

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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Miss Betty MA
Chief Council Secretary
Legislative Council Complex
1 Legislative Council Road
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Hong Kong

Dear Miss Ma,

Panel on Security
Expenditure of disciplined services on overseas duty visits,
official entertainment and souvenir

I refer to your letter of 21 May 2013 and set out below our response to Hon James TO's questions regarding the captioned subject -

In order to uphold the integrity and impartiality of the civil service in discharging their duties, the Administration has put in place a regulatory framework which is applicable to all civil servants, and is reviewed from time to time. Relevant guidelines are updated where necessary.

The Civil Service Regulations (CSRs) set out the principle, regulations and approval procedures pertaining to official entertainment. Heads of Departments (HoDs) have the delegated authority to authorise all expenditure from the departmental entertainment vote. In addition, according to the Government's internal guidelines, the expenses for entertaining guests should not in general exceed \$350 per person for lunch and \$450 per person for dinner. We have reminded the disciplined services to exercise economy in official entertainment when entertaining guests. Where there are sufficient

justifications for exceeding the expenditure ceilings, the departments are required to consider those applications according to the established mechanism and to document properly the detailed justifications for granting such approvals.

To ensure that applications of civil servants for duty visits are prudently handled, applications from HoDs should be approved by their respective Permanent Secretary or Director of Bureau. Applications from officers below HoD level should be approved by Permanent Secretaries/HoDs or by senior officers not below Assistant Director level. In considering such applications, the approving officers should consider various factors, including the purpose of visit, duration, number and frequency of such visits, and the appropriateness of the ranking and number of the officers involved, etc.

As regards offering of souvenirs or gifts, the Government of the current term upholds the principles of honesty and simplicity. It generally does not accept or exchange souvenirs or gifts in functions and activities. If there is a need to go through the protocol for exchanging souvenirs or gifts, appropriate souvenirs or gifts would be procured having regard to the capacity of the guests and the occasions to ensure proper use of public funds.

Overseas visits and entertainment activities

Officers in the disciplined services (including HoDs) participate in duty visits and entertainment activities on the basis of work or protocol. The rank and number of officers participating in the duty visits will be considered on individual circumstance. In recent years, disciplined services have enhanced liaison and law enforcement cooperation with the Mainland, other countries and regions, and attendance at international conferences to foster exchanges with government officials and agencies of other places. On another front, heads of disciplined services conduct or participate in duty visits and entertainment activities where necessary with regard to the status of the attending officials or guests of the receiving regions or agencies (e.g. heads of enforcement departments in other governments), purpose of the liaison (e.g. signing of bilateral agreements) and issues which require exchange of views or discussions (e.g. large-scale joint enforcement operations). Expenses incurred by their attendance at such duty visits and entertainment activities shall be in compliance with the CSRs and other government requirements and guidelines to ensure proper use of public funds.

When deciding on the place and scale of entertainment, disciplined services will take into account the status of the guests and the standard of entertainment to see whether they are in line with the operational and protocol needs for the occasion. Such entertainment expenses should be directly related to the discharge of an officer's duties or a necessary part of making or maintaining contacts in his official capacity. It is also necessary to consider the specific number of guests attending the functions or activities and the itineraries of the visitors so as to arrange the most appropriate place of entertainment.

The major factor for an increase in expenses incurred by the disciplined services on entertainment activities and duty visits in the past five years was, in addition to inflation, their enhanced communication and exchanges with various sectors having regard to their operational needs. Disciplined services will review their annual estimated expenditures and stringent approval procedures are in place to ensure that applications and approvals for those expenses are subject to established procedures and the expenses incurred are governed by relevant guidelines to ensure the proper use of public funds. Details regarding the five disciplined services are set out below:

Apart from inflation, the increase in expenses on entertainment activities and duty visits of the Hong Kong Police Force (Police) was attributable to the need to address the escalation of cross-boundary crime activities in recent years, the new crime trends involved (such as online crimes), and a rise in cross-boundary cases in which Hong Kong people or their interests were involved. These call for the need to enhance liaison with the Mainland public security authorities and overseas law enforcement agencies. In addition, in view of the substantial economic activities of Hong Kong people in the Mainland and other regions, the Police saw the need to further reinforce co-operation with relevant law enforcement agencies. In the past two years, the Police signed bilateral agreements, such as memoranda of understanding or statements of intention, on combating cross-boundary crimes and developing police co-operation with law enforcement agencies of countries such as Australia, New Zealand, France, Germany, Singapore and Cambodia. At present, the Police are negotiating with other countries on similar co-operation agreements, and such negotiations have also led to increased expenses on entertainment activities and overseas visits.

Out of operational needs, officers of the Immigration Department (ImmD) are required to maintain frequent contact with various local sectors, such as district personalities and the media. In addition, they need to maintain liaison with foreign government officials, foreign representatives stationed in Hong Kong, as well as offices set up by the Central People's Government in HKSAR and relevant Mainland authorities. In view of the increasingly closer ties and interactions between Hong Kong and neighbouring areas, the department has been conducting discussions and exchange of views with them on a wide range of issues, including global illegal immigration activities, bogus marriages, visa-free access for HKSAR passport holders and assistance to Hong Kong residents in distress outside Hong Kong. These lead to an increase in the number of visits to the ImmD and exchanges made by Mainland and overseas officials. Accordingly, there have been more receptions of visiting officials by ImmD officers in their official capacity. Inflation in recent years is also a factor for the increased expenses on entertainment activities. As regards duty visits, in the event of major incidents involving Hong Kong residents outside Hong Kong, such as the political instability in Thailand, the hostage incident in the Philippines, the snowstorm in Europe and the severe earthquakes in Japan, ImmD officers had to rush to these places for rendering immediate assistance. As a consequence, the expenses on duty visits rose and dropped at times in recent years.

Apart from inflation, the reason for an increase in expenses on entertainment activities in the Customs and Excise Department (C&ED) was mainly a result of its need to maintain close liaison with relevant parties in order to strengthen enforcement actions and to launch business facilitation initiatives in recent years. The rise in duty visit expenses was mainly attributable to the C&ED's stepping up of international liaison to enhance its enforcement effectiveness and to launch its business facilitation initiatives. Subsequent to the Police's crackdown on a case in which a large quantity of cocaine was smuggled from South America to Hong Kong in mid-2011, the C&ED officers, in a bid to specifically combat the drug smuggling problem, immediately visited various countries in South America to discuss co-operative measures against cross-boundary cocaine smuggling activities with the relevant parties. As a result, a smuggling case with a record seizure of cocaine was successfully smashed in 2012. In addition, the C&ED, elected as a member of the World Customs Organisation Policy Commission (WCO PC) in 2011, has to attend overseas WCO PC meetings. Furthermore, with the implementation of the Hong Kong Authorised Economic Operator Programme in 2012, the C&ED has commenced negotiations on mutual

recognition agreements with other customs authorities so that local enterprises can enjoy further customs facilitation.

Apart from inflation, the major reason for the Correctional Services Department (CSD)'s increase in expenses on duty visits and entertainment activities was its enhanced exchanges and mutual visits with the correctional services and relevant judicial bodies of other countries and regions, with a view to enhancing its service level and operational efficiency by means of professional exchanges and experience sharing. On the other hand, in order to further promote society-wide acceptance of rehabilitated persons' re-integration into the community and to provide such persons with relevant support, the CSD needs to maintain liaison and collaboration with employers, occupational training bodies, charitable organisations, voluntary groups, educational and local organisations, local communities for greater progress and effectiveness.

The major factor for the Fire Services Department (FSD)'s increase in expenses on local entertainment activities was, in addition to inflation, its enhanced communication and exchanges with community groups, relevant Mainland and overseas authorities and organisations in fire-fighting, rescue, emergency ambulance service and fire safety. Depending on operational needs, the FSD's expenses on duty visits rose and dropped at times in the past few years.

Expenses for the procurement of souvenirs

The disciplined services do not maintain a separate account in respect of the expenses for the procurement of souvenirs. Hence we do not have the relevant statistics.

Acceptance of souvenirs or gifts

The Administration has set out detailed guidelines for civil servants on the acceptance of gifts by virtue of their official position. Advantages offered to an officer by virtue of the officer's official position or on an occasion attended in the officer's official capacity are regarded as advantages to the bureau/department in which the officer works. The general principle is that officers should as far as possible decline to accept gifts offered/presented to them by virtue of their official position. Where this cannot be done owing to protocol reasons or the need to avoid causing great offence or embarrassment, the relevant officer should take it back to his/her department and report to the

HoD for a decision on how to dispose of the gift appropriately. These procedures are applicable to all government departments. The approving authority shall take into consideration various factors in deciding on the disposal of gifts received by virtue of official position which include: the nature and value of the gifts; whether there is any actual, potential or perceived conflict of interests on the acceptance of the gifts; whether the acceptance of the gifts will place the officer, the department or the Government in an obligatory position towards the donor, etc.

Majority of the gifts are used for display purpose or are sent to other organizations (such as charitable organizations). For gifts/souvenirs of low value (e.g. pens, calendars, etc.) or items inscribed with the name of the officers attending official functions as officiating guest or the principal representative of their department at the event (e.g. souvenir shields, banners, etc.), and which do not exceed \$400, the officers can personally retain the gifts. Officers need not apply for approval, but need to complete the relevant declaration form for record. Apart from these items, special permission is required for personal retention of any other gifts received by virtue of official position. If HoD would like to personally retain gifts presented to him by virtue of his official position, he should seek approval from the respective Permanent Secretary.

Non-compliant cases

In the past five years, no officer of the disciplined services was subject to disciplinary actions for suspected contravention of the CSRs or other government requirements in relation to claiming subsistence allowance for duty visits, reimbursement of entertainment expenses, or offering or receiving gifts.

Yours sincerely,



(Polly Kwok)

Administrative Assistant to
Secretary for Security