



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

廉政專員
Commissioner, ICAC

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~~CONFIDENTIAL~~

By Hand

26 March 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**

Thank you for your letter dated 5 March 2014.

As requested, please find attached our reply to questions 1, 3 – 5 in English and Chinese version for your necessary action. The reply to question 2 will follow shortly.

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

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附件一

第 1 項： 專責委員會從湯顯明先生在研訊提供的證供得悉，廉署設有一個管理委員會監察廉署職員餐廳的營運。請提供此管理委員會的職權範圍、組成及任期。

- 廉署職員餐廳承辦商須受到廉署職員康樂會轄下常務委員會的監督與監察。常務委員會的成員包括一名主席、一名副主席、一名司庫、一名秘書、一名職員餐廳管事和不多於九名的其他委員。他們都是在廉署職員康樂會周年大會上由其他職員選出，並以自願性質擔任該等職務的廉署人員。
- 根據《廉署職員康樂會規章》，常務委員會的職責當中包括甄選職員餐廳承辦商並與承辦商洽談合約細則事宜，並透過職員餐廳管事，及其他常務委員會委員的協助下，監督與監察職員餐廳的營運。職員餐廳管事是負責與職員餐廳獲選的承辦商商討一切有關餐廳的營運，並不時向常務委員會匯報有關情況。

Annex 1

Item 1 : The Select Committee notes from the evidence given by Mr Timothy TONG at the hearing that there is a management committee overseeing the operation of the ICAC staff mess. Please provide the terms of reference of this management committee, its composition and term of office.

- The ICAC Staff Mess Caterer comes under the supervision and monitoring of the ICAC Staff Club through its General Committee. The General Committee consisting of a Chairman, a Vice-chairman, a Treasurer, a Secretary, a Mess Monitor and up to nine other Members, who are ICAC officers serving on a volunteer basis, are elected by other staff members at the Annual General Meeting of the Staff Club.
- In accordance with the ICAC Staff Club Constitution, the General Committee is responsible for, inter alia the selection of Mess contractor and negotiation with the said contractor regarding terms of contracts, and the monitoring and supervision of the operation of the Mess through the Mess Monitor who is assisted by other General Committee members. It is the duties of the Mess Monitor to liaise with the selected contractor of the Mess in respect of all matters in connection with the Mess operation and to make reports to the General Committee on a regular basis.

附件三

第 3 項： 在前任廉政專員湯顯明先生就任之前，曾否有其他機構的廚師為在廉署職員餐廳舉行的廉署活動提供膳食服務；若然，請提供該等活動的詳情，包括-

- a) 該等活動的日期；
- b) 該等活動的目的；
- c) 宴會種類（例如午膳或晚膳）；
- d) 宴請機構／人士的數目及名稱／姓名；
- e) 人均開支；及
- f) 廉署有否及如何支付該等廚師提供食物及服務的費用。

➤ 對於問題中所要求的資料，廉署並沒有記錄。

Annex 3

Item 3 : Whether there were any precedent cases in which chefs from other organizations were arranged to provide catering services for the functions of ICAC at the ICAC staff mess before the tenure of the former Commissioner, ICAC, Mr Timothy TONG; if so, please provide the details of the functions, including

- (i) the date of the function;**
- (ii) the purpose of the function;**
- (iii) type of meals (e.g. lunch or dinner);**
- (iv) number and names of organizations/persons entertained;**
- (v) expenditure per head; and**
- (vi) whether and how ICAC had paid for the cost of the food and services provided by the chefs.**

➤ The ICAC does not have any records on the required information.

附件四

ICAC2(C) 附件18

第 4 項：~~關於廉署 2013 年 10 月 23 日致政府帳目委員會函件附件 5~~所提述的離港外訪報告，請提供湯顯明先生在外訪結束後向行政長官提交的報告數目。

ICAC2(C) 附件18

- 根據廉署記錄，關於本署~~2013 年 10 月 23 日致政府帳目委員會函件附件 5~~所提述湯顯明先生的離港外訪，當中湯先生曾在兩次外訪結束後向行政長官提交了報告。

Annex 4

Item 4 : The number of reports submitted by Mr Timothy TONG to the Chief Executive after attending duty visits outside Hong Kong referred to in ~~Annex 5 of your reply dated 23 October 2013 to the Public Accounts Committee.~~ ICAC2(C) Annex 18

- According to our records, Mr Timothy TONG had submitted reports on two duty visits to the Chief Executive after attending duty visits outside Hong Kong referred to in ~~Annex 5 of your reply dated 23 October 2013 to the Public Accounts Committee.~~ ICAC2(C) Annex 18

附件五

第 5 項： 關於廉署的《廉署常規》，請具體說明“*回應政府帳目委員會第六十 A 號(2013 年 11 月)報告書的政府覆文*”第 23 至 28 段所提述對《廉署常規》作出有關處理酬酢、離港外訪和餽贈方面的修訂，並提供修訂後的《廉署常規》的相關部分。

- 有關《廉署常規》第二十五章第四及第六部分與公務酬酢、禮品和外訪相關內容的修訂，見附錄有陰影的部分(只有英文版本)。

Annex 5

Item 5: Regarding ICAC's Commission Standing Orders ("CSO"), please specify the amendments that have been made to the CSO on the handling of entertainments, duty visits and gifts referred to in paragraphs 23 to 28 of the *"Government Minute in response to the Report of the Public Accounts Committee No. 60A of November 2013"* and provide the relevant parts of the revised CSO.

- The relevant amendments made to the CSO (Part I) Chapter 25-04 and Chapter 25-06 on the handling of entertainments, duty visits and gifts are highlighted, as attached herewith (English version only).

Commission Standing Orders (Part I) Chapter 25

Commission Standing Orders (Part I)

Chapter 25

Title : Finance

Internal Reference : 25-04

:

Section : 04

Heading Entertainment Expenses and
: Offering / Exchange of
Souvenirs

Version Date : 4/10/2013

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

Commission Standing Orders (Part I)

Chapter : 25

Title : Finance

Internal Reference : 25-06

Section : 06

Heading Reporting of Statement of
: Account after Duty Visits /
Training Outside Hong Kong

Version Date : 04/10/2013

1. As a general principle, visits outside Hong Kong should only be approved when such visits are absolutely necessary in the discharge of the officers' duties or prominently conducive to the missions and / or function of the Commission. When a duty visit is unavoidable, the number of officers joining the trip should be kept to the minimum and the duration of the trip should be as short as possible covering only the part of the programmes / sessions pertaining to the official purposes of that visit. Furthermore, officers should avoid participating in any tour programmes arranged by the hosting organisation, which would prolong the duty visit or incur additional public funds, upon completion of the official business.

Reporting of Statement of Account

2. When an officer returns from duty visit outside Hong Kong, he should complete, within 30 days, a standard form [Form ICAC 612 for Operations Department (Ops) and the 'Statement of Account' for non-Operations Departments (Non-Ops)]. The relevant original receipts duly certified by the responsible officer and documentary proof of payment (as applicable) should be provided to account for the subsistence allowance, advance payment of subsistence allowance and claim for reimbursement of expenses not covered by the allowance. He must report on the form the accommodation arrangement during duty outside Hong Kong and provide documentary proof of payment if he stayed in a self-arranged rented accommodation. Officers should refer to Civil Service Regulations 713-716 for detailed information on subsistence allowance and approving authorities as stipulated on the Form ICAC 612 or the 'Statement of Account' as appropriate.

3. When an officer returns from training course outside Hong Kong, he should submit, within 30 days, all claims of reimbursement to the Development Section of the Training and Development Group for Ops officers and Human Resource Development Section of the Admin Branch for non-Ops officers. The claim will be duly examined and endorsed as appropriate and then passed to the Finance Office for reimbursement of expenses not covered by the study grant.