

CHAPTER 20

PARTICIPATION IN ELECTION-RELATED ACTIVITIES BY CIVIL SERVANTS AND OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM AND ATTENDANCE OF PUBLIC FUNCTIONS BY BOTH CIVIL SERVANTS AND CANDIDATES

PART I : GENERAL

20.1 This chapter sets out the general guidelines on the participation in election-related activities of a LegCo election by civil servants and officials under the Political Appointment System (“politically appointed officials”) and the attendance at public functions by civil servants which are also attended by candidates. The guidelines in respect of civil servants are also equally applicable to the non-civil service government staff (please refer to para. 8.6 of Chapter 8 for the definition of non-civil service government staff).

IMPORTANT :

“Candidate” includes a person who has publicly declared an intention to stand for election at any time before the end of the nomination period for the election, whether or not he/she has submitted a nomination form [s 2 of the ECICO].

[Amended in June 2012, June 2020 and October 2021]

PART II : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS

20.2 Civil servants who wish to participate in electioneering activities in a LegCo election should observe the regulations, rules and guidelines issued by the Civil Service Bureau. Civil servants, other than directorate officers, Administrative Officers, Information Officers, Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as the CRO, ROs, AROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn. To avoid any unfairness or appearance of unfairness or conflict of interest, civil servants who work in a constituency or have extensive contacts with the public in a constituency are strongly advised not to accept appointment by a candidate in that constituency to be his/her agent and/or participate in electioneering activities in the constituency concerned. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidates should not use or give the impression of using any public resources in such activities. *[Amended in October 2007, June 2012, June 2016 and October 2021]*

20.3 The guidelines set out in para. 20.2 above are equally applicable to the non-civil service government staff. *[Added in June 2016]*

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS

On the Occasion of Being Invited

20.4 Civil servants 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”). *[Amended in June 2012]*

20.5 They should take such care when any person has publicly declared an intention to run for election in respect of a particular constituency or when the nomination commences, whichever is the earlier, up to the end of the polling day. *[Amended in June 2012]*

20.6 Before deciding to attend the function, a civil servant should satisfy himself/herself that:

- (a) by attending the function, he/she is performing an official duty normally required of the post he/she is currently holding; and
- (b) to his/her best knowledge, the organiser of the function has no intention whatsoever of making use of the function to promote or prejudice any candidate.

[Amended in June 2012]

When Attending

20.7 The EAC appeals to civil servants not to have photographs taken with candidates at the function since such photographs, if published, may be seen as their lending support to the candidates. A civil servant may do so, however, if the photograph taking:

- (a) arises from the need for him/her to perform his/her official duty at the function normally required of the post he/she is currently holding;
- (b) is a natural part of the function which, if he/she 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.

[Amended in June 2012]

20.8 The guidelines set out from paras. 20.4 to 20.7 above are equally applicable to the non-civil service government staff. *[Added in June 2012]*

PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

20.9 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with civil servants, 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/her to perform his/her 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.

[Amended in June 2012]

PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM

20.10 The term “civil servants” used in the earlier parts of this chapter does not include politically appointed officials. Politically appointed officials are political appointees and they may belong to or be affiliated with political organisations. Politically appointed officials have to comply with a “Code for Officials under the Political Appointment System”. *[Amended in July 2008 and June 2012]*

20.11 Politically appointed officials may, subject to the guidelines below, participate in election-related activities. *[Amended in July 2008]*

20.12 Politically appointed officials are disqualified from being nominated as a candidate at an election of the CE, of the LegCo or of a DC (for details related to the LegCo election, please see para. 5.16 in Chapter 5). *[Amended in July 2008 and June 2012]*

20.13 As far as the LegCo elections are concerned, politically appointed officials should not use any public resources for any election-related activities. A politically appointed 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/her own official duties. *[Amended in July 2008]*