

防止及處理潛在利益衝突獨立檢討委員會  
**Independent Review Committee for the  
Prevention and Handling of Potential Conflicts of Interests**

本函檔號/Our Ref. IRC/1/2

來函檔號/Your Ref.

8 March 2012

Mr Kenneth MAK Ching-yu, JP  
Permanent Secretary  
Chief Executive's Office  
Tamar  
Hong Kong  
Fax : 2971 0854

Dear Mr Mak,

As instructed by the Chairman of the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests (the Independent Review Committee), I am writing to enquire on matters concerning the rules followed by the Chief Executive (CE) on declaration of investments/interests and acceptance of advantages/entertainment/hospitality.

We note from the replies by the Secretary for Constitutional and Mainland Affairs to a number of questions raised by Members of the Legislative Council at the sitting on 29 February 2012 that –

- (a) the CE declares his registrable investments and interests in accordance with the requirements of the Annual Declaration of Registrable Interests of Members of the Executive Council;
- (b) the CE, though not a politically appointed official, voluntarily observes the Code for Officials under the Political Appointment System, which include provisions on declaration of investments/interests and acceptance of advantages/entertainment/hospitality; and
- (c) the CE, to whom Section 3 of the Prevention of Bribery Ordinance on acceptance of advantages does not apply, has drawn up internal rules governing his acceptance of travelling on a friend's private jet or yacht.

In this regard, I should be most grateful if you could advise the Independent Review Committee on the following –

- (1) Please advise when and where it was first stated on internal records and made known on public records that the CE agrees to declare his investments and interests similar to Members of the Executive Council.
- (2) Please advise when and where it was first stated on internal records and made known on public records that the CE agrees to follow voluntarily the Code for Officials under the Political Appointment System.
- (3) Please provide the full set of the internal rules referred in (c) above, and advise when and where they were first formulated and applied on internal records, and if they have been made known on public records before.

Your early reply would be most appreciated. Please note that in order to facilitate public consultation on the matters being reviewed by the Independent Review Committee, the Committee intends to make this letter and your reply publicly available.

Yours sincerely,



( Thomas Chan )

Secretary, The Independent Review Committee  
for the Prevention and Handling of  
Potential Conflicts of Interests

c.c. Secretary for Constitutional and Mainland Affairs



13 March 2012

Independent Review Committee for the Prevention  
and Handling of Potential Conflicts of Interests  
8/F, West Wing, Central Government Offices  
11 Ice House Street, Central  
(Attn: Mr Thomas Chan, Secretary)

Dear Mr Chan,

Thank you for your letter of 8 March. Set out below are our responses to your three specific questions seriatim.

- (1) In February 1997, the Executive Council of the Hong Kong Special Administrative Region (ExCo) discussed a system of declaration of interests by Members of the ExCo, and advised, *inter alia*, that the Chief Executive (CE) should declare interests as ExCo Members did. In a press release issued on 25 April 1997 by CE's Office, it was announced that the CE and ExCo Members had completed their declarations of interests which were available for public inspection upon request.
- (2) In replying to questions raised by Members of the Legislative Council (LegCo) on 29 February, the Administration has stated that the CE observes the relevant provisions of the Code for Officials under the Political Appointment System (the Code) on a voluntary basis. The incumbent CE has adopted this practice ever since he took up the post of CE in June 2005. CE's Office does not have any other documents, internal or public, recording this practice.

中華人民共和國香港特別行政區行政長官辦公室

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- (3) The CE has, since July 2007, adopted an internal rule to govern his acceptance of an invitation by a friend to travel on the friend's private jet or yacht during the CE's private vacation. This rule provides that where no conflict of interest is involved, the CE may consider accepting a friend's invitation, provided that the CE pays to his friend the fare of the same journey on commercial transport service which he would otherwise have obtained from the market to show that he does not save any travelling expense by accepting the invitation.

CE's Office does not have any formal record of the CE's private activities or the above rule, which is applicable only to his private activities. The rule has not been made public until recently.

The CE has said that the first time he applied the above rule was in April 2011, when he accepted his friend's invitation to travel from Macao to Hong Kong on his friend's yacht.

With reference to paragraph 2(b) of your letter, we wish to clarify for the record that the CE's voluntary observation of the Code does not include the provisions on annual declaration of investments and interests. Where annual declaration of investments and interests are concerned, the CE voluntarily observes the requirements under the ExCo's system of declaration of interests as set out in paragraph (1) above.

Yours sincerely,



( Kevin Choi )

Deputy Private Secretary to Chief Executive

cc Secretary for Constitutional and Mainland Affairs