

CHAPTER III - CONDUCT AND DISCIPLINE

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| Dec 92 | 431. | (1) | Entertainment is not of itself an advantage as defined by section 2 of the Prevention of Bribery Ordinance. (Cap. 201). |
| Dec 92 | | (2) | An officer is permitted to accept any entertainment from any person except such entertainment as is prohibited by Regulation 434 or under Regulation 435. |
| Dec 92 | 432. | (1) | <p>Entertainment is defined by section 2 of the Prevention of Bribery Ordinance to mean -</p> <p>“the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provision.”</p> <p>For the purposes of Regulations 431 - 435, the same definition applies.</p> |
| | | (2) | The following are examples of what constitutes entertainment - |
| | | (a) | a meal; |
| | | (b) | an occasion at which drinks of any kind are provided; |
| | | (c) | attendance at a cinema, theatre or other public entertainment before or after a meal; |
| | | (d) | dancing or other entertainment before, during or after a meal; |
| Feb 2007 | | (3) | <p>Officers are warned that notwithstanding Regulation 431(1) and paragraph (2) above, the acceptance of free food, drink, show, etc., may in certain circumstances be regarded as “an advantage”, which may constitute a criminal offence under the Prevention of Bribery Ordinance. For example, when an officer visits a restaurant with which he has official dealings and at the end of the meal the restaurant owner waives the bill, the free meal may amount to “a discharge of obligation” which is an advantage under the Prevention of Bribery Ordinance, in that the officer is discharged from the obligation to pay the bill. If in doubt about such provision, the officer should reject it, or seek advice from his Permanent Secretary/Head of Department.</p> |
| Feb 2007 | 433 | | An officer who accepts entertainment other than in accordance with Regulations 431 – 435 may be subject to disciplinary proceedings. |

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- Feb 2007 434 (1) An officer may not, without the permission of his Permanent Secretary/Head of Department, accept entertainment from any person if the entertainment is likely, for example by reason of its excessive nature or of the relationship between the officer and the other person or of the character of that person –
- (a) to lead to the embarrassment of the officer in the discharge of his functions; or
- (b) to bring the officer or the public service into disrepute.
- Feb 2007 (2) In this regulation, reference to the Head of a Department means –
- (a) in relation to a person who is himself the Permanent Secretary/Head of Department, the Secretary for the Civil Service;
- (b) in relation to any other officer –
- (i) the Permanent Secretary/Head of Department of the bureau/department in which that officer is serving at the time when the entertainment is offered to the officer;
- (ii) any other officer of that bureau/department authorised in writing by the Permanent Secretary/Head of Department to act on his behalf for the purposes of this regulation.
- Feb 2007 435 (1) A Permanent Secretary/Head of Department may, with the approval of the Secretary for the Civil Service, issue directions to the officers serving in that bureau/department.
- Feb 2007 (2) Such directions may prohibit an officer serving in that bureau/department from accepting, or from accepting without the permission of the Permanent Secretary/Head of Department or another officer of the bureau/department authorised by the Permanent Secretary/Head of Department for this purpose, any entertainment which such officer would, but for such prohibition, be permitted to accept, or to accept with permission.
- (3) An officer who contravenes any direction applicable to him issued under this regulation shall be deemed to have accepted entertainment other than in accordance with these regulations.
- Dec 92 (4) Any directions issued under this regulation shall be supplementary to Regulation 434.

Amendment No. 5(b)/2007