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30 September 2006

Clerk, Public Accounts Committee
(Attn : Ms Dora WAI)
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Ms Wai,

**The Director of Audit's Report on the
Results of value for money audits (Report No. 46)**

Chapter 1 - Collection of fines imposed by Magistrates' Courts

I refer to your letter of 12 June 2006 and would like to provide the attached Police's progress report on the implementation of the recommendations raised in the above audit report for your reference.

Should you require further information, I shall be happy to assist.

Yours sincerely,

(Mrs. Kitty CHENG)
for Commissioner of Police

c.c. Judiciary Administrator
Deputy Director of Public Prosecutions
Commissioner for Transport
Director of Immigration
Secretary for Financial Services and the Treasury
Director of Audit

**Chapter 1 – Collection of fines imposed by Magistrates' Courts
 Issues for response by Commissioner of Police
 (PAC's letter to CP dated 12 June 2006 (Ref.: CB(3)/PAC/R46))**

	<i>Audit recommendation</i>	<i>Department responsible and its reply</i>	<i>Information to be provided to PAC by 30.9.2006</i>	<i>Progress</i>
Part 2: Imposition and settlement of fines				
1.	<p><u>Audit findings in Figure 1 of paragraph 2.12 of Audit Report</u></p> <p>\$30.5 million of fines relating to moving offences and parking contraventions imposed by Magistrates' Courts were written off in 2005-06 (up to 31.12.2005).</p>		<p>Of the \$30.5 million of fines written off, the amount that can be recovered by 30.9.2006.</p>	<p>Of the \$30.5 million of fines written off in 2005-06, \$0.5 million of fines for 738 cases have been recovered in the past 4 months. In total, \$1.8 million of fines for 2,171 cases have been recovered so far. Police will continue to make effort to recover the remaining sum.</p>

	<i>Audit recommendation</i>	<i>Department responsible and its reply</i>	<i>Information to be provided to PAC by 30.9.2006</i>	<i>Progress</i>
Part 3: Action on overdue fines				
2.	<p><u>Para 3.17(a) of Audit Report</u></p> <p>For parking contraventions, the Department of Justice (D of J) should, in consultation with CP, consider reviewing the existing criteria for application of distress warrants as set out in para 3.4. They are:</p> <p>(a) the ownership of the offending vehicle has been transferred;</p> <p>(b) the vehicle licence of the offending vehicle has expired for two years; or</p> <p>(c) the total amount of outstanding fixed penalty and court cost due from the defaulter has accumulated to over \$50,000.</p>	<p><u>CP's letter of 24.5.2006</u></p> <p>(a) after consultation with D of J and Transport Department, the Police proposes that criterion (b) be revised from when "the vehicle licence of the offending vehicle has expired for two years" to "as soon as the vehicle licence expires"; and</p> <p>(b) regarding criterion (c), a review of the existing threshold of \$50,000 will be conducted pending more statistics and information about the impact on the number of warrants if the threshold is to be revised.</p>	<p>Timetable for revising criterion (b).</p> <p>Timing and/or outcome of the review, and implementation details where appropriate.</p>	<p>(a) For criterion (b), the Police has requested JA and TD to advise on the timing when the modifications of their computer systems for the revision could be made. JA has said that system modification of CASEMAN for the revision of criterion (b) is not required. TD is in the process of upgrading its computer system from VALID III to VALID IV. The vendor of TD's VALID IV project advised that the system modification for the revision of criterion (b) could be made after full development of VALID IV project in August 2007.</p> <p>The Police would continue to discuss with DoJ, JA and TD the implementation details for the change of criterion (b), with a view to implementing the change after August 2007.</p> <p>(b) For criterion (c), the Police considers that the existing threshold of \$50,000 could be adjusted downwards. When reviewing lowering the threshold, the workload implication as well as the cost of execution of distress warrants to be worked out by JA in November 2006 would be considered.</p> <p>Same as criterion (b), JA said that system modification of CASEMAN for a revision of criterion (c) is not required. The vendor of TD's VALID IV project has advised that the system modification for the revision of criterion (c) could be made after full development of VALID IV project in August 2007.</p>

	<i>Audit recommendation</i>	<i>Department responsible and its reply</i>	<i>Information to be provided to PAC by 30.9.2006</i>	<i>Progress</i>
				<p>The Police would continue to discuss with DoJ, JA and TD the setting of the new threshold, with a view to implementing the change after August 2007.</p>
3.	<p><u>Para 3.18 of Audit Report</u></p> <p>CP should review whether it is necessary to maintain the existing requirement that for moving offences, the total outstanding amount of fixed penalty and court cost due from a defaulter must exceed \$1,500 before applying for a warrant.</p>	<p><u>CP's letter of 24.5.2006</u></p> <p>The Police will, in consultation with D of J, review the existing criterion of issuing non-payment warrants relating to moving offences.</p>	<p>Timing and/or outcome of the review, and implementation details where appropriate.</p>	<p>After careful consideration, the Police is of the view that the existing threshold of \$1,500 could be removed.</p> <p>JA has said that system modification of CASEMAN for a revision of the \$1,500 threshold is not required. The vendor of TD's VALID IV project has advised that the system modification for the revision could be made after full development of VALID IV project in August 2007.</p> <p>The Police would continue to discuss with DoJ, JA and TD the implementation details for the removal of the threshold, with a view to implementing the change after August 2007.</p>

	<i>Audit recommendation</i>	<i>Department responsible and its reply</i>	<i>Information to be provided to PAC by 30.9.2006</i>	<i>Progress</i>
Part 5: Execution of non-payment warrants by the Police				
4.	<p><u>Para 5.12 of Audit Report</u></p> <p>CP should explore ways to improve the execution of non-payment warrants.</p>	<p><u>CP's letter of 24.5.2006</u></p> <p>At PAC's request, information relating to the timing of the execution attempts carried out by the Police and the success rates of attempts carried out in different periods of a day were provided.</p> <p><u>Note:</u> How the Police would improve the execution of non-payment warrants was not mentioned in CP's letter.</p>	<p>Progress report on the implementation of the recommendation.</p>	<p>All police officers performing warrant execution duties have been reminded of the practical need to conduct visits outside regular office hours with a view to increasing the success rate of executing the warrants.</p> <p>A standard checklist for warrant execution has been introduced for use in all police divisions to standardize the actions of warrant execution as well as facilitating the Divisional management in monitoring what actions have been taken and the timing when the attempts are made. Police HQs will check to ensure that the procedures for warrant execution have been properly followed.</p>

	<i>Audit recommendation</i>	<i>Department responsible and its reply</i>	<i>Information to be provided to PAC by 30.9.2006</i>	<i>Progress</i>
5.	<p><u>Para 5.17 of Audit Report</u></p> <p>CP should, in consultation with the Director of Immigration, consider the feasibility of placing on the Immigration Department (ImmD)'s watch list the names of those defaulters for whom non-payment warrants have been issued and who have large amounts of outstanding fines.</p>	<p><u>CP's letter of 24.5.2006</u></p> <p>The Police is in the process of consulting D of J and ImmD on a number of issues, e.g. the propriety of the definition of serious cases of payment defaulters and the proportionality of the suggested measure on human right consideration, etc.</p> <p><u>Director of Immigration's letter of 24.5.2006</u></p> <p>ImmD is prepared, upon request of the Police, to intercept payment defaulters of serious cases at control points and quickly hand them over to the Police. Alternatively, ImmD is also prepared to accept legislative amendments to the prescribed Form 29 [warrant for apprehension issued under Section 101A(1)(b) of the Magistrates Ordinance, Cap. 227] to have the apprehension power extended to immigration officers at control points for handing over to police officers for follow-up action.</p>	<p>Outcome of the consultation, and implementation details where appropriate.</p>	<p>DoJ has advised that a warrant for non-payment of fines does not prohibit the subject of the warrant from leaving Hong Kong. As such, the ImmD cannot refuse a person who is the subject of such a warrant departure clearance if he holds a valid travel document. Nevertheless, ImmD has the administrative power to include any person (such as the subject of a non-payment warrant) in a watch list; and may intercept him at a control point and ask him to wait for the Police for the execution of the warrant.</p> <p>ImmD has proposed to include defaulters with five or more non-payment warrants in a watch list and intercept them at the control points. The Police agrees that defaulters having five or more non-payment warrants are worthy of particular actions when Police's consistent efforts to arrest them by other means have been unfruitful and the chances to recover the outstanding fines are slim. The Police is also of the view that it would be appropriate to include only defaulters having five or more non-payment warrants in the watch list at the initial stage of implementation taking into accounts freedom of travel and likely inconvenience imposed on the defaulters. The Police will review this arrangement after it has operated for 12 months.</p> <p>The Police will continue to liaise with DoJ and ImmD on the protocol and implementation date of the proposed measure.</p>