

CHAPTER 19

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

19.1 This chapter sets out the general guidelines on the participation in election-related activities of an EC subsector 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. 7.6 of Chapter 7 for the definition of non-civil service government staff).
[Amended in October 2011, September 2016 and July 2021]

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].

PART II : PARTICIPATION IN ELECTIONEERING ACTIVITIES BY CIVIL SERVANTS

19.2 Civil servants who wish to participate in electioneering activities in an EC subsector 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 subsector or have extensive contacts with the public in a subsector are strongly advised not to accept appointment by a candidate in that subsector to be his/her agent and/or participate in electioneering activities in the subsector 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 2011 and September 2016]*

19.3 The guidelines set out in para. 19.2 above are equally applicable to the non-civil service government staff. *[Added in September 2016]*

PART III : ATTENDANCE OF PUBLIC FUNCTIONS BY CIVIL SERVANTS

On the Occasion of Being Invited

19.4 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 September 2016]*

19.5 They should take such care when any person has publicly declared an intention to run for election in respect of a particular EC subsector 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 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 September 2016]

When Attending

19.7 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 candidate. 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 EC subsector.

[Amended in October 2011 and September 2016]

19.8 The guidelines set out from paras. 19.4 to 19.7 above are equally applicable to the non-civil service government staff. *[Added in September 2016]*

PART IV : ATTENDANCE OF PUBLIC FUNCTIONS BY CANDIDATES

19.9 Similarly, the EAC appeals to all candidates who attend public functions not to have photographs taken with the 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 EC subsector.

[Amended in October 2011 and September 2016]

PART V : OFFICIALS UNDER THE POLITICAL APPOINTMENT SYSTEM

19.10 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 October 2011 and September 2016]*

19.11 Politically appointed officials may, subject to the guidelines below, participate in election-related activities. *[Amended in October 2011]*

19.12 Politically appointed officials are disqualified from being nominated as a candidate at an election of the CE, of the LegCo or of a DC. *[Amended in October 2011]*

19.13 As far as the EC subsector 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 October 2011]*