

**For information  
on 19 January 2004**

**Legislative Council Panel on Security**

**Monitoring of Police officers associated with triad and undesirable elements and communication between the Police and the Independent Commission Against Corruption over allegations of corruption involving such elements**

**Purpose**

This paper provides information on how the Police Force monitors and deals with cases of undesirable association involving its members; and on communication between the Police and Independent Commission Against Corruption (ICAC) on such issues.

**Background**

2. On 16 May 2002, SIN Kam-wah, Senior Superintendent of Police, was arrested by ICAC on suspicion of corruption offences. On 28 November 2003, SIN was convicted of three counts of “Misconduct in Public Office” and was sentenced to imprisonment for three years. The misconduct in question related to his acceptance of free sexual services from prostitutes provided by a person having control over such prostitutes. In this connection, the Panel on Security has raised questions on how the Force monitors its members involved in undesirable association and communication between the Police and ICAC.

**Force Policy on Undesirable Association**

3. Police officers must be seen by the public to be persons with a high standard of integrity and whom the public can respect as trustworthy and reliable. As such, a Police officer, regardless of rank, shall be prudent in choosing with whom he associates.

4. Police General Orders state that “Other than in the course of duty, a police officer shall not associate with known criminals or triad personalities. Officers are also advised that they should not associate with persons of doubtful or undesirable reputation.” Where such undesirable association is detected, the officers may become the subject of criminal or disciplinary investigation.

### **Monitoring Mechanism for Undesirable Association**

5. Where Police officers, whether on or off duty, come into contact with undesirable characters pertaining to their duty, there are mechanisms for them to declare or report such contacts. This can be done by recording the contacts in the officers’ official notebooks, relevant subject files or information source files and through reporting to their supervisors. The Force’s Headquarters Order sets out the details of the operation of this mechanism.

6. If the Police receive information regarding unofficial association with undesirable characters, depending on the nature of the allegation, a criminal or disciplinary investigation will commence. For criminal allegations against Police officers including involvement in organized crime and triad related activities, the Deputy Commissioner of Police (Operations) will oversee and review the related investigations.

7. Where an officer himself declares or reports his association with a triad or undesirable element, the Police response will depend on the circumstances. If criminality is suspected, a criminal investigation will commence. If no criminality is suspected, but it is considered that the officer might have breached disciplinary regulations, the officer will face a disciplinary review. There are instances where officers engage themselves in undesirable associations through ignorance or where relationships subsequently turn undesirable for one reason or another. In such cases, if an officer files a report or seeks help from Force Management, and there are no aggravating factors, the officer concerned will receive guidance and assistance. Similarly if an association is an innocent one, including a family relationship, the officer will be advised to be alert to potential conflict of interest and his posting will be regularly reviewed to minimize risk. Continuous reviews of instructions in the Force are conducted to advise and guide staff on steps to be taken to identify, prevent and manage officers associated with doubtful personalities or undesirable elements.

8. If ICAC have information that a police officer has an undesirable association and they continue to investigate the matter in conjunction with other corruption allegations, the Police will render all necessary assistance to them. At this point, no disciplinary action will be taken by the Police to safeguard the integrity and confidentiality of the ICAC investigation. On conclusion of the ICAC investigation and when the information is passed back to the Police, the Force will deal with the disciplinary aspect.

### **Prevention of Undesirable Association**

9. The Force has in place a comprehensive Anti-Corruption Strategy aimed at eliminating corrupt practices including undesirable association. The strategy focuses on three main areas, namely, education, prevention and enforcement. In addition, there are in force within the Police orders and guidelines, covering subjects such as conflict of interest, declaration of assets by officers in designated posts, management of officers with unmanageable debts and the internal reporting of malpractice and corruption. Integrity and honesty are stated as core values in the “Force Vision and Statement of Common Purpose and Values”. Every opportunity is taken to inculcate these values to Force members and they have been included in the “Force Living the Values Workshops” delivered to every level of officers in the Force.

### **Promotion and Posting of Officers**

10. The Police Force has a system for conducting background checks on all candidates recommended for promotion, as well as those who will be transferred to posts which may expose officers to undesirable elements and posts that give officers access to sensitive information. Known undesirable association that places an officer’s integrity in doubt will affect his promotion or posting.

### **Communication between the Police and ICAC**

11. There are various forums for communication between the Police and ICAC, including -

- (a) **The Force Anti-Corruption Strategy Steering Committee**  
This committee, comprising senior Police and ICAC officers, coordinates initiatives in support of the Force Anti-Corruption Strategy.
- (b) **The Police Corruption Prevention Group**  
This is a joint Police / ICAC group with responsibility for steering corruption prevention studies.
- (c) **The ICAC Operations Review Committee**  
The Commissioner of Police is a member of this committee at which ICAC operations and operational matters are deliberated.
- (d) **The Police / ICAC Operational Liaison Group**  
This group is co-chaired by senior officers of the Police and ICAC and it discusses matters pertaining to operational cooperation.
- (e) **The Internal Investigations Office (IIO)**  
This is the main liaison point with ICAC within the Police Force. The office provides assistance to ICAC in respect of the latter's operations and requests for information from the Force.
- (f) **Operational Liaison**  
This includes ICAC briefings to Regional and District Commanders.
- (g) **Training**  
The ICAC provides corruption prevention training to Police recruits and Police officers who attend in-service training courses.

12. Should the Police become aware that any Police officer, regardless of rank, is involved in corruption, the matter will be referred through IIO to ICAC. Police Management will from time to time be briefed by ICAC on the progress of an investigation. In other cases whereby ICAC receive information or develop intelligence that a Police officer is involved in

corruption, ICAC will brief the Police regarding impending overt action against the officer unless precluded by operational circumstances. As stated above, the Police will refrain from taking any action against the officer until the ICAC operation has gone overt.

13. The Police will continue to maintain a close liaison with ICAC with a view to further enhancing communication between the two departments. The Force remains firmly committed to supporting ICAC's work.

**Hong Kong Police Force**  
**January 2004**