

LegCo Security Panel

ICAC Information Paper

Background

On the late evening of Thursday, 16 May 2002, ICAC officers arrested a Senior Superintendent of Police, and subsequently, two other Police officers on Friday, 17 May 2002, for suspected corruption offences. The arrests were reported in the electronic media on 17 May 2002 and in the press the following day.

2. In response to numerous media enquiries, the ICAC issued a statement on Saturday, 18 May 2002, confirming the arrests with a brief mention of the nature of allegations. (Annex 1)

3. The Police issued a statement on Sunday, 19 May 2002 evening regarding the ICAC operation. In response, the ICAC issued a statement the same night. (Annex 2)

Public Concerns

4. The ICAC would like to make the following points to address public concerns expressed in these few days.

(a) Police corruption scene

5. Based on ICAC receipt of corruption reports and intelligence, we can confirm that there has not been any deterioration of corruption involving Police officers. The number of corruption complaints against the Police has shown a steady decline in recent years. (Annex 3)

(b) Checks and balances on ICAC investigations

6. The ICAC is subject to a stringent system of checks and balances which ensures that investigations are carried out efficiently and without abuse. All prosecutions are sanctioned by the Department of Justice. No

investigation may be terminated without consulting the ICAC Operations Review Committee (ORC). Every completed investigation that does not result in criminal proceedings has to be reported to the ORC. Additionally, the ICAC is required to submit progress reports on major investigations (including all cases where press releases have been issued on operations), all cases lasting over a year, and on persons who have been on ICAC bail for over six months. The person subject to an investigation will be informed in writing the outcome of the investigation. A flow chart is at Annex 4 for ease of reference.

(c) Policy on issue of press releases

7. The ICAC issues press releases only on those cases involving major public interest. ICAC has a strict policy of not identifying or confirming the identity of the arrested person until that person is charged with a criminal offence.

8. According to our records in respect of press releases issued on operations involving Police officers in the years 1999-2001, all cases have resulted in prosecution apart from three cases which are pending the outcome of further investigations or legal advice. These cases, on which press releases were issued on 11 September 2001, 14 November 2001 and 8 December 2001 respectively, have been subject of regular progress report to ORC.

(d) Liaison with Police

9. The ICAC places great importance in its working relationship with the Police. We regard the Police as our ally and partner in fighting corruption. The two departments have established a number of communication channels at different levels, both on operational and corruption preventive matters (Annex 5). We will see to it that continued efforts are made to enhance co-operation and communication with the Police.

May 18, 2002

Response Statement

In response to numerous enquiries from the media in regard to an arrest operation of the Independent Commission Against Corruption, the Commission today (Saturday) confirmed that three police officers were arrested in an operation which commenced on Thursday.

They were a Senior Superintendent, a Senior Inspector and a Detective Station Sergeant of the Police.

An operator of various karaoke lounges and nightclubs, who is the wife of the Senior Inspector, was also arrested in the operation.

The Senior Superintendent of Police (SSP) is alleged to have accepted advantages, including free prostitution services, from the operator.

In return, the SSP allegedly provided tip-offs on impending police operations against various entertainment establishments in Tsim Sha Tsui and Mong Kok, including nightclubs and karaoke lounges, through the Detective Station Sergeant.

The arrestees are being detained by the ICAC. Enquiries are continuing.

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X

X

May 19, 2002

ICAC statement

In regard to the ICAC arrest of the three police officers including a Senior Superintendent of Police, the Commission issued a press statement on Saturday in response to numerous press enquiries. The senior police management has been briefed on the details of the allegations concerned and the action taken against the arrested police officers.

The purpose of issuing press statements is to inform the public of the nature of ICAC operations, which are often conducted in public places. It is the Commission's standing policy that the name of a suspect will not be released until he/she has been charged.

At the present stage, we would not make any further comments in relation to this case, which is still ongoing.

All ICAC investigations originate from corruption allegations. And arrests are made in strict accordance with the laws.

There is a stringent system of checks and balances in place on ICAC investigations.

After an investigation has been completed, a report will be submitted to the Department of Justice, which advises on whether there should be prosecution.

If the case is not subject to prosecution or caution on legal advice, a report on the case will be submitted to the Operations Review Committee (ORC) for its advice on whether the case should be further pursued. With the consent of the ORC, a copy of the report will be forwarded to the Head of Department concerned for consideration of administrative/disciplinary action. The officer who has been the subject of the investigation will also be

informed of the outcome of the investigation.

The ICAC also regularly briefs the ORC on the progress of major investigations. Any investigations exceeding 12 months and any persons on ICAC bail for over 6 months are subject to regular reporting to the ORC.

The ICAC attaches great importance to partnership with the Police in the fight against corruption. There have been a number of successful joint operations with the Police in the past.

Meanwhile, we would like to emphasize that there has not been any deterioration of corruption involving the Police.

It is our practice that if any police officer is involved in ICAC operations, the Commission will brief the senior police management, and keep them informed of the progress. For those cases which involve police officers but do not result in any legal action, a report will also be given to the Police normally via the ORC.

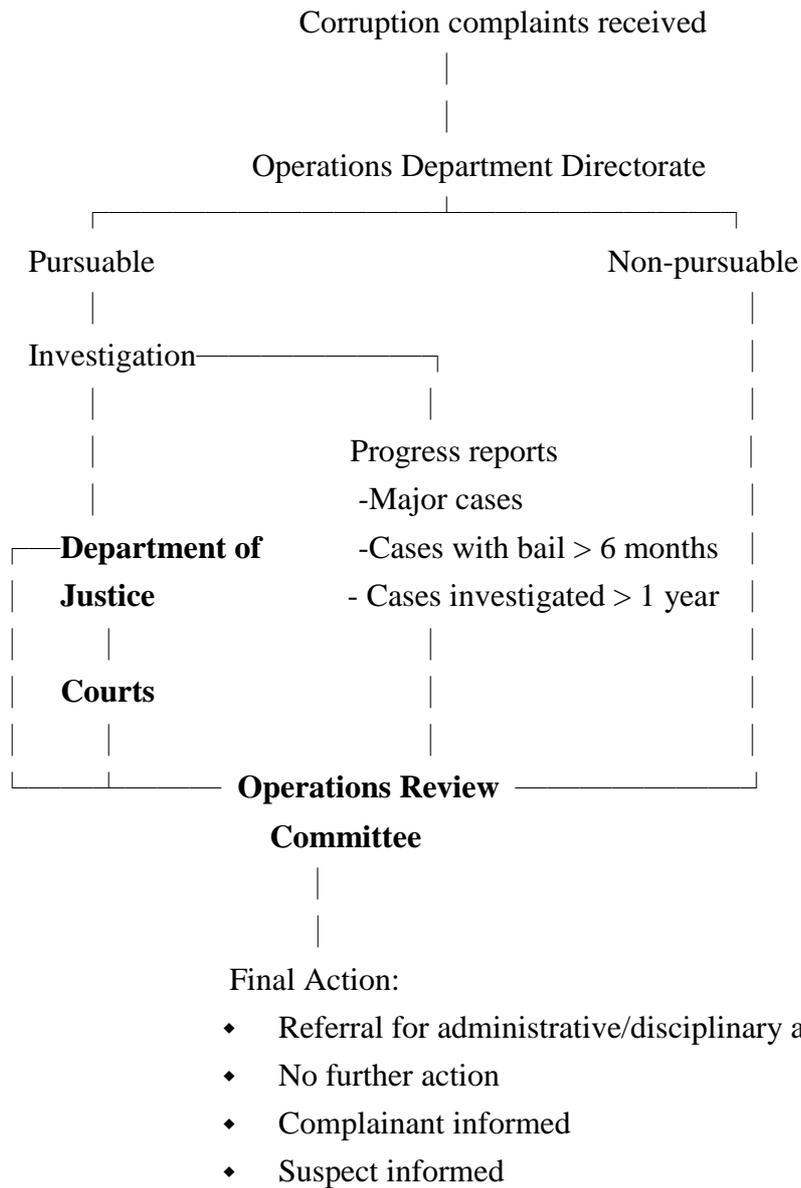
We will also liaise with the Police to ascertain what the cases which concerned them are, as mentioned in their statement issued today, and will provide them with a full update on such cases including the latest operation, with a view to dispelling any misunderstanding.

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Corruption Reports against the Police
1997 – 2001

Year	1997	1998	1999	2000	2001
Total No. of Corruption Reports against the Police	512	560	507	602	513
Total No. of Pursuable Corruption Reports against the Police	339	365	336	370	338
Police Reports as Percentage of All Government Departments Reports	40%	38%	35%	35%	32%
Police Reports as Percentage of Total Corruption Reports	17%	16%	14%	14%	11%
Total No. of Corruption Reports	3057	3555	3561	4390	4476

Corruption Investigation Procedures



Communication Channels between the ICAC and the Police

The ICAC maintains close liaison with the Police through various channels. They include:

- Operations Review Committee (ORC) – Commissioner of Police or his representative is an ex-officio member of the committee in charge of overseeing the investigative work of the ICAC.
- Force Anti-corruption Strategy Steering Committee (FASSC) – Directorate officers from the ICAC's Operations Department, Corruption Prevention Department and the Community Relations Department sit on the committee tasked with spearheading the Police Force's anti-corruption efforts.
- Police/ICAC Operational Liaison Group – Meetings are attended by senior representatives of the two departments to discuss operational issues.
- Regular Briefings by ICAC Officers – Each year, over 30 regular briefings on liaison and operational matters are provided to the Police Regional and District Commanders by ICAC officers from the Operations and Community Relations Department.

Apart from the regular meetings and briefings mentioned above, the ICAC also maintains regular liaison with the Police's Complaints and Internal Investigations Branch as well as liaison on an ad hoc basis with other Police units depending on the operational needs.

On the prevention side, the Police Corruption Prevention Group, which comprises representatives of the ICAC's Corruption Prevention Department and the Police, meets twice a year to identify corruption-prone areas for review.

End