- Apart from the above ICAC souvenirs and gifts, during the period the ICAC also offered the ICAC annual report, the “ICAC Investigators” compact discs, the “ICAC 40<sup>th</sup> Anniversary Special” compact discs and anti-corruption/publicity publications to various organisations, visitors and guests attending the ICAC’s activities for the purpose of promoting the work of the ICAC.
- Moreover, during the corruption prevention publicity and educational activities, e.g. the ICAC mobile exhibitions, district carnivals, game booths, the ICAC open day, ICAC seminars/forums etc., the Commission also distributed promotional souvenirs such as pens, rubbers, rulers, notepads, bookmarks, Octopus card holders, key chains and mobile phone lanyards to members of the public and participants, costing from \$0.4 to \$38 each. On those occasions, the ICAC also presented souvenirs to the guests of honours, organisations and individuals that provided assistance, guest speakers, adjudicators and participants of, among others, the ICAC Club and i-League members to express gratitude for their assistance and participation. The souvenirs concerned included the ICAC Building displays, the ICAC paperweights (name card holders), the ICAC commemorative plaques, windbreakers and framed commemorative certificates, etc., costing from \$6.1 to \$440 each.

## 附件一

**第 1 項：** 若廉政專員希望私人保留以公職身分獲贈的禮物，是否不論這些禮物的價值，均須向行政長官作出申請。請廉署清楚說明有關規定。

➤ 有關以公職身分接受禮物方面，廉政專員遵照公務員事務局通告第 4/2007 號《公務員以公職身分獲得的利益／款待及部門獲贈惠及員工的禮物和捐贈》的規定行事。根據該通告的規定，除以下情況外，廉政專員若希望私人保留以公職身分獲贈的禮物，必須向行政長官作出申請：-

✧ 禮物價值不超過 50 元或實職薪金的 0.1%，以較高者為準；

✧ 禮物價值超過 50 元或實職薪金的 0.1%（以較高者為準），但不超過 400 元，並刻有專員姓名或專員以嘉賓或主禮嘉賓身分出席儀式時獲贈。

**Annex 1**

**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.

## 附件二

**第 2 項：** 湯顯明先在任廉政專員期間要求私人保留以公職身分獲贈的禮物的所有相關紀錄。

- 本署已於 2014 年 2 月 19 日的覆函中，提供有關湯顯明先生向行政長官申請以其廉政專員身分接受禮物的紀錄。由於本提問要求的資料涉及廉署調查湯先生有否干犯《防止賄賂條例》及普通法公職人員行為失當罪的控罪，我們故此不能提供進一步的詳情及相關紀錄。

**Annex 2**

**Item 2 : All relevant records on the requests made by Mr Timothy TONG for personal retention of gifts offered to him in his official capacity during his tenure as the Commissioner of ICAC.**

- This Commission has provided in our reply dated 19 February 2014 the records of the applications made by Mr Timothy TONG to the Chief Executive for personal retention of gifts received in his official capacity as the Commissioner of the ICAC. As the information requested in this question involves the ICAC's investigation into whether Mr TONG has committed the alleged offences under the Prevention of Bribery Ordinance and the common law offence of misconduct in public office, we cannot provide further details and the related records.