

POLICE GENERAL ORDERS

CHAPTER 6

CONDUCT AND DISCIPLINE

Definitions

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'Interdiction from Duty' means that an officer is no longer permitted to discharge his/her constabulary duties under the Police Force Ordinance, Cap. 232. He/She is, in all other aspects, a member of the Force and subject to Police (Discipline) Regulations, Cap. 232A. An officer normally receives his/her full salary whilst under interdiction unless it is directed otherwise.

'Political Activities' include, for example:-

- (a) lending support to, or participation in political activities of a political organization;
- (b) speaking publicly, including to the media, on matters of a political nature other than in the course of official duties;
- (c) distributing political publications;
- (d) promoting or advocating political views or the electioneering platform of any candidate; and
- (e) canvassing or campaigning on behalf of a political organization.

6-01 Conduct

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A police officer shall maintain a standard of physical fitness commensurate with his/her duties as a police officer and shall take all reasonable steps that may be required of him/her by the Commissioner to maintain such a standard of fitness. To this end, a police officer is required to be temperate in his/her habits.

2. (a) Other than in the course of duty, a police officer shall not associate with:-
- (i) any known criminal or triad personality; or
 - (ii) any person about whom the officer has been notified by the CP (ACP SQ) that association with the person is likely to bring disrepute to the officer himself and / or the Police Force.
- (b) Officers are also advised that other than in the course of duty, they should not associate with persons of doubtful or undesirable reputation.

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POLICE GENERAL ORDERS - CHAPTER 6

CONDUCT AND DISCIPLINE

02/08 3. A police officer shall not directly or indirectly solicit or receive any gratuity, present,
13/10 subscription or testimonial, either in his/her official or private capacity, unless in accordance with the general permission given under the Acceptance of Advantages (Chief Executive's Permission) Notice 2010 (AAN). To solicit or accept advantages for which general permission is not given under the AAN, special permission shall be sought from the Permanent Secretary for Security or the Commissioner in accordance with the Force Procedures Manual 6-32.

07/04 4. A police officer shall not place himself/herself under financial obligation to any person
07/07 or organisation other than as permitted by the Acceptance of Advantages (Chief Executive's
13/10 Permission) Notice 2010 or this Order. An officer is not debarred from having an account with a reputable club or association of which he/she is a member, or with established and reputable concerns in respect of items of domestic or personal expenditure on a credit basis or by means of hire purchase agreements. Nor is an officer debarred from lending money to another person unless by doing so he/she causes such other person to commit a breach of the Acceptance of Advantages (Chief Executive's Permission) Notice 2010, or, by virtue of the nature of the loan he/she makes, and/or the relationship between the officer and the borrower, his/her actions are found to be in conflict with his/her duties as a police officer. An officer is also permitted to borrow or lend money or take part in such transactions provided it is:-

- (a) with the Government;
- (b) in the way of business with a bank, or with a money lender registered or exempted from registration as a money lender under the provisions of the Money Lenders Ordinance, Cap. 163: for the purposes of this paragraph, the onus shall be upon a police officer to prove that any money lender to whom he/she is indebted is lawfully registered or exempted from registration;
- (c) for the purpose of buying a dwelling which will be registered in his/her own name and/or that of his/her spouse and the mortgage loan is from a building society, investment agency or other financial institution which deals on a regular basis with this type of transaction;
- (d) a loan or grant within the rules and constitution of a Police Staff Association or from the Police Welfare Fund; and
- (e) in any other circumstances, with the prior consent of the Commissioner.

POLICE GENERAL ORDERS - CHAPTER 6

CONDUCT AND DISCIPLINE

5. A police officer shall not lend money to, or arrange a loan on behalf of, any other police officer, including an Auxiliary police officer, except where the acceptance of such a loan is permitted under this Order or under the Acceptance of Advantages (Chief Executive's Permission) Notice 2010. 19/01
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6. A police officer shall not act on behalf of a money lender, finance house, bank or other commercial financial institution in any capacity whatsoever without the prior permission of the Commissioner.
7. A police officer shall not permit an officer junior in rank to him/her to act as his/her guarantor for a loan or hire purchase agreement. Similarly, he/she shall not act as a guarantor for an officer senior in rank to him/her. 01/07
8. A police officer shall be prudent in his/her financial affairs. Serious pecuniary embarrassment stemming from financial imprudence which leads to the impairment of an officer's operational efficiency will result in disciplinary action. 28/03
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9. A police officer may give a testimonial to a person who has been employed by him/her in a private capacity but in so doing shall not use his/her rank or title. He/she shall not write, sign or give any other testimonial of character or other recommendation with the object of obtaining employment for any person without the consent of his/her Major Formation Commander. He/she may act as a referee for a person seeking to join the Police Force, but shall only do so if he/she is well and truly acquainted with the person so that upon any subsequent enquiry his/her reference will be acceptable. In considering an application, the Major Formation Commander concerned should ensure that no conflict of interest (actual or potential) or embarrassment to the Police Force and Government will be caused. 07/04
10. A police officer shall not support any application for the granting of a licence, neither will he/she sponsor nor act as a reference as to the suitability of an applicant for British nationality, a passport or emergency certificate to travel, without the consent of his/her Major Formation Commander. A police officer of the rank of SGT and above may endorse passport applications but shall not certify the suitability of the applicant, e.g. provide a character reference, without the permission of his/her Major Formation Commander. Upon receipt of such application, Major Formation Commanders should ensure:- 07/04
- (a) no conflict of interest or embarrassment to the Police Force and Government will be caused;
 - (b) that there is no abuse of police position; and
 - (c) disclosure of police identity is allowed only if appropriate and under no circumstances will rank or title be mentioned.

POLICE GENERAL ORDERS - CHAPTER 6

CONDUCT AND DISCIPLINE

11. A police officer shall not appear in person in support of any application for the granting of a licence without the consent of the Commissioner.

12. A police officer appointed to investigate a case in any capacity or to conduct any official business who finds that the case or business involves relatives or close personal friends, shall report this fact at once verbally to his/her Formation Commander and seek instructions.

13. A police officer shall not enter the offices of any Formation except in pursuance of duty or on business as an ordinary member of the public.

16/04 14. Any police officer who attends a Police Formation in connection with a case, other than in regard to his/her official duties, shall identify himself/herself as a police officer to the Duty Officer or the OC Case who will record the attendance in CMIS or investigation file as appropriate.

15. A police officer shall not attend any interview or interrogation or take part in any investigation, raid or operation other than in the pursuance of his duty. Except in a case arising during an off-duty period in which an officer may be obliged to take action without being able to consult his/her senior officers, a police officer shall not undertake or continue enquiries into any official matter while off-duty without the prior approval of the officer to whom he/she is responsible.

16. A police officer shall not carry out investigations at the request of another Department or a private individual without the prior sanction of a Superintendent and above.

17. Except as stated elsewhere in these Orders, information obtained by Police shall not be given to another Department or to a private individual without the authority of a Superintendent and above.

18. A police officer shall not accept offers of entertainment from any person whom he/she suspects, or should suspect, is offering such entertainment in order to place the police officer in a position of obligation.

19. It is sometimes necessary for a police officer in the course of his/her duty to accept an invitation which might be suspect. In such a case the facts shall be reported to the Superintendent and above commanding the officer's Formation and his direction obtained.

CONDUCT AND DISCIPLINE

20. A function for which payment is made collectively by two or more members of the Force shall not be held without the prior authority of a Chief Superintendent, except when it is of a strictly private nature amongst personal friends. However, if the Chief Superintendent is to attend that function, prior authority shall be sought from the Major Formation Commander. The ACP P is the approving authority for all Force level initiated activities. Where appropriate he/she may give a blanket approval for these activities to be held. If subscriptions are collected from those attending such functions, they must be of an entirely voluntary nature and may be of any amount within the discretion of the contributing members providing that such amount does not exceed that shown below, appropriate to the rank of the member concerned:-

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Ceiling of contribution

For subsidized functions 1% of the mid-point salary for Police Constable with a sliding scale increase of 20% between each rank thereafter.

For non-subsidized functions 2% of the mid-point salary for Police Constable with a sliding scale increase of 20% between each rank thereafter.

A subsidized function is one where a subsidy is provided from approved sources such as the Police Welfare Fund or the Amusement Games Machine Fund. The scale is rounded up or down to the nearest \$10 and will be reviewed annually following pay adjustments. The scale will be announced through PEN annually. Civilian staff contribution will be based on those payable by police officers earning similar salaries. The above amounts do not apply to organized functions in Police messes for the mutual benefit of the respective members, Regional Annual Balls or equivalents, and Pai Kwan Tai ceremonies, for all of which no limit is set. However, Chief Superintendents who receive applications to hold Pai Kwan Tai ceremonies are to encourage the celebrants to exercise restraint in the degree of lavishness to ensure that the costs do not place the celebrants in financial difficulties.

Where permission is granted to hold a social function, the organizing unit /formation shall keep a record of attendance, income and expenditure for a minimum of two years from the date of the function.

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There is no requirement to seek approval for activities organized by the various Staff Associations, the Police Credit Union, Police Messes, Police Sports Clubs and Police Arts Clubs for the benefit of their members and guests. The operations and membership of these organizations are governed by their respective constitutions, articles of association or the Ordinances under which they are established.

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21. A police officer shall pay for admission to all places of public entertainment at the rates charged to members of the public, except when visiting such places in the execution of his/her duty.

22. Police officers shall not send anonymous correspondence as such action may be seen as conduct to the prejudice of good order and discipline.

POLICE GENERAL ORDERS - CHAPTER 6

CONDUCT AND DISCIPLINE

23. A police officer shall not take part in or be present at any game of chance or skill in any part of a police building, except police quarters, involving stakes, wagers of bets of money or money's worth.
24. A police officer or civilian officer shall not take part in unlawful gaming.
- 16/04 25. A police officer on duty shall not enter any premises except in the execution of his/her duty. This does not apply when an officer has been given permission to enter specific premises for the purposes of obtaining refreshments in accordance with PGO 6-02.
26. A police officer in uniform or on duty in plain clothes shall not enter or place bets in a HKJC Off-Course Betting Centre or On-Course Betting Area other than in connection with a duty commitment.
- 01/07 27. A police officer or civilian officer shall not smoke inside any police or government
02/08 buildings (including leased buildings), which include all the indoor common parts of such buildings such as staircases, lift lobbies, corridors and toilets; except in locations specifically designated by the Formation Commander as a smoking area.
- 03/00 28. A police officer, whether in plainclothes or in uniform, shall not smoke while
02/08 performing any duty in the public view, when dealing directly with members of the public or in any police vehicle at any time.
- 02/08 29. A police officer on duty in uniform or in plain clothes is permitted to carry smoking materials except when actually performing armory duty, cell guard duty or when on duty in the custodial ward of a hospital.
- 07/10 30. A UB JPO shall not carry money in excess of \$1,000 when on duty in uniform or plain clothes without permission from an officer not below the rank of Inspector. At stations where shifts are not manned by an officer of Inspector or above, this authority may be exercised by the SSGT or SGT in charge.
- 01/01 31. A police officer, unless on duty in disguise, shall deport and attire himself/herself and appear at all times in a manner likely to reflect credit on the Force.
32. A police officer shall account for and make a prompt and true return of any money or property received by him/her in his/her official capacity.
33. A police officer in uniform shall not:-
- (a) place his/her hands in his/her pockets except for the purpose of removing or replacing items; and
 - (b) place bulky items in a pocket so as to detract from his/her appearance.

CONDUCT AND DISCIPLINE

34. A police officer shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his/her duties, or which is likely to give rise to the impression amongst members of the public that it may so interfere. In particular, a police officer shall not participate in political activities as defined at the head of this Chapter, except:- 03/08
- (a) to cast his/her vote as a registered voter; or
 - (b) when on final leave AND permission has been obtained from the Secretary for the Civil Service to participate in election or electioneering activities in relation to HKSAR Deputies to the National People's Congress (NPC) and/or Election Conference for the NPC Elections; or
 - (c) permission has been obtained from the Secretary for the Civil Service to participate in Rural Representative Elections in accordance with CSB Circular No. 5/2014. 06/11
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35. A police officer shall not operate a chit fund and participation in such a fund is not advisable.
36. A police officer travelling on public transport shall pay the appropriate fee unless an exemption, sought through Police Headquarters and agreed by both Secretary for the Civil Service and Secretary for Security, has been obtained. In such circumstances, the officer must be in uniform and be on duty.
37. A police officer shall not stop a public vehicle other than at a scheduled stop, except in the execution of his/her duty.
38. A police officer shall not cover any part of his/her beat or patrol area in public transport without the authority of his/her Formation Commander.
39. A police officer, except in an emergency in connection with his/her official duties, shall take his/her turn in the queue at a transport stop.
40. A police officer shall not have any contact with a juror in respect of his/her jury duties.
41. Except with approval given in accordance with FPM 11-26 a police officer shall not use, make or reproduce the Force Crest without the permission from the Commissioner of Police (ACP SUP). 16/04

POLICE GENERAL ORDERS - CHAPTER 6

CONDUCT AND DISCIPLINE

16/04 42. A police officer on duty is expected to concentrate on his/her duties. An officer may
01/07 carry and is permitted reasonable use of private communications equipment, such as mobile
17/11 phones and devices with electronic data storage capability, but shall observe the following:-

- (a) the use of such does not interfere with the discharge of the officer's duties;
- (b) the manner or purpose of such use does not tarnish the Force image; and
- (c) when in uniform such equipment is kept on silent / vibrate mode and concealed to ensure it does not detract from the officer's overall appearance.

16/04 43. Notwithstanding the above, the Formation Commanders may withdraw this privilege
due to operational reasons.

05/07 44. A police officer shall not use or transfer personal data collected during the execution of
official duties for any purposes other than for which they were collected or a purpose directly
related to that purpose, unless prescribed consent has been obtained from the data subject.

07/07 45. A police officer shall not enrol as any category of member of a trade union. A police
officer may enrol in training/recreational activities that are openly available on payment to the
general public, as a non-member of a trade union or its affiliated organisation. However,
he/she should be circumspect when enrolling in these activities to avoid any allegation of
conflict of interest.

12/02 **6-02 Obtaining Refreshment on Duty**
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Police officers may obtain refreshments whilst on duty in accordance with the
arrangements in this order and FPM Chapter 20.

2. A uniformed police officer on beat, patrol or post duty shall take the one hour meal
break specified in FPM Chapter 20 in a police building unless authorized by his/her DVC or
equivalent in other Formations, to take it elsewhere. The DVC or equivalent in other
Formations, shall designate in which other premises this break may be taken and will maintain a
list of these premises. All refreshments consumed by an officer shall be paid for personally by
that officer.

CONDUCT AND DISCIPLINE

3. In addition to the one hour meal break specified in FPM Chapter 20, any police officer may be permitted to take either two short refreshment breaks, one before the meal break and one after, each of not more than fifteen minutes duration or, subject to operational and manpower exigencies and approval by the DVC or equivalent in other Formations, one combined break of thirty minutes duration. Normally, these refreshment breaks will not be taken during the first or last hour of an officer's shift unless authorized by the (Sub) Unit Commander (e.g. PSUC, OC DIT, etc), or equivalent in other Formations. These breaks may be taken other than in a police building but in such a case may be taken only within an officer's beat or patrol and/or in premises designated by a DVC, or his/her equivalent in other Formations. Where no suitable premises exist within a beat or patrol, a DVC may designate other premises as close to that beat or patrol as possible. Plainclothes officers may select suitable premises for the refreshment breaks subject to complying with the provisions at paragraph 4. Any refreshments consumed shall be paid for by the officer personally.
4. When any police officer wishes to take a refreshment break, permission will be requested from the District/Divisional Controller (for officers on beat, patrol or post duty) and/or the immediate supervisory officer. They will also indicate where the refreshment break is being taken and when resuming duty after the refreshment break.
5. An officer on mobile patrol duty, including Traffic, may be permitted to take two similar short breaks during his/her tour of duty or, subject to operational and manpower exigencies and approval by the DVC or equivalent in other Formations, one combined break of thirty minutes duration. Such breaks shall be taken in a police station or building. When the crew of a police mobile patrol vehicle wishes to take a refreshment break, the officer-in-charge of the vehicle shall contact his/her District/Divisional Controller requesting permission to do so. Such permission shall only be given if the vehicle and its crew are not required for any task and the Controller shall designate the place at which the break may be taken. In the case of a mobile patrol vehicles, other than a motor cycle, one member of the crew must maintain a 'listening watch' during the break period.
6. An officer on report room duty shall not consume refreshments in the report room. He/She may, with the permission of the DO, be temporarily excused from duty in accordance with the arrangements at paragraph 3. Any refreshments will, however, be taken within the building.
7. An officer on office duty may take a refreshment break in his/her office, but shall not normally do so in the presence of a member of the public.
8. Any officer who abuses this scheme relating to refreshment breaks may have the privilege withdrawn for such period as the authorizing DVC, (or equivalent in other Formations), deems necessary.

14/14 **6-03 Driving of Vehicles**
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A police officer on duty shall drive only those vehicles which he/she is licensed to drive and required to drive in the execution of his/her duty. When off duty, a police officer shall not drive a motor vehicle carrying passengers or goods for hire or reward unless he/she is authorized to do so, in writing, by the Commissioner.

2. A police officer shall not leave a private vehicle parked in a public place with any of the following items displayed in such a way as to be visible from outside the vehicle:-

- (a) any item of police equipment; or
- (b) any document, writing or article of any kind (other than an officially approved parking label) which states or implies that the vehicle is owned or operated by a police officer.

14/14 **6-04 Criminal or Civil Proceedings involving a Member of the Force**

07/04 Any officer who files in court an application for legal action, including Individual
01/07 Voluntary Arrangement (IVA) and bankruptcy, or is involved in any legal action or on whom is
23/18 served a notice of prosecution shall report the proceedings immediately through his/her
Formation Commander to his/her Major Formation Commander. The Major Formation
Commander shall inform ACP P (SP D) if the officer:-

- (a) is being prosecuted for a criminal offence (other than a traffic offence);
- (b) is convicted of a traffic offence in criminal proceedings;
- (c) is involved in any civil case in connection with his/her police duties;
- (d) is petitioning for a bankruptcy order; or
- (e) has filed in court an application for an IVA.

This Order does not apply to traffic offences dealt with by way of Fixed Penalty.

2. Notwithstanding whether the case is of a criminal or civil nature, an officer shall report the matter immediately upon notification so that if the Government is to represent the officer, sufficient time is allowed to brief Counsel.

3. The OC Case of a prosecution against a police officer is responsible for informing the officer's Formation Commander, the Regional/Branch Commander and the ACP P (SP D) of any appeal and all matters pertinent to the appeal.

11/09 4. An officer who is issued with a Fixed Penalty Notice (FPN) for a smoking offence committed inside any police or government buildings (including leased buildings) shall report immediately to his/her Formation Commander who shall consider the disciplinary aspects of the case in accordance with FPM 6-04(8).

6-05 Absence without Leave and Desertion16/04
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When a police officer is absent from duty for a period of four hours or more, the Formation Commander shall cause an appropriate entry to be made in CMIS of the District/Division/Sub-Division in which his/her Formation is located.

2. The DO receiving the report shall circulate a PEN message giving the officer's particulars. Any officers, senior to the absentee, who sees him/her shall order him/her to return to his/her Formation immediately; an officer of equal or junior rank will advise him/her to return to his/her Formation.

3. An officer of any rank seeing the absentee should report his/her whereabouts to his/her own Formation Commander at the earliest opportunity.

4. The Formation Commander shall request the ADC, DVC, SDVC or equivalent of the District, Division or Sub-Division in which the absentee resides to make inquiries at the officer's residence. The result of such enquiries shall be reported to the Formation Commander by telephone and confirmed by the submission of a Pol. 155.

5. After 72 hours absence, the Formation Commander shall circulate a second PEN message emphasizing the period of absence.

6. If the officer is still absent after 21 days, the Formation Commander shall direct that an MIR be compiled.

6-06 Interdiction07/04
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An officer who is interdicted from duty and is receiving his/her full pay or a proportion of his/her pay not being less than one half, but not under detention shall report daily except Sundays and public holidays to his/her Formation, or by arrangement made by his/her Formation Commander at the nearest station to his/her place of residence.

2. The interdicted officer shall make an entry in an OB, which is specifically opened and designated for interdicted officer(s) to maintain reporting records, when the officer reports to a Formation or Police Station. This would be subject to any special conditions imposed by either a court or the officer's Formation Commander. If the officer is on bail by a court or any Law Enforcement Agency, and the terms of such bail require him/her to report to a centre, a court or a police station, he/she will not be required to report additionally to a Police Station or Formation on the same day.

3. On application by the officer, the frequency of such reporting may be varied at the discretion of ACP P. The officer shall submit written application to his/her Formation Commander with supporting documents. The Formation Commander shall forward the application, together with his/her comments as per **Annex B**, to ACP P (SP D) at least 7 working days prior to the first day of absence. Late application will only be considered in exceptional circumstances.

POLICE GENERAL ORDERS - CHAPTER 6

CONDUCT AND DISCIPLINE

4. The Formation Commander will be informed of the result of application. Should ACP P's approval be granted with condition(s) imposed, the Formation Commander is required to ensure the officer's compliance with such condition(s). Approval obtained from ACP P will lapse on any change of the reasons or information provided by the officer in his/her application. The officer should report any such changes to ACP P (SP D) as soon as practicable. Not until receipt of ACP P's approval, the interdicted officer must comply with his/her reporting requirement.

5. When an interdicted officer has had his/her salary stopped in accordance with Section 37(4) of the Police Force Ordinance Cap. 232 or Section 13(2)(b) of the Public Service (Administration) Order, he/she is no longer required to fulfill his/her reporting requirement.

6. Whilst under interdiction an officer, who is receiving his/her full pay or a proportion of his/her pay not being less than one half, will be interviewed by his/her Formation Commander at least once a month and an appropriate entry made in his/her record of service. For an interdicted officer who has had his/her salary stopped in accordance with Section 37(4) of the Police Force Ordinance Cap. 232 or Section 13(2)(b) of the Public Service (Administration) Order, he/she is no longer required to fulfill this monthly interview requirement.

7. DVC or equivalent shall ensure that the reporting requirement of the interdicted officer(s) under his/her command is fulfilled before conducting the monthly interview with the officer concerned.

8. OSSUC of the Police Station or the relevant officer of a Formation where the interdicted officer reports, shall conduct daily inspection on the reporting record. Any non-compliance of the reporting conditions should be brought up to the attention of the officer's DVC or equivalent as soon as practicable. Formation Commander of the interdicted officer shall ensure an enquiry is conducted and inform ACP P (SP D) of the result including any action taken.

9. Where a police officer has been charged or interdicted from duty and becomes aware that he/she is, or may be required to be, a witness in any criminal proceedings he/she will, as soon as possible after the date of interdiction or charging, notify the officer-in-charge of the case giving rise to those proceedings, of his/her duty status.

10. If it is contemplated that such a police officer will or may be called as a witness in a court case, then the officer-in-charge of that case shall obtain brief particulars giving rise to the interdiction from the officer's Formation or Major Formation Commander. The officer-in-charge of the case will then address the Director of Public Prosecutions who will then decide what bearing, if any, the interdiction of the officer has on the case and whether the fact of interdiction should, at any stage, be communicated to the court and to the defence.

11. Under no circumstances shall an officer-in-charge of a case disclose to a defendant or to his/her representatives the fact that an officer has been interdicted from duty unless he/she has been authorized so to do by the Director of Public Prosecutions. ACP P (SP D) may be approached in cases of difficulty.

- 6-07 Breaches of Discipline - General** 14/14
- A police officer of or above the rank of SGT shall report any breach or alleged breach of discipline on the part of any police officer subordinate in rank to him/her to an appropriate senior officer verbally or in writing at the first opportunity.
- 6-22 Absence from Hong Kong** 04/00
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- An officer on sick leave shall notify his/her Formation Commander in writing prior to his/her departure from Hong Kong, irrespective of his/her intended destination. If the officer is on reserve, his/her last Formation Commander should be notified. Post notification will only be allowed in exceptional circumstances, and must be fully justified.
- 6-24 Ranks - Relationship between Regular and Auxiliary Police** 14/14
- Every auxiliary police officer serving in the Hong Kong Auxiliary Police Force shall obey all lawful orders, whether verbal or in writing, given to him/her by a regular police officer of senior or equal rank.
2. Every police officer serving in the Hong Kong Police Force shall obey all lawful orders, whether verbal or in writing, given to him/her by an auxiliary police officer of senior rank who is on duty at the time.
- 6-25 Giving Evidence, other than for the Government** 07/04
14/14
- An officer who receives a request for an interview from any person, or the legal representative of any person, who is initiating a civil action or preparing a defence to any action with a view to ascertaining what evidence, if any, the officer can give on the subject matter of the action, shall report the fact forthwith to his/her Formation Commander (of the rank of SP or above). If the subject matter concerns his/her official duties, the procedures in FPM 6-25 shall be complied with.
2. An officer who receives a subpoena or request to attend a court of justice, a tribunal or inquiry board established under an Ordinance to give evidence other than for the Government shall report the fact to his/her Formation Commander (of the rank of SP or above) whether or not it is on matters concerning his/her official duties. He/She shall obey a subpoena but shall seek instruction regarding any matter that may arise beyond the contents of the subpoena. If the subject matter concerns his/her official duties, the procedures in FPM 6-25 shall be complied with. 02/08

CONDUCT AND DISCIPLINE

02/08 3. Where an officer is called upon to give character evidence, including mitigation letter,
22/13 or other evidence in his/her private capacity in a court of justice, a tribunal or inquiry board established under an Ordinance, he/she will notify his/her Major Formation Commander. In order that an officer called to give such evidence in his/her private capacity does not give the impression he/she is acting in his/her official capacity, he/she will preface his/her evidence with the following statement:-

02/08 'I wish to make it clear that I am appearing before this court (or tribunal or inquiry board, whichever is appropriate) in my capacity as a private citizen, not as a police officer and whatever I say in no way represents the views of the Commissioner of Police or Government of Hong Kong.'

02/08 4. When appearing in a court of justice, a tribunal or inquiry board established under an Ordinance in relation to the giving of character evidence or other evidence in his/her private capacity, an officer shall not wear uniform.

01/07 5. When an officer is requested or subpoenaed to give character evidence in person or to
02/08 submit character reference letter in his/her official capacity in legal proceedings involving a police officer, he/she should seek approval from his/her Major Formation Commander. Any request by the defence counsel for the production of an officer's Record of Service should be referred to the Major Formation Commander who is the approving authority and action should be taken in accordance with the Personal Data (Privacy) Ordinance. Should a subpoena be issued for the entire Record of Service to be produced, the Major Formation Commander is the approving authority. Likewise, he/she is also the approving authority for the production of a record of service summary, complimentary letters or complimentary entries.

10/02 **6-26 Outside Work**

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01/07 General Principle

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The principles governing outside work are laid down in CSR 550 and 551. The following are highlighted for specific attention and compliance:-

- (a) Government has a prior call at all times on the abilities, energies and attention of all its staff whilst they are on duty;
- (b) Outside activity (whether paid or unpaid) which may impair an officer's performance of his/her duties or distract his/her attention or interest in his/her duties must be avoided;
- (c) Outside work which may conflict with the officer's duty or be a source of embarrassment to Government will not be allowed;
- (d) No officer has a right to supplement his/her income by outside work; and
- (e) Only in the most exceptional circumstances is outside work permissible during the officer's normal working hours.

Conflict of Interest

2. It is the responsibility of the individual officer, before undertaking any work, to consider whether actual or potential conflict exists or may exist, and where there is or may be such a conflict, he/she shall obtain prior permission. A conflict of interest situation arises where the "private interest" of an officer compete or conflict with the interests of the Force or the officer's official duties. Officers shall make reference to the detailed guidelines set out in CSB Circular No. 2/2004.

3. Officers must not use any privileged information made available to them in their capacity as police officers to further their private interests nor put themselves in a position which gives rise to suspicion that they have done so. Officers must not allow the pursuit of their private interests to interfere with the proper discharge of their official duties, such as engaging in an occupation or undertaking which might conflict with the interests of the Force. An officer should:-

- (a) avoid putting himself/herself in a position of obligation to any person who may have official dealings with the Force;
- (b) decline to provide assistance, advice or information in connection with his/her work where this would give the recipient an unfair advantage over other people; and
- (c) refrain from acquiring any financial or other interest which may lead to a conflict of interest with his/her official duties.

Permission to Undertake Outside Work

4. Officers must seek prior approval from approving authority before engaging on their own account in outside work for remuneration of any sort or accepts paid employment of any sort. Outside work includes work being done for other Government departments (including auxiliary services). Officers seeking permission to undertake outside work shall use the proforma application form at Annex A. Officers delegated by the Commissioner as approving authorities for outside work are specified in FPM 3-06.

5. An officer may, without official permission, undertake outside activities outside his/her working hours provided that:-

- (a) he/she does not receive any remuneration in cash or in kind; and
- (b) there is no actual or potential conflict with the principles of Civil Service Regulations.

Use of Government Equipment

6. An officer shall not use Government equipment in respect of any outside work without the prior approval of the Commissioner. Any permitted use will be on payment of hire charges.

Outside work out of duty hours or on leave not exceeding 30 days

7. An officer shall not engage in any outside work for remuneration of any kind or accept paid employment of any sort outside his/her normal working hours or during on leave not exceeding 30 days without prior permission.

8. The authority for granting such permission is as follows:-

- (a) for ACPs and above - the Commissioner
- (b) CSPs - DPT or ACP P
- (c) SPs and SSPs - Regional Commander or equivalent
- (d) other officers - District Commander or equivalent

Outside work while on leave exceeding 30 days or during working hours

9. An officer on leave exceeding 30 days wishing to undertake any paid outside work or any officer wishing to undertake any outside work, paid or unpaid, during normal working hours shall seek permission from the Commissioner.

Outside work during interdiction

10. An officer on interdiction wishing to undertake any paid outside work shall seek permission from the ACP P through his/her Formation Commander and Major Formation Commander.

Outside work as an air courier

11. Any application to accept outside employment as an air courier must be approved by the Commissioner.

Outside work undertake during pre-retirement leave

12. The application procedure and approving authorities to accept employment during pre-retirement leave are stipulated in CSRs 397, 398 and 559, and CSB Circular Nos.10/2005, 7/2011 and 9/2015. Directorate officers who retired / are retiring on pensionable terms or new permanent terms are subject to a minimum sanitisation period (12 months for directorate officers at D4 or above whilst 6 months for directorate officers below D4) from the cessation of active service, during which approval will not normally be given for them to take up post-retirement employment.

Factors for Considerations

13. While considering applications, approving authorities shall make reference to CSRs 550 and 564, in particular:-

- (a) Whether the outside work proposed may (or appears to) conflict with the officer's duties as a police officer;
- (b) Whether the arrangement might be a source of embarrassment to the Force or the Government;
- (c) The timing, frequency and duration of the work and its possible effect on the officer's efficiency;
- (d) Whether the remuneration involved is so considerable in relation to the officer's salary as possibly to result in some loss of interest in his/her Government appointment;
- (e) Whether the outside work is in line with the principles set down in CSR 520-525 in respect of public communications by officers.

Period of Approval

14. Approvals given are normally valid for six months but may be withdrawn at any time should it appear to the approving authorities that it is in the public interest to do so. The approving authorities must in any case review all such arrangements every six months, and satisfy themselves that the officer's performance of his/her official duties is not suffering by reason of such outside work.

Administration

15. Major Formation Commander shall oversee and monitor the overall situation of officers engaged in outside work, taking into consideration its effects on manpower management and operational efficiency of the Major Formation.

16. A copy of all approved applications and supporting documents should be forwarded to ACP P (Attn: SP Discipline) for information.

17. All applications approved by District Commander or equivalent should be routed through their Major Formation Commander before forwarding to ACP P.

Additional Reporting Requirement for Outside Work

18. An officer granted with approval to perform paid outside work is required to inform his/her approving authority in writing whenever he/she has undertaken the outside work on any day while on sick leave. Such notification should be made not later than the next calendar day after undertaking the outside work. For administrative convenience, sick leave of two days or less is excluded from the reporting requirement.

19. Where an officer given prior approval to undertake paid outside work has been granted sick leave and the management considers the case to be highly suspicious (e.g. officers performing outside work during a continuous/prolonged sick leave period and/or the sickness results in a general incapacity for work which is equally applicable to the type of outside work undertaken), the management should investigate and consider whether the officer has abused the sick leave provision by false representation of sickness.

PERSONAL DATA

Annex A 02/08
08/12
14/12
23/18
04/20

APPLICATION FROM HKPF POLICE OFFICERS TO UNDERTAKE OUTSIDE WORK

Important: Please see PGO 6-26 and the "Notes for Guidance" before completing this form in duplicate

Section I (To be completed by Applicants)

To: Commissioner of Police [Attn: _____ (the appropriate approving authority)]
Thro' _____

Category of Outside Work (Please refer to FPM 3-06 for the delegated authority)

- Paid Outside Work out of working hours or while on leave not exceeding 30 days
- Paid Outside Work as an air courier
- Outside Work during working hours (Paid or Unpaid)
- Paid Outside Work while on leave exceeding 30 days
- Paid Outside Work during interdiction

I wish to * take up / continue to take up an outside work. Details of the outside work that I intend to take up are given below:-

(1) Name of Organisation / Firm:

(2) Nature of Organisation's Business:

(3) Job Title:

(4) Job Description:

(5) The timing, frequency, duration, number of working hours per day and number of working days per week of outside work, (*see Note 5*)

Please tick the appropriate box

* Please delete as appropriate

PERSONAL DATA

Annex A

Section I (Con't)

(6) The remuneration involved (state the weekly/ hourly wage and monthly total income) (see Note 6):

(7) Commencement date of the Outside Work if approval is given:

(8) I enclose relevant documents in respect of my outside work for your consideration. (see Note 7)

I am unable to enclose relevant documents in respect of my outside work for your consideration because:

(9) I am currently under interdiction.

I am not currently under interdiction.

(10) I hereby declare that:-

- (a) I have read and fully understand the contents of CSRs 550-564;
- (b) All information given is true to the best of my knowledge and belief;
- (c) I will not take up the Outside Work except with your written approval;
- (d) I understand that failure to comply with CSRs 550-564 may lead to disciplinary action;
- (e) I have read and fully understand the contents of CSB Circular No. 2/2004. I confirm that the proposed Outside Work will not lead to a conflict of interest, real or potential, with my official duties as a Police Officer;
- (f) I confirm that the proposed Outside Work will not be a source of embarrassment to Government; and
- (g) I will inform the approving authority in writing whenever I am on sick leave exceeding two days and I have undertaken paid outside work while on such sick leave. Such notification will be made not later than the next calendar day after undertaking the outside work.

Signature: _____

Name: _____

Post: _____

Rank / UI No.: _____

Contact Telephone No.: _____

Monthly Substantive Salary: _____

Duty Pattern in Force: Normal Office Hours / Shift work *

Date: _____

Please tick the appropriate box

* Please delete as appropriate

PERSONAL DATA

Annex A

Section II

Recommendation by * Major Formation Commander / Formation Commander prior to submission to approving authority

(1) I do not consider that the outside work the officer wishes to take up or continue with may (or appear to) conflict with the applicant's duty as a Police Officer.

I consider that the outside work the officer wishes to take up or continue with may (or appear to) conflict with the applicant's duty as a Police Officer.

(2) I do not consider that the outside work the applicant wishes to take up or continue with may be a source of embarrassment to the Force or the Government.

I consider that the outside work the applicant wishes to take up or continue with may be a source of embarrassment to the Force or the Government.

(3) The applicant's efficiency would not be hampered by undertaking this outside work.

The applicant's efficiency would be hampered by undertaking this outside work.

(4) I do not consider that the remuneration involved is so considerable in relation to the officer's salary as possibly to result in some loss of interest in his Government appointment.

I consider that the remuneration involved is so considerable in relation to the officer's salary as possibly to result in some loss of interest in his Government appointment.

(5) My other comments are:

Please tick the appropriate box

* Please delete as appropriate

PERSONAL DATA

Annex A

Section II (Con't)

(6) Having taken into account the principles and guidelines governing outside work in CSR 550 - 564 and the factors mentioned above, I therefore:-

support this application.

do not support this application.

I will notify the approving authority immediately when the applicant's duty performance is affected by the outside work or should it appear that it is in the interest of the department for approval to be withdrawn.

Signature: _____

Name: _____

Designation: _____

Rank: _____

Date: _____

Section III (To be completed by CS&D Branch / Discipline Division) (only for applications which require ACP P, DPT or CP's approval)

I * support / do not support this application. My reason for not supporting this application is as follows:

_____.

Signature: _____

Name: _____

Designation: _____

Date: _____

Please tick the appropriate box

* Please delete as appropriate

PERSONAL DATA

Annex A

Section IV (To be completed by the approving authority)

To: _____ (Applicant)

Thro' _____

I have given approval for you to *take up/continue with the outside work as indicated in Section I, taking into account the recommendation in Section II and relevant principles and guidelines in CSR 550-564.

- (a) The above approval is given on the understanding that:-
- (i) this outside work will not interfere with working hours and duties of your normal work;
 - (ii) the approval is valid from _____ to _____ (no more than six months); and
 - (iii) the approval will lapse if you are transferred to other Major Formation / Formation.
- (b) You are required to take the following action:-
- (i) seek approval through your new Formation Commander upon transfer to a new Major Formation / Formation; and
 - (ii) seek approval again before the expiry of this approval if you wish to continue with the outside work after its expiry.
- (c) This approval may be withdrawn at any time should the performance of your official duties suffer by reason of such outside work or should it appear that it is in the interest of the department to do so.

I do not approve this application. My reason for not approving this application is as follows:-

Signature: _____

Name: (_____)
for _____ Commissioner of Police

Designation: _____

Date of Approval: _____

Encl. [(1) approved application form and (2) supporting documents]

c.c. Commissioner of Police (Attn: SP Discipline) (w/encl)

Thro' _____ (MFC) (w/encl)

Please tick the appropriate box

* Please delete as appropriate

NOTES FOR GUIDANCE

1. This form is to be used by police officers who wish to take up or continue to take up outside work.
2. Application are to reach the approving authority as specified in PGO 6-26 at least three weeks before commencement of outside work (new application) or three weeks before the expiry of the previous approval (renewal of approval).
3. The information provided will be used for processing the application for undertaking outside work. It may be disclosed to Secretary for the Civil Service, Bureau Secretaries, Heads of Department/Grade and/or their delegated officer(s) who are required to handle the matters relating to the purposes specified.
4. It will not be possible to handle your application if you fail to provide all the information requested.
5. Information as to the timing, frequency and duration of the proposed outside work is required in order that an assessment of its possible effect on the officer's efficiency can be made. **【CSR551(2)(a)】**
6. Information on the remuneration to be received for the proposed outside work is required in order that an assessment as to whether the remuneration involved is so considerable in relation to the officer's salary as possibly to result in some loss of interest in his Government appointment can be made. **【CSR551(2)(b)】**
7. Relevant documents in respect of the outside work, such as appointment letter from the organization offering the outside work, should be enclosed in support of the application.
8. The application form will be:-
 - Forwarded to the applicant as approval record (Original); and
 - Filed with the Approving Authority (Duplicate).
9. A copy of the approved application should be filed in a staff restricted L/M attached to the Record of Service (R/S) for reference. The L/M should be detached when the R/S is forwarded to Promotions Unit, PHQ for promotion exercises.
10. A copy of the approved application should also be forwarded to the Commissioner (Attn.: SP Discipline) together with supporting documents for information and record purposes within seven days upon approval. All applications approved by District Commander or equivalent should be routed through Major Formation Commander.
11. You have the right to request access or correction of personal data provided on this form in accordance with the provisions of the Personal Data (Privacy) Ordinance. Such requests may be made in writing to the Formation Data Administrators (FDA).
12. You are required to inform the approving authority in writing whenever you are on sick leave exceeding two days and have undertaken paid outside work while on such sick leave. Such notification should be made not later than the next calendar day after undertaking the outside work.

