

CHAPTER 18

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

18.1 This chapter sets out the general guidelines on the participation in election-related activities of a DC election by civil servants and officials under the Political Appointment System (“politically appointed officials”) and the attendance of civil servants at public functions which are also attended by candidates. The guidelines in respect of civil servants in paras. 18.2 to 18.6 below are also equally applicable to the non-civil service government staff (see para. 6.5 of Chapter 6 for the definition of non-civil service government staff). *[Amended in September 2011, September 2012, September 2019 and September 2023]*

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/she has submitted a nomination form [s 2 of the ECICO].

PART II : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS

18.2 Civil servants who wish to participate in electioneering activities

in a DC 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 of candidates or assist in their electioneering activities **provided that** they are not already appointed as the 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 September 2007, August 2008, September 2011, September 2012 and September 2015]*

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS

On the Occasion of Being Invited

18.3 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/candidates (“the function”). *[Amended in September 2012]*

18.4 Civil servants 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.

18.5 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 the election of any candidate.

[Amended in September 2012]

During the Function

18.6 The EAC appeals to civil servants to avoid having photographs taken with any candidate at the function since such photographs, if published, may be seen as their lending support to the candidate. However, a civil servant may have photographs taken with candidates under the following circumstances: *[Amended in September 2012]*

- (a) such photographs are needed for him/her to perform his/her official duty at the function normally required of the post he/she is currently holding;
- (b) taking such photographs is a natural part of the function and his/her refusal would be seen as acting against proper etiquette of the function; or

- (c) it is a group photo with all the candidates of the same constituency.

[Amended in September 2011]

PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

18.7 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with any civil servant, since such photographs, if published, may lead to the perception that the candidate is being given an unfair advantage over other candidates. However, a candidate may have photographs taken with civil servants under the following circumstances:

- (a) such photographs are needed for him/her to perform his/her role at the function as requested by the function organiser;
- (b) taking such photographs is a natural part of the function and his/her refusal would be seen as acting against proper etiquette of the function; or
- (c) it is a group photo with all the candidates of the same constituency.

[Amended in September 2011]

PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM

18.8 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 August 2008 and September 2012]*

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

18.10 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 DC elections, see para. 3.13 in Chapter 3). *[Amended in August 2008 and September 2012]*

18.11 As far as the DC 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 August 2008]*