

立法會
Legislative Council

LC Paper No. CB(2) 1050/99-00
(These minutes have been seen
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Ref : CB2/PS/1/99

LegCo Panel on Security

**Subcommittee on
Indebtedness of Police officers**

**Minutes of meeting
held on Tuesday, 16 November 1999 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon David CHU Yu-lin
Hon CHEUNG Man-kwong
Hon Gary CHENG Kai-nam, JP

Public Officers attending : Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr YAM Tat-wing
Assistant Commissioner of Police (Personnel)
Hong Kong Police Force

Mr LEUNG Lau-on
Chief Superintendent (Staff Relations and
Conditions of Service)
Hong Kong Police Force

Ms LEUNG Ching-kwan
Senior Superintendent (Staff Relations)
Hong Kong Police Force

Mr LAM Cheuk-ping
Superintendent (Staff Relations 2)
Hong Kong Police Force

Attendance by : Local Inspectors' Association
Invitation

Mr LIU Kit-ming
Chairman

Ms CHUI Po-chu
Secretary

Ms WAN Miu-ling
Assistant Secretary

Mr TONG Chi-wah
Treasurer

Mr LAU Tat-keung
Executive Committee Member

Clerk in : Mrs Sharon TONG
attendance : Chief Assistant Secretary (2)1

Staff in : Miss Betty MA
attendance : Senior Assistant Secretary (2) 1

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I. Meeting with representatives from the Local Inspectors' Association and the Administration

Presentation from the Local Inspectors' Association

Mr LIU Kit-ming said that the Local Inspectors' Association (the Association) was of the view that the situation of indebtedness of Police officers was not particularly serious. The Association agreed with the

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general approach adopted by the Force management to tackle the problem of indebtedness of Police officers and considered the measures introduced by the Force management to tackle the problem were effective. He pointed out that as the definition of "unmanageable debts" adopted in the Force was more stringent than that in other disciplinary forces, it was inappropriate to compare the situation of Police officers with unmanageable debts (OUDs) with the situation of officers in other disciplinary forces with unmanageable debts simply by making reference to the number of OUDs. Given that some of the Force members incurred unmanageable debts because of investment or business failure, the Force management might consider providing more training for the Force members on investment related issues with a view to arousing their awareness of the risk involved in investment. It was an opportune time to review the effectiveness of the measures so far introduced. If they were proved to be effective, the Association suggested that the Force management might consider redeploying some of the resources which were currently used for tackling the indebtedness problem to other areas, e.g. resources for the Force members to further their studies. Lastly, Mr LIU Kit-ming said that the Force management might further examine whether a bankrupt Police officer should be suspended from his duty.

2. Mr LAU Tat-keung said that Force members in general supported the measures introduced by the Force management to tackle the problem of indebtedness of Police officers. As a result of the efforts made by the Force management, Police officers, in particular the new recruits and the middle management, were aware of the importance of prudent financial management. The Force management was able to identify Police officers who had had unmanageable debts reasonably early at the Formation level. He suggested that should a Police officer still possess some assets, he should not be regarded as an OUD even though he faced financial problems temporarily.

Discussion

Effectiveness of handling measures

3. Mr CHENG Kai-nam enquired about the effectiveness of the measures introduced by the Force management to tackle the problem of indebtedness of Police officers from the staff side's point of view. Mr LIU Kit-ming said that although there was no scientific analysis available, as far as he was aware, there was a change in the Force's culture in respect of prudent financial management and healthy lifestyle as a result of the efforts made by the Force management to tackle the indebtedness problem.

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General situation of OUDs in the Force

4. Responding to Mr CHENG Kai-nam's enquiry about the general attitude in the Force to OUDs, Mr LIU Kit-ming said that as OUDs were under pressure not to disclose their financial problems for fear of encountering difficulties in their postings. In the light of the ruling delivered in the recent judicial review, disciplinary proceedings could only be instituted against an officer who had serious pecuniary embarrassment resulting in efficiency impairment. Consequently, an increasing number of Police officers had sought assistance from the Police Welfare Officers regarding their financial problems.

5. Mr CHEUNG Man-kwong asked whether the existence of small scale gambling syndicates was found in the Force. Representatives from the Association responded that the situation was becoming very uncommon. Gambling did exist in the Force but it shared the general pattern as that in the society.

Improvements to handling measures for OUDs

6. Mr CHENG Kai-nam said that the Force management should take into account the psychological impact on the Force members when introducing new measures to tackle the problem of indebtedness of Police officers. Assistant Commissioner of Police (Personnel) (ACP(P)) said that counselling services and advice would be provided to OUDs as necessary. In addition, the Force management had organized a series of stress management workshops for OUDs with a view to allaying their stress arising from indebtedness and enhancing their awareness of the techniques in prudent financial management, and the undesirable consequences of indebtedness. OUDs were encouraged to participate in the workshops as far as practicable.

7. The Chairman considered that OUDs were more prone to corruption and crimes. The Force management should convey a strong message to every Force member that OUDs who were continuously indebted because of overspending or gambling would not be tolerated and no assistance would be provided. He wondered if the Force management could explore other feasible measures to tackle the problem of indebtedness, such as amending the relevant legislation so that Police officers who had unmanageable debts due to overspending or gambling would be punished.

8. Mr CHEUNG Man-kwong suggested that in the light of the legal constraints faced by the Force management in instituting disciplinary

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proceedings against an OUD, consideration might be given to devising a code of practice on financial management for the Force members. The Force management should also consider the extent to which assistance would be provided to OUDs.

9. Responding to members' remarks, Mr LIU Kit-ming said that having regard to the ruling of the recent judicial review, the Force management could not punish an officer who was indebted because of gambling or overspending. It was very difficult, if not impossible, to prove a Police officer had been indulgent in gambling or overspending. Moreover, the adoption of an over strict policy would discourage Police officers from disclosing their financial problems. As regards the proposal to put in place a code of practice for Police officers, Mr LIU pointed out that the Force members were already subject to a set of very stringent Police Orders. The Association considered that the prevailing Police Orders were adequate to regulate the conduct of Police officers.

Handling measures for bankrupt Police officers

10. Noting that Police officers who had become bankrupt were still allowed to perform duties, Mr CHEUNG Man-kwong asked whether the Force management had assessed the risk of the arrangement. He considered that when a Police officer had become bankrupt, he would normally have unmanageable debts for a prolonged period of time. He therefore questioned the suitability for bankrupt Police officers to remain in the service, particularly those officers who were indebted due to gambling or overspending.

11. ACP(P) responded that similar measures for dealing with OUDs would apply to Police officers who went bankrupt. The respective Formation Commanders would interview the bankrupt Police officers monthly with a view to assessing their progress of complying the requirements as specified by the Official Receiver's Office and whether their performance had been affected. These officers would be prohibited from performing sensitive duties which involved public funds or were vulnerable to corruption opportunities. Disciplinary proceedings could be instituted against a bankrupt Police officer only if his financial problem had resulted in efficiency impairment bearing in mind the ruling of the recent judicial review.

Concession letters for OUDs issued to banks

12. The Chairman said that he was given to understand that the Police Welfare Officers would, on behalf of the Commissioner of Police (CP), issue letters to those banks where OUDs had difficulties in repaying their

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outstanding debts, requesting the banks to give "special consideration" to the Police officers in question and to allow the Police officers to extend their repayment schedule. The letters also stated that "every possible concession would be much appreciated". The Chairman pointed out that the wording of these letters would impose pressure on banks to provide assistance to the debtors in question to a certain extent. The banks also expressed concern about the extent to which concession should be offered to their debtors upon receiving the letters in question.

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13. ACP(P) responded that the Force management was unaware of the misunderstanding that might have caused by the wording in the letters in question. He explained that under normal circumstances, OUDs would seek assistance from the Police Welfare Officers regarding their financial problems only after they had failed in soliciting agreement from the banks for restructuring the repayment schedule of their debts. The issuing of such letters to banks by Police Welfare Officers was a standard practice to explore the feasibility of restructuring OUDs' debts. Having regard to the feedback from the banks, ACP(P) said that the Force management would review the arrangement.

14. Mr LIU Kit-ming pointed out that, on the contrary, some financial institutions had written in to CP seeking assistance to recover loan payments from some Police officers.

The Way Forward

15. The Chairman said that as legal advice from the Department of Justice was being sought by the Force management on the feasibility and legality of new measures that could be taken to tackle of the problem of indebtedness of Police officers, the Subcommittee would make a report to the Panel on Security pending the legal advice on the proposals as far as practicable.

16. The Chairman said that the following points should be incorporated in the Subcommittee's report -

- (a) The Subcommittee noted that there had not been a significant improvement in the situation of Police indebtedness. The situation had remained stable having regard to the fact that the adverse impact of the economic turmoil had taken full effect since the second half of 1998.
- (b) As some OUDs were indebted due to gambling or overspending, the Force management should convey a clear and strong message to the Force members that under no

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circumstances would overspending or gambling be tolerated.

- (c) The Subcommittee considered that the arrangement for not deploying OUDs to perform sensitive duties which involved public funds or were vulnerable to corruption opportunities was appropriate.
- (d) The preventive measures introduced by the Force management to tackle the indebtedness problem would be effective from a long term perspective.
- (e) The Force management was urged to review whether Police officers who had become bankrupt, particularly those who were indebted due to overspending or gambling, should be allowed to remain in the service.

17. There being no other business, the meeting ended at 11:55 am.

Legislative Council Secretariat
30 December 1999