CHAPTER 18

PARTICIPATION OF CIVIL SERVANTS, NON-CIVIL SERVICE GOVERNMENT STAFF, AND POLITICALLY APPOINTED OFFICIALS IN ELECTION-RELATED ACTIVITIES AND ATTENDANCE OF PUBLIC FUNCTIONS WITH CANDIDATES

PART I : STANDING FOR ELECTION AND PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF

18.1 Civil servants and non-civil service government staff (for the definition of non-civil service government staff, see Part IV of Chapter 6) who wish to engage in the RR election, including standing as RR candidates and/or participating in electioneering activities should observe the regulations, rules and guidelines issued by the Civil Service Bureau.

18.2 Directorate officers, Administrative Officers, Information Officers, police officers and those officers acting in the above grades or ranks with a view to substantive appointment, are not allowed to act as agents for candidates or participate in their electioneering activities. Other civil servants and non-civil service government staff, **unless** being appointed as the CRO, ROs, AROs, PROs, or polling or counting staff, may act as agents for candidates or participate in their electioneering activities. However, they should bear in mind their duty to uphold political neutrality, and take care to avoid creating possible embarrassment to the Government or acting in ways which could call into question the good name and impartiality of the civil service. They shall also ensure that there is no conflict of interest with their official duties and that no use of public resources (e.g. the Government's communication systems, including

email system) is involved. Additionally, when participating in electioneering activities, they should not wear government uniforms. To prevent unfairness, potential or perceived unfairness and to avoid conflict of interest, civil servants and non-civil service government staff working in a Rural Area or having extensive contacts with the public in a Rural Area, particularly staff members of the HAD and DOs of the New Territories, should avoid acting as an agent for a candidate in that Rural Area or participating in the electioneering activities in the Rural Area concerned. Civil servants and non-civil service government staff who participate in electioneering activities (including seeking of election donations) for any candidates should not use or give the impression of using any public resources for such purpose.

PART II : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS AND NON-CIVIL SERVICE GOVERNMENT STAFF

Being Invited to Attend Public Functions

18.3 From the time any person publicly declares an intention to stand for election in respect of a particular Rural Area or from the commencement of the nomination period of the election (whichever is earlier) until the end of polling day, if civil servants and non-civil service government staff are invited to attend public functions where candidates may also attend, they should consider and act prudently.

18.4 Before accepting an invitation to attend the public function concerned, civil servants and non-civil service government staff must ensure that:

(a) attending the function concerned 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 the election of any candidate.

During the Public Function

18.5 The EAC appeals to all civil servants and non-civil service government staff that they should avoid taking photos with any candidates at the function concerned to prevent giving the impression of lending support to the candidates concerned, except in the following circumstances:

(a) taking such photos is needed for him to perform his official duty normally required of the post he is currently holding;

(b) taking such photos is a natural part of that function, and his refusal would be seen as acting against the proper etiquette of that function; or

(c) it is a group photo participated by all other candidates of the same Rural Area.

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

18.6 The EAC appeals to all candidates attending the function that they should avoid taking photos with any civil servants or non-civil service government staff to prevent giving the impression of receiving special advantages, except in the following circumstances:

(a) taking such photos is needed for him to perform his role at the function as requested by the function organiser;

(b) taking such photos is a natural part of that function, and his refusal would be seen as acting against the proper etiquette of that function; or

(c) it is a group photo participated by all other candidates of the same Rural Area.

PART IV : POLITICALLY APPOINTED OFFICIALS

18.7 The term "civil servants" used in this chapter does not include politically appointed officials. Politically appointed officials are political appointees who may belong to or be affiliated with political bodies.

18.8 Nevertheless, politically appointed officials should exercise prudence when participating in election-related activities, and must comply with the "Code for Officials under the Political Appointment System". They should not use any public resources, and have to ensure that there is no actual or potential conflict of interest between their participation in such activities and the business of the Government or their own official duties.