

# 翻譯本

檔號：ICAC ADM CR 1-55/23 (C) Pt 1

來文檔號：CB4/SC/12

機密

專人送遞

香港中區  
立法會道 1 號  
立法會綜合大樓  
立法會專責委員會秘書  
薛鳳鳴女士

薛女士：

## 調查湯顯明先生任職廉政專員期間的 外訪、酬酢、餽贈及收受禮物事宜專責委員會（專責委員會）

2014 年 1 月 30 日及 2014 年 2 月 7 日的來信已經收悉。

我已按要求於**附錄 A** 就「主要研究範疇」載列事宜作出書面聲明。關於你要求索取廉署就有關事宜保存的相關記錄，廉署已盡力提供專責委員會要求的所有相關記錄。然而，由於涉及湯顯明先生的刑事調查正在進行，本署不能提供涉及調查範圍的資料，以免損害調查工作的公平和公正性。另外，根據《公開資料守則》第 2.10.3 段，披露涉及內部討論及意見的資料亦會妨礙廉署內部的坦率討論；因此，本署亦不能提供該部分的相關資料。

至於 2014 年 2 月 7 日來信要求索取有關**附錄 IV** 開列事宜的資料，已詳載**附錄 B**。

此外，請告知專責委員會我正考慮帶同一至兩名廉署人員出席 2014 年 3 月 1 日舉行的聆訊，有關詳情將於稍後另行通知。

廉政專員白韞六

2014 年 2 月 19 日



第 1 項：請就以下事宜提供回應及／或資料：

《政府帳目委員會第六十 A 號報告書》第 49 頁所提述的廉署員工通告第 23/96 號“公務場合收贈禮物的政策”。

➤ 現付上廉政公署職員通告第 23/96 號（只有英文版）。



CANCELLED

Ref. : (91) in CAC/RS/166/4

4 October 1996

**ICAC Staff Circular No. 23/96****The Giving and Receiving of Gifts on Official Occasions****The Commission's Policy**

The policy of the Commission on this matter 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 organisation to organisation. 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. Within this policy, we also have to ensure that we are very careful in offering gifts from the ICAC to organisations or persons we meet officially within or outside Hong Kong. Gifts such as the stone lions and ICAC plaques should be used as organisation to organisation gifts or as a souvenir to a guest of honour. They are offered as a gesture of mutual recognition, friendship and co-operation.

**Acceptance of Gifts**

2. All gifts presented to an officer in his official capacity 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**

3. As soon as possible after such gifts are presented and accepted, the officer should make a report to his Head of Department in the format as shown in Appendix A. However, in the course of liaison functions and private sector advisory work or during attendance at community involvement projects, it is common practice for mementoes, which are of no commercial or resale value, to be presented to ICAC officers. Examples

of this type of gift are plaques, banners and pennants, which are marked with inscriptions and names of organisations. Staff are not required to report the acceptance of this type of gift. Officers at the SCACO level or above, e.g. Regional Officers, Group Heads, etc. may decide how these gifts should be disposed of except they may not approve personal retention by an officer.

**Guidelines for the Disposal of Official Gifts**

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4. The Commission's guidelines for the disposal of official gifts are contained at Appendix B. Heads of Departments may designate a directorate officer to be the authorised officer to approve the method of disposal of such gifts except for those the disposal of which officers at the SCACO level or above may decide. Directorate officers who wish to retain gifts received on official occasions must seek permission from CAC.
  5. If an officer has any doubt as regards the disposal of gifts he has received on an official occasion, he should consult his Head of Department.
  6. ICAC Staff Circular No. 11/93 is now cancelled.



(B.G. Hemshall)  
for Commissioner  
Independent Commission Against Corruption

Encl.

**MEMO**

From : \_\_\_\_\_ To : \_\_\_\_\_

Ref. : \_\_\_\_\_ in \_\_\_\_\_

Tel. : \_\_\_\_\_

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

---

**Report on Acceptance of Gifts  
Presented to an Officer in His Official Capacity**

I wish to report the acceptance of the following gifts :-

(a) **Occasion**

- (i) Name of donor organisation :
- (ii) Function :
- (iii) Date :
- (iv) Gift(s) received by :
- (v) Gift(s) :
- (vi) Estimated value of gift(s) :

(b) **Method of Disposal Recommended**

- (i) Share among the office :
- (ii) Send to a charitable organisation :
- (iii) Send to the Commission's Resource Information Centre :
- (iv) Retention for display/as a souvenir in the office :
- (v) Send to Treasury :
- (vi) Donate as lucky draw prize :
- (vii) Retention by the officer :

**Guidelines for the Disposal of Gifts  
Presented to an Officer in His Official Capacity**

1. If the gift is of perishable food or drink, it should be shared among the office or section where the recipient works.
2. If the gift is a useful item, it should be sent to a charitable organisation.
3. If the gift is of historical or other interest, it should be sent to the Commission's Resource Information Centre, a school, library or museum.
4. If the gift is suitable for display (e.g. a painting, vase, etc.) or suitable for retention as a souvenir in the office, it may be retained in the office of the officer to whom it was presented or elsewhere in the department, being placed on the inventory of the room.
5. If the gift is a small sum of cash given to all those attending a social function (e.g. laisee at Lunar New Year), it should be sent to the Treasury.
6. If the gift is of low value and none of the above methods of disposal is appropriate, it may be donated to the Commission's social function as lucky draw prize.
7. If the gift is of low value (below \$1,000) and is a personal item (e.g. a necktie or scarf) or is personally inscribed to a particular officer (e.g. a salver), the gift may be given back to the officer to whom it was presented for his personal retention.



## 附件二

第 2 項：請就以下事宜提供回應及／或資料：

把廉署有關互贈禮物的政策納入《廉署常規》的日期及其他相關的細節，以及此後有否對《廉署常規》的相關部分作出任何修改。

- 廉署於二零零一年八月取消廉政公署職員通告第 23/96 號，並把當中有關送贈及接受禮物的政策納入《廉署常規》第九章第三部分。另外，廉署於二零一三年十月把有關互贈禮物的政策納入《廉署常規》第二十五章第四部分。現付上有關的《廉署常規》副本（只有英文版）。



## Commission Standing Order ( Part I )

Chapter : 09  
Section : 03

Title : Conduct and Discipline  
Heading : Acceptance of Advantages

Internal Reference : 09-03  
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.



### 附件三

第 3 項：請就以下事宜提供回應及／或資料：

湯顯明先生在 2007-2008 年至 2012-2013 年期間向行政長官申請私自保留(a)以其廉政專員公務身份及(b)以其私人身份獲提供／送贈的禮物的紀錄，以及行政長官的答覆。

➤ 根據本署的紀錄，湯顯明先生在 2007-2008 年至 2012-2013 年期間，曾二次向行政長官申請以其廉政專員身份接受以下的餽贈：—

- (i) 由最高人民檢察院邀請湯先生及其一名家庭成員（女兒）出席奧林匹克運動會開幕典禮（包括入場及在北京的住宿安排）(8.8.2008)；
- (ii) 由香港賽馬會送贈湯先生及其女兒奧林匹克兩場馬術比賽門票，即共四張門票(15.8.2008 及 21.8.2008)。

(i)項的申請獲得行政長官的批准，不過湯先生最後並沒有出席該項活動。至於以上(ii)項的申請，湯先生隨後亦將之撤回。現附上相關的申請文件（只有英文版）。





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~~ <sup>double up</sup> 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 <sup>approved</sup> / ~~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



第 4 項：請就以下事宜提供回應及／或資料：

《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報告》附件 4 及 5 所提述的以下各項“全署”禮物及廉署轄下個別部門購買的禮物詳情，包括(a)收禮者；(b)餽贈禮物的場合；(c)致送禮物的廉署人員；及(d)負責購買禮物的廉署部門／組別－

- i. 羊形雕刻擺設（2,380 元）
- ii. 虎形雕刻擺設（4,140 元）
- iii. 鷹形雕刻擺設（4,730 元）
- iv. 酒（1,960 元）
- v. 5 隻啤酒杯（每隻 1,580 元）
- vi. 5 枝紀念筆（每枝 2,170 元）
- vii. 8 個電子相架（單位價由 590 元至 1,890 元）

- 除項目 iii 和項目 vi 外，上述禮物都是由前廉政專員湯顯明先生致送的。由於關於湯先生的事件可能涉及正在進行中的刑事調查，故不宜提供有關資料。
- 上述第 iii 項禮物是由前執行處首長於 2009 年 2 月 24 日出席馬來西亞反貪處啟動禮時，送贈與馬來西亞反貪處的官員。
- 上述第 vi 項禮物是購買作日後之用；現時仍是禮物存貨。





## 附件五

第 5 項：請就以下事宜提供回應及／或資料：

根據廉署 2013 年 9 月 6 日致專責委員會回覆附件 3，  
“離港外訪一經批核，有關職員必須立即向行政總部物料供應室提交票務預訂申請，申請須連同外訪的書面批核文件一併提交。”

然而，根據廉署 2013 年 10 月 2 日致帳目委員會（“帳委會”）的回覆附件 3，“按照《廉署常規》，行政總部物料供應室會為已獲批離港外訪的廉署人員發出採購單以訂購機票。常規並無規定廉政專員需要就購買機票向行政長官申請批准。”

廉署進一步在其 2013 年 10 月 23 日致帳委會的回覆附件 6 中表示，“當時《廉署常規》並無規定廉政專員須就離港外訪發出機票採購單前尋求批准。”

就此方面，請(a)提供相關的《廉署常規》及規定，並(b)澄清在購買機票方面，規管廉政專員與規管廉署職員的規定是否不同；若然，(c)不同的原因為何。

- 規管廉署職員購買機票方面的規定列於《廉署常規》第二十六章第四部分。根據二零一三年十一月公布的上述《廉署常規》，廉署職員，並首次包括廉政專員，向物料供應室提交票務預訂申請時，須一併提交外訪的書面批核文件。現付上有關《廉署常規》（只有英文版）。



## Commission Standing Orders ( Part I )

Chapter : 26  
Section : 04

Title : Supplies  
Heading : Booking of Duty and Training  
Passage

Internal Reference : 26-04

Version Date : 08/11/2013

1. Officers are provided with air passage when required by the Commission to travel outside Hong Kong for official duties or training. Officers are entitled to the following classes of duty passage –

Officer	Class of Duty Passage
C	Business Class
H/Ops	Business Class
All other officers	Economy Class

2. Upgrading from Economy Class to Business Class may be allowed under the following circumstances -

- (a) where the flying time exceeds nine hours (referring to the normal flying time, including transit time, according to the original route approved for the duty visit or on direct flight between Hong Kong and Sydney);
- (b) where the officer has to travel again within seven calendar days from his last return from duty or where the officer is subject to a tight flight schedule of no less than three flights within five days;
- (c) where the officer is required on duty to travel in the same class with another person or group of persons taking a higher class of passage than the officer's normal entitlement; or
- (d) where the appropriate class of travel is not available on the route concerned and choice of other flights is not appropriate for the purpose of the visit.

3. No upgrading will be allowed —
  - (a) for the outward journey to the duty place, if an officer takes leave outside Hong Kong before duty is performed; or
  - (b) for the return journey to Hong Kong, if after performance of duty or upon arrival in Hong Kong, an officer takes leave or is granted authorised absence under Civil Service Regulation 1111(4).
4. In applying for upgrading of passage, the officer concerned must declare that he will not take leave prior to commencement of duty overseas or after completion of such duty. Deliberate act to defer application for leave until approval of upgrading of passage is obtained may render the officer liable to disciplinary action.
5. Notwithstanding the provisions above, the upgrading of air passage is subject to availability of funds and the prevailing Commission policy.
6. The authority to approve upgrading of duty passages referred to in paragraph 2, subject to the considerations in paragraphs 3 to 5, above rests with CE, C, D/PS, D/GS, DCR and DCP. Apart from the circumstances mentioned in paragraph 2, subject to the considerations in paragraphs 3 to 5, C's personal approval must be sought for upgrading of duty passages to First Class or Business Class by using a standard form "Application for Exceptional Approval for Upgrading of Duty Passage" in the Form Library.
7. Applications to modify an officer's passage for private reasons are normally not allowed unless under exceptional circumstances justifying compassionate consideration. For C, prior approval must be obtained from CE and for other officers, the approving authority is C. The officer concerned must pay for all additional costs involved as a result of such modification.
8. Officers should submit to the Supplies Office and Finance Office their request for the booking of passage by using a standard form ICAC 556 via their HOD with a copy of the approval for the overseas trip as soon as possible. To increase the competitiveness of the quotation exercise, officers should not specify the airline and/or flight number, unless prior approval has been given by the approving authority stated in the following table with full justification.

<u>Category of Officers</u>	<u>Approving Authority</u>
(a) C	CE
(b) H/Ops, D/PS, D/GS, DCP, DCR, AD/A	C
(c) All other officers in -	
Operations Department	H/Ops
Corruption Prevention Department	DCP
Community Relations Department	DCR
Administration Branch	AD/A

9. The Supplies Office will confirm the reservation of air ticket after a completed ICAC 556 and proper approval for the overseas trip are received. The appointed travel agent will normally deliver the air ticket to the officer direct, who must obtain an invoice from the agent on receipt of the air ticket.

10. The officer should ask his supervisor not below the rank of CACO(U) to certify the invoice, confirming that the air ticket has been received, and forward the signed invoice to the Supplies Office for payment. Where the passage is for training purpose, the invoice should be sent to CI/Development (for Ops officers) or SSO/HRD (for non-Ops officers) who will similarly certify and pass it to the Supplies Office.

11. If a passage is subsequently cancelled, the officer must immediately return the air ticket together with an explanation via his supervisor not below the rank of CACO(U) to the Supplies Officer and Executive Officer / Finance. The Supplies Office will deal with the cancellation of the ticket and the Finance Office will handle the related accounting issues. Preferably, the officer should notify both offices in advance either by e-mail or telephone.

12. Officers should not obtain quotations direct from travel agents and then ask the Supplies Office to place order with their selected agents. Instead, the Supplies Office will obtain quotations by rotation from the list of service providers. Whilst it is acceptable for an officer to propose a travel agent to the Supplies Office for inclusion in the shortlist of providers invited to quote for a particular trip, the officer must not enter into any commitment with any company. The responsibility of selecting a travel agent rests with the Supplies Office.



## 附件六

### 第 6 項：請就以下事宜提供回應及／或資料：

對於郭榮鏗議員在立法會財務委員會就湯顯明先生於任內以公帑送贈禮物予各地政府官員的詳情提出的初步及補充問題，就回覆問題所需提供的資料進行討論時，有關廉署人員之間的相關內部通訊和廉政專員每周例會的相關會議摘錄或記錄節錄。

- 由於有關要求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，所以，我們不能提供該等資料。





第 7 項：請就以下事宜提供回應及／或資料：

關於廉署 2013 年 6 月 14 日致帳委會的回覆附件 3，請提供在 2007-2008 年至 2012-2013 年期間由湯顯明先生及閣下分別為總領事舉行的 6 次午膳／晚膳及 1 次午膳／晚膳各次的詳情。包括－

- (a) 午膳／晚膳的日期；
- (b) 午膳／晚膳的目的；
- (c) 宴會種類（例如午膳或晚膳）；
- (d) 地點；
- (e) 負責安排午膳／晚膳的廉署部門／組別；
- (f) 有否委託任何外間機構提供無薪服務；若有，相關的詳情；
- (g) 宴請賓客的數目；
- (h) 出席廉署人員的數目；
- (i) 開支的分項數字及記入開支的撥款帳目；
- (j) 人均開支（包括食物、飲品及小費）；
- (k) 餽贈的禮物、價值及收禮者；
- (l) 午膳／晚膳前有否舉行酒會；若有，是否把酒會的開支計入為午膳／晚膳開支的一部；
- (m) 就上文(l)項而，若沒有把酒會的開支計入為午膳／晚膳開支的一部分，請提供酒會開支的分項數字、記入酒會開支的撥款帳目，以及酒會人均開支；及
- (n) 申請及批准所涉開支的紀錄。

- 廉署未能提供有關前廉政專員湯顯明先生的所需資料，因為有關資料涉及正在進行的調查範圍。至於現任廉政專員白韞六先生於 2012 年 10 月 25 日為總領事舉行的午膳，有關詳情如下：

- (a) 午膳／晚膳的日期：**2012 年 10 月 25 日**
- (b) 午膳／晚膳的目的：**與駐港總領事、名譽領事和主要商會領袖進行聯繫午膳**
- (c) 宴會種類（例如午膳或晚膳）：**午膳**
- (d) 地點：**廉政公署職員餐廳**
- (e) 負責安排午膳／晚膳的廉署部門／組別：**社區關係處**
- (f) 有否委託任何外間機構提供無薪服務；若有，相關的詳情：**無**
- (g) 宴請賓客的數目：**85 人**
- (h) 出席廉署人員的數目：**17 人**
- (i) 開支的分項數字及記入開支的撥款帳目：**自助午餐 35,500 元（酬酢撥款）**
- (j) 人均開支（包括食物、飲品及小費）：**348 元**
- (k) 餽贈的禮物、價值及收禮者：**有，一個印有廉署標誌的水杯；共 70 名收禮者，涉及款項 9,226 元**
- (l) 午膳／晚膳前有否舉行酒會；若有，是否把酒會的開支計入為午膳／晚膳開支的一部：**無**
- (m) 就上文(l)項而，若沒有把酒會的開支計入為午膳／晚膳開支的一部分，請提供酒會開支的分項數字、記入酒會開支的撥款帳目，以及酒會人均開支：**不適用**
- (n) 申請及批准所涉開支的紀錄：**2012 年 10 月 17 日獲廉政專員批准為 102 名參加者（85 名賓客和 17 名廉署人員）舉行午膳，涉及人均開支為 350 元。**