

**Legislative Council Panel on Security**

**Status of the Hong Kong Auxiliary Police Association  
in representing Auxiliary Police officers**

**Purpose**

Hong Kong Auxiliary Police Association (the Association) wrote to Chairman of Legislative Council (LegCo) Panel on Security on 28 April 2003, raising various issues in relation to the captioned. On the Panel's invitation, we have prepared this paper to brief Members on the Hong Kong Police Force's views on the status of the Association in representing auxiliary police officers.

**Consultative Process within the Hong Kong Auxiliary Police Force**

2. In February 2000, in order to canvass opinions from auxiliary police officers on the 1999 Review conducted by the Force Committee on Auxiliary Police (FCAP Review), the Commandant of the Auxiliary Police (the Commandant) initiated the setting up of an Internal Review and Management Committee (IRMC). In September 2000, pursuant to the resolution of a complaint lodged with LegCo concerning the FCAP Review, IRMC transformed into a standing committee comprising a wide representation of 75 auxiliary members from every police formation. The purpose for setting up this standing committee was to enhance communication and meet the aspirations of officers concerned regarding the management of the Auxiliary Police. To become more representative of the Hong Kong Auxiliary Police

and ensure that the concerns of staff at all levels in the Hong Kong Auxiliary Police were fully addressed, IRMC introduced an independent election of members at all ranks. IRMC is now a recognized consultative forum within both the Hong Kong Auxiliary Police and the Hong Kong Police where various welfare and morale issues affecting auxiliary police officers are discussed. Regular meetings are held for exchange of views. Recommendations from IRMC are submitted to the Commandant for consideration. IRMC has now developed into a very effective communication channel and consultative forum for all auxiliary police officers.

### **Status of the Hong Kong Auxiliary Police Association**

3. The Association is registered under section 5A of the Societies Ordinance (Cap. 151). Registration of an organisation under the Ordinance does not imply that the Commissioner of Police agrees with or actively supports the aims of an organisation so registered.

4. Unlike the Police Force Ordinance (Cap. 232)<sup>Note</sup>, there is no provision in the Hong Kong Auxiliary Police Force Ordinance (Cap. 233) restricting the formation of trade unions or staff associations by auxiliary police officers. There is also no provision stipulating that the Commissioner of Police or the Commandant shall seek the advice of associations formed by auxiliary police officers on any matter relating to the welfare and conditions of service of all auxiliary police officers.

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Note: According to section 8 of the Police Force Ordinance (Cap. 232), it shall not be lawful for a police officer to be a member of any trade union. However, the Commissioner of Police may establish such associations as he may think fit, composed only of police officers; or recognize any association composed only of police officers. He may seek the advice of any such association on any matter relating to the welfare and conditions of service of all or any police officers. The Ordinance specifies that the association so established or recognized shall not be a trade union.

5. On the other hand, while Police staff associations formed under section 8 of the Police Force Ordinance (Cap. 232) are composed of police officers only, we note that membership of the Association includes serving auxiliary police officers as well as those who have left the Hong Kong Auxiliary Police. The Association permits non-serving auxiliary officers to examine, discuss and put forward issues concerning serving officers. This, in our view, lessens its credibility as a proper staff association, where members' interests may be diversified but represents views from serving members only. As such, the Association cannot be perceived as a staff association which may be regarded as an integral part of the Force consultative machinery.

### **Force Stance on the Association**

6. At present, issues that serving auxiliary police officers may have regarding the management of auxiliaries are already referred to IRMC through elected representatives. To the Police Force, the Association is a society registered under the Societies Ordinance (Cap. 151). It is considered by the Force to be of the same status as any other private social groups consisting of members of the public and/or serving regular or auxiliary police members.

7. Since the Association lacks the functional basis to be officially recognised as a trade union or a staff association, it would be inappropriate for Force Management to seek its advice in an official capacity on any matters relating to general policy, training, welfare and conditions of service of auxiliary police officers.

## **Use of Police Buildings for Private Functions**

8. In its letter to the Panel, the Association criticizes the Police Force for not allowing it to use the Auxiliary Police Headquarters for its activities. Members may wish to note that the Auxiliary Police Headquarters is a government building. Since the activities of the Association are not regarded as official government activities, it is not appropriate to provide government office accommodation for the Association to use. It is also inappropriate to take time away from training programmes to allow the Association to recruit members. For the same reason, its committee members are not allowed to promote their activities during Auxiliary Training Days (TD) or Annual Continuation Training (ACT). However, committee members of the Association are free to promote their activities during lunch breaks and “after hours” as long as it does not impinge on the actual programme of TDs or ACTs.

9. The Force management is happy to maintain a dialogue with the Association on matters concerning the promotion of healthy life style of serving auxiliary members. The role of the Association as a consultative body within the Auxiliary Police is not accepted. IRMC is the only properly elected representative body serving all Auxiliary Police Officers.

**Hong Kong Police Force**

**June 2003**