

To: The Independent Review Committee
for the Prevention and Handling
of Potential Conflicts of Interests
Fax: 2971 0902
Date: 14 March 2012

From: retired civil servant
Lok, Kung Nam Peter
Fax: 2898 2279
Tel: 2889 3229

Response to Open Invitation for Public Submissions

The Review should aim to simplify and improve on the existing unwieldy and unrealistic regulatory framework and procedures, and to eliminate the unfortunate impression that these have created of being an attempt to rationalise the acceptance of advantages that one should not accept. Like taxation, the simpler the rules are, the more unlikely the evasion.

As the current Chief Executive said, contact with the private sector cannot be avoided, whether it is business contact or socialising contact. These are above-board contacts but have been rendered suspicious by the dubious regulatory framework and procedures, hence the need to simplify and improve.

The more detailed the regulatory framework and procedures are made to be, the more unwieldy they would become and the more difficult to achieve the objective of curtailing genuine corrupt practices and of avoiding suspicion by the public of the above-board practices being corrupt practices.

Therefore do not attempt to ward off suspicions and accusations by the public by infusing more preventive details. In any case, no matter how detailed the preventive rules are, it will probably not be possible to ward off suspicions of corruption, given the propensity of the cynical Hong Kong public to suspect. Instead, build in more severe ex post facto punitive measures. The ICAC will continue to be an effective watchdog, intent on and capable of uncovering corrupt practices.

Accordingly, do not adopt the old approach of seeking permission from one's superior to accept a gift after receiving it. Embarrassment is caused to the giver who is told permission is being sought to accept the gift. At the same time, the granting of that permission does nothing to erase the notion of corruption.

Instead, make it a general rule that no gift will be allowed to be accepted, unless it is of no value to anybody else other than the person presented with the gift, such as a commemorative plaque of no monetary value.

On the other hand, entertainment may be accepted at any time so long as it is recorded and reciprocated (no need to match in value).

Publicise from time to time to potential bribers that bribery gets them nowhere. Publicise to the public that the ICAC and the Audits Commission continuously monitor all officials' entertainment activities vis-à-vis their work to pick up any signs of corruption, and will always act on the whistle-blowing by the public.

Wai Tung Lok