

CHAPTER 19

ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH GOVERNMENT OFFICIALS AND CANDIDATES

PART I : GENERAL

19.1 This chapter mainly deals with the subject of government officials attending public functions which are also attended by candidates.

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the close of nominations for the election, whether or not he has submitted a nomination form [s 2 of the ECICO]. It also includes a list of candidate(s) in a GC list to which the list voting system of proportional representation applies.

19.2 Although each person in Hong Kong may have his own political inclination, **certain categories of government officials**, namely Directorate Officers, Administrative Officers, Police Officers and Information Officers and those officers acting in these grades and ranks with a view to substantive appointment thereto (“government officials”), should not openly support any candidate or be seen to lend support to a candidate. They should not participate in any form of electioneering, including seeking election donations for any candidate. It would be grossly unfair to the other candidates if they were to support a candidate because of the vast resources available to them. It would be seen as an unjustifiable and unreasonable use of public resources and

would also defeat the fairness and equality aimed to be achieved by the limit of the election expenses with which every candidate is bound in law to comply.

19.3 There is no objection in principle to individual civil servants, other than the government officials listed in para. 19.2 above, supporting electioneering activities of a candidate provided that it does not give rise to any conflict of interest with their official duties, and that it does not involve the use of public resources or the wearing of any government uniform.

PART II : ATTENDANCE OF PUBLIC FUNCTIONS BY GOVERNMENT OFFICIALS

On the occasion of being invited

19.4 Government officials should exercise care in accepting invitations from persons or organisations to attend any public function that may also be attended by a candidate(s) (“the function”).

19.5 They should take such care when any person has publicly declared an intention to run for the election in respect of a particular constituency or when the nomination commences, whichever is the earlier, up to the end of the polling day.

19.6 Before deciding to attend the function, a government official should satisfy himself that:

- (a) by attending the function, he is performing an official duty normally required of the post he is currently holding; and

- (b) to his best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

When attending

19.7 The EAC appeals to government officials not to have photographs taken with candidates at the function since such photographs, if published, may be seen as the official lending support to the candidate. A government official may do so, however, if the photograph taking:

- (a) arises from the need for him to perform his official duty at the function normally required of the post he is currently holding;
- (b) is a natural part of the function which, if the official declines to participate, would be seen as breaching the protocol appropriate to that function; or
- (c) is participated by all other candidates of the same constituency.

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

19.8 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with the officials, since such photographs, if published, may be seen as an unfair advantage over other candidates. A candidate may do so, however, if the photograph taking:

- (a) arises from the need for him to perform his role at the function as

requested by the function organiser;

- (b) is a natural part of the function which, if the candidate declines to participate, would be seen as breaching the protocol appropriate to that function; or
- (c) is participated by all other candidates of the same constituency.

PART IV : PRINCIPAL OFFICIALS

19.9 The terms “government officials” and “civil servants” used in the earlier parts of this chapter do not include Principal Officials appointed under the Accountability System. Principal Officials are political appointees and they may belong to or be affiliated with political organisations. Principal Officials have to comply with a “Code for Principal Officials under the Accountability System” published on 28 June 2002 in the Gazette [GN 3845].

19.10 Principal Officials may, subject to the guidelines below, participate in election-related activities.

19.11 Principal Officials are disqualified from being nominated as a candidate at an election of the CE, of the LegCo or of a DC.

19.12 As far as the LegCo elections are concerned, Principal Officials should not use any public resources for any election-related activities. A Principal Official should ensure that when taking part in such activities, great care should be taken that there is no actual or potential conflict of interest with the business of the Government or his own official duties.