

## **Panel on Security of the Legislative Council**

### **PURPOSE**

This paper informs Members of the circumstances surrounding the resignation of the Director of Investigation/Government Sector (D/GS) of the Operations Department and the staffing position of the Independent Commission Against Corruption (ICAC).

### **RESIGNATION OF MR GILBERT CHAN**

2. On 6 July, Mr Gilbert CHAN, D/GS, applied to resolve his agreement with the Commission on personal grounds. He has also applied to take leave during the notice period. As provided for in the terms of appointment for ICAC officers, an officer may be allowed to take leave during the notice period, subject to exigencies of service. Before he tendered the resignation, Mr CHAN had been on vacation leave for around one month and an Assistant Director of Operations was appointed to act in the post of D/GS. Given that Mr CHAN had already handed over his work and having regard to the work and operational need of the Operations Department and to minimise disruption, Mr CHAN was allowed to proceed on leave on 16 July. Taking into account his accrued leave of more than four months, the effective end date of Mr CHAN's agreement is 28 November 2005.

3. To make sure that senior officers leaving the Commission do not enter into employment which may compromise them or the Commission due to a conflict of interest, all agreement officers on the equivalent of Directorate Pay Scale D3 and above are required to seek approval from the Commissioner, ICAC before they can take up any outside employment in Hong Kong within one year immediately following the expiry of their final leave. Any such application will be processed in accordance with the established procedures. The Commissioner will give serious consideration as to whether the prospective employment of the applicant is in the same field as his employment in the Commission and whether there is a possible conflict of interest.

### **STAFFING POSITION**

4. As at 1 July 2005, the ICAC had 1,228 officers. Among them, 17 are on permanent pensionable terms and 1,211 are on agreement terms, constituting 1.4% and 98.6% of the establishment respectively.

5. With over 98% of ICAC staff appointed on agreement terms, the

turnover of staff in the Commission is more susceptible to changes in the labour market particularly when the economy is performing well and more attractive remuneration available in the market. The wastage rate for the past three years ranged from 4.7% to 7.1% as given below –

<u>Year</u>	<u>Number of Leavers</u>	<u>Wastage Rate</u>
2002	62	4.8%
2003	61	4.7%
2004	89	7.1%

6. Possibly affected by the overall economy, the wastage rates for 2002 and 2003 were relatively low when compared with the wastage rates of 6.7% for 2000 and 7.4% for 2001.

7. In the first six months of 2005, 46 officers have left the Commission. Of these leavers, the majority left the Commission on their own initiative. Based on known anticipated wastage, the projected wastage rate for 2005 is around 6%. This is close to the average wastage rates of 6.1% for the past five years and 6.2% for the past ten years.

8. As revealed in the following breakdown of the number of officers by rank who left the Commission in the past three years, the turnover of staff at the Senior Commission Against Corruption Officer level and Directorate officers has remained low. A much higher turnover is seen at the Assistant Commission Against Corruption Officer level.

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>Total</b>
Directorate	2	1	2	<b>5</b>
SCACO	3	2	2	<b>7</b>
CACO(U)	5	3	9	<b>17</b>
CACO(M/L)	9	14	30	<b>53</b>
ACACO	18	24	21	<b>63</b>
CACI Grade	0	4	2	<b>6</b>
General Grades	25	13	23	<b>61</b>
<b>Total</b>	<b>62</b>	<b>61</b>	<b>89</b>	<b>212</b>

Legend :

- SCACO : Senior Commission Against Corruption Officer
- CACO(U) : Commission Against Corruption Officer (Upper)
- CACO(M/L) : Commission Against Corruption Officer (Middle/Lower)
- ACACO : Assistant Commission Against Corruption Officer
- CACI : Commission Against Corruption Investigator

9. To ensure that the Commission has a healthy complement of staff, we will continue to recruit and promote officers to fill vacancies where necessary. Since 2003, we have recruited a total of 117 officers, including 84 Assistant Investigators and Investigators for Operations Department and 13 Assistant Commission Against Corruption Officers for Community Relations Department and Corruption Prevention Department, and promoted 71 officers to various ranks.

**Independent Commission Against Corruption**  
**July 2005**