

(Translation)

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香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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本函檔號 Our Ref.: SBCR 3285/57 Pt. 79

來函檔號 Your Ref.:

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10 March 2017

Miss Betty Ma
Clerk to Security Panel
Legislative Council Complex
1 Legislative Council Road
Hong Kong
(Fax : 2185 7845)

Dear Miss Ma,

I refer to your letter dated 15 February 2017 to the Secretary for Security. Our reply is set out below.

According to Section 17 of the Police Force Ordinance (Cap. 232) (“the Ordinance”), when criminal proceedings are being instituted or are about to be instituted against a police officer other than a gazetted police officer¹ and thus he is interdicted from exercising the powers or functions of his office, he shall be allowed to receive such proportion of his pay, not being less than one-half, as the Commissioner of Police shall in every case direct, until such time as he may be convicted of an offence. If the officer is later convicted, his case will be dealt in accordance with Section 37(4) of the Ordinance. As for the pay received by the police officer concerned while he was interdicted from exercising the powers or functions of his office, the Government is not empowered by the Ordinance to recover it.

The seven police officers mentioned in the incoming letter have already lodged appeals against their convictions and sentences. The Hong Kong Police Force will, depending on the outcomes of the appeals and the development of the cases, follow up the matter in accordance with relevant legislation and established mechanisms. In view of privacy, we would not comment on individual cases.

Yours sincerely,

(Andrew Tsang)
for Secretary for Security

¹ According to Section 3 of the Ordinance, gazetted police officers include officers of all ranks from and including the Commissioner down to and including superintendent. In other words, police officers other than gazetted police officers refer to officers of all ranks from and below chief inspector.