

# CE's statement on the investigation into the incident involving officials' attendance at a banquet (with photo/video)

Regarding the incident involving the attendance of a number of officials at a banquet on the evening of January 3, the Chief Executive, Mrs Carrie Lam, after the completion of internal investigation by the Government, made the following statement today (January 31):

As to whether the attendance of 15 Government officials at the birthday banquet as invited by Mr Witman Hung (Mr Hung) on January 3 constitutes any breach of discipline, I issued a statement on January 7 announcing that I instructed the Director of the Chief Executive's Office, Mr Chan Kwok-ki, and the Secretary for the Civil Service, Mr Patrick Nip, to conduct detailed investigations. Mr Chan was responsible for the investigation of Politically Appointed Officials (PAOs) and the ICAC Commissioner (11 of them in total), while Mr Nip would handle the investigation of officials who are civil servants (four of them in total). The investigation would cover the detailed circumstances of the attendance of each official at the banquet, including the time of arrival, duration of stay and their behaviours there, such as whether the attendee used the LeaveHomeSafe (LHS) app and wore a mask.

I received the relevant internal investigation document last week. In accordance with the "Code for Officials Under the Political Appointment System" (the Code) and the recommendations of the Civil Service Bureau having regard to the Civil Service Regulations, I have made an adjudication and ruled on the necessary sanction. I have also reported to the Central People's Government on the circumstances involving Principal Officials of the Hong Kong Special Administrative Region. A detailed account is provided below.

First of all, as I have pointed out earlier on when responding to the media on this matter, in general there does not exist any issue of discipline for officials attending private gatherings as invited by their official contacts. In fact, many officials would regard attending such activities as part of their official duties in order to enhance work-related exchanges, or to meet, communicate and establish a work network with the relevant sector to which the host belongs. Investigation results indicate that all 15 officials have different extents of work relation with Mr Hung in a wide range of areas, including information technology, co-operation between Hong Kong and the Mainland (especially on co-operation with Shenzhen Qianhai), youth development, Road Safety Council matters, etc. Moreover, two colleagues indicate that they have known Mr Hung before joining the Government and have been friends for many years.

As I have pointed out in my statement on January 7, the Government's

internal investigation will focus on whether the behaviour of the officials constitutes any breach of discipline, while the enforcement investigations on the compliance of anti-epidemic regulations, that is, the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), by all attending guests are undertaken by the Food and Environmental Hygiene Department (FEHD). The reason for conducting investigation on the discipline of officials is that the Government and the society have reasonable expectations on the behaviour and conduct of officials, especially Principal Officials or officials under the Political Appointment System (also called the Political Accountability System). In fact, PAOs have to observe the Code. According to the Code, PAOs shall observe the highest standards of personal conduct and integrity at all times, and should lead by example. In deciding on the acceptance of entertainment, PAOs shall consider whether the attendance will likely lead to embarrassment of the PAO or the Government; or bring the PAO or the Government into disrepute bearing in mind public perception. There is also a similar code for civil servants.

When responding to the media earlier on, I have also pointed out that whether it is appropriate for officials to attend private gatherings would also depend on the "situation" and the "circumstances". That the society at large has a perception and concerns this time about officials attending the banquet was exactly because of the situation that Hong Kong was on the verge of outbreak of a new wave of the epidemic, and the circumstances at the scene of the banquet as reported. Hence, in assessing whether the officials attending the banquet have constituted breach of discipline and the Code, we have to take into account the situation in society at that time.

Before the first detection of local transmission of the Omicron variant on December 30, there had been no record of local cases in Hong Kong for more than two months and we had basically achieved zero cases. Relevant social distancing measures had been relaxed for some time, and many normal social activities, banquets, wedding banquets, etc, had resumed. It was on the afternoon of January 5 when the Government conducted a press conference to announce a series of tightened social distancing measures, including the suspension of dining-in in the evening. As such, before January 5 it could generally be regarded as normal and acceptable for officials to attend social activities which comply with anti-epidemic requirements.

But in fact the Government internally was already on heightened vigilance. The Core Group of the Steering Committee on Anti-epidemic chaired by the Chief Executive (with all Secretaries of Departments and Directors of Bureaux as members) held meetings on the morning of December 31 and the afternoon of January 3 to discuss response measures. Although the meeting on December 31 decided that there were no sufficient justifications to immediately tighten the social distancing measures or cancel the large-scale events on New Year's Eve and New Year's Day, the Government should remind the public to be vigilant. The Secretary for Food and Health (SFH) and other relevant officials convened a press conference that afternoon to report on the epidemic situation, and emphasised the appeal to the public that they should avoid going to crowded places or participating in mask-off gatherings.

As compared with other officials who are not part of the anti-epidemic core team or the general public (including Members of the Legislative Council), Principal Officials and civil servants who have attended the above mentioned meetings should have a better understanding of the situation, have more sensitivity, and should clearly lead by example. After verification, the Secretary for Home Affairs (SHA), as a member of the Core Group, had attended the above mentioned two meetings. In fact, the role of the Home Affairs Bureau (HAB) role in the anti-epidemic team can be regarded as just second to that of the Food and Health Bureau. HAB has the important responsibilities of conducting "restriction-testing declaration" (RTD) operations, providing support services to affected residents and reflecting the views of the community which all involve a large amount of work.

Apart from the epidemic situation in society, individual officials should also take into account the circumstances of the banquet to decide whether it was appropriate to stay long, and whether they should refrain from certain activities to avoid embarrassment of the official himself/herself or the Government. According to the information provided by some attendees, the number of guests reached the peak after 9pm that evening. Investigation results indicate that among the 15 officials, nine of them attended during the early part of the banquet (i.e. around 6pm – 7pm) when there were fewer guests, they either stayed for a short while or left before 9pm; another four officials attended later but stayed for a very short while, matching the scenario of "to greet and congratulate the host and leave". Only two officials (SHA, Caspar Tsui, and Political Assistant to the Secretary for Development, Allen Fung) stayed for a longer period and left after 9.30pm.

Regarding the compliance of anti-epidemic requirements, apart from SHA, Caspar Tsui, who did not use the LHS app, and the Director of Immigration and the former Commissioner of Customs and Excise who arrived after 9.30pm and did not enter the restaurant and hence did not use LHS, all the other 12 officials have complied with the usage of LHS app. As regards the anti-epidemic requirement to wear a mask, apart from Caspar Tsui who indicated that he was not wearing a mask when chatting with various people and Allen Fung whose memory was rather vague after drinking (e.g. he might have participated in singing but was uncertain whether he was wearing a mask), the other 13 officials indicated that they did not take off their mask when they were not eating or drinking.

The above investigation was conducted by the Director of the Chief Executive's Office and the Secretary for the Civil Service (or senior colleagues appointed by them) through asking each official a number of questions in a questionnaire. The record of their answers was shown to the officials for their verification, and the questions asked include the time of arrival, duration of stay and their behaviours there, etc. Officials also had to provide proof, including the LHS record, log book record of government drivers who drove the officials and Octopus record, etc.

In the light of the investigation results, the situation in society on and before January 3, and the extent of understanding of the prevailing epidemic situation by the officials, I take the view that –

- all 15 officials have different extents of work relation with Mr Hung. It is understandable and acceptable for them to attend the banquet as a matter of courtesy or for official needs;
- 12 of the officials (including Christopher Hui, Simon Peh, Siu Chak-ye, Au Ka-wang, Hermes Tang, David Chung, Joseph Chan, Jack Chan, Clement Woo, Kathy Siu, Lillian Cheong, and Jeff Sze) either attended during the early part of the banquet when there were fewer guests and only stayed for a short while, or attended later but stayed for a very short while, matching the scenario of "to greet and congratulate the host and leave". Moreover, they all followed the requirement of using LHS and wearing a mask and did not participate in activities with high infection risk or that would lead to embarrassment of the officials and the Government. It is not necessary to take any follow up disciplinary actions. Apart from former Commissioner of Customs and Excise, Hermes Tang, who is currently on per-retirement leave, the other 11 officials have issued a press statement to openly apologise for bringing an additional burden to anti-epidemic work;
- the other three officials will be subject to follow-up actions of different extents –
- Allen Fung stayed at the banquet for more than four hours and left at midnight. Although he indicates that he has known Mr Hung for many years and they are personal friends apart from work contact, as a PAO he should be alert to the developments of the epidemic and the appeal made by the Government, and avoid staying for a long time in a banquet attended by so many people. Taking into account that he is not a member of the anti-epidemic team, I will ask the Secretary for Development to issue a verbal warning to him.
- Vincent Fung is the Deputy Head of the Policy Innovation and Co-ordination Office (PICO) and a senior civil servant. He is not a main member of the anti-epidemic team and his duration of stay and activities in the banquet is basically acceptable. However, after receiving the notification on the afternoon of January 6 from the Centre for Health Protection that he was subject to compulsory testing, he did not immediately report to his senior and still went to the office the next day until he took leave at noon to go for testing. He was not prudent enough and subjected his colleagues to infection risk. I have agreed with the recommendation of the Civil Service Bureau that his reporting officer, i.e. Head of PICO, will issue a verbal warning to him according to the Civil Service Regulations.
- SHA, Caspar Tsui, has all along been deeply involved in anti-epidemic work. He is a member of the Core Group of the Steering Committee on

Anti-epidemic. He also leads HAB, HAD and the 18 District Offices. During the fight against the epidemic, he often visited various districts to command RTD operations and gave encouragement to colleagues. As compared with other officials, he should have higher anti-epidemic vigilance and sensitivity. He attended a non-official banquet with crowd gathering on January 3 and stayed for almost two hours, without using the LHS app and even suspectedly violated the anti-epidemic requirement of mask wearing. His behaviour is disappointing and has unavoidably led to embarrassment to himself and to the Government, and resulted in negative public perception.

The Code clearly requires PAOs to abide by the law and protect the integrity of public office, and Principal Officials shall observe the highest standards of personal conduct and integrity at all times, and shall promote and support by leadership and example the principles which officials should follow. At the time when the epidemic situation was turning severe, Caspar Tsui attended a group gathering banquet and subjected himself to the risks of infection and political perception. This has reflected a serious deficiency in his vigilance and sensitivity. In terms of using the LHS app and wearing a mask, he has violated the legal requirements and has obviously contravened the Code and does not meet the public expectation for a Principal Official, and should be handled according to the "sanction" provisions in the Code. As the case involves a Principal Official, I have already made a report to the Central People's Government.

This morning I received the resignation notice in writing from Caspar Tsui. He said he would take responsibility of his actions. I consider this to be a demonstration of the spirit of the political accountability system and have accepted his resignation. In accordance with Article 48(5) of the Basic Law, I will recommend to the Central People's Government the removal of Caspar Tsui from the post of SHA.

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FEHD's investigation on the restaurant and the guests according to the law is being conducted separately and independently. I have already asked FEHD to press ahead with the investigation regarding the banquet guests in accordance with the law and report the investigation outcome to the public in due course.

I have to reiterate that the concerted efforts of the whole society are needed to fight the virus and that Government officials should lead by example, abide by the rules, stay vigilant and refrain from taking part in activities that will pose high infection risk.

