

**Bills Committee on
Independent Police Complaints Council Bill**

**Financial and transitional arrangements
for the statutory Independent Police Complaints Council**

Purpose

This note provides information in response to the submission made by the Independent Police Complaints Council (IPCC) to the Bills Committee on 16 May 2008 in respect of the financial and transitional arrangements for the statutory IPCC.

General arrangements

Financial arrangements

2. The financial provision for the IPCC is currently set out under a separate head of expenditure (Head 121) in the Government's annual Estimates. The financial provision for the IPCC for the 2008-09 financial year is \$16,526,000.

3. To reflect the independence of the statutory IPCC, the intention is that Head 121 should be retained to set out all money paid by the Government to the Council and appropriated for that purpose by the Legislative Council. The financial allocation to the statutory IPCC will be shown in the form of a one-line vote with the Secretary (to be retitled "Secretary-General") to the Council continuing to be the Controlling Officer. These arrangements are modelled on those currently applicable to the management of the finances of the Office of the Ombudsman.

4. To facilitate the IPCC to discharge its functions of monitoring the CAPO's handling and investigation of reportable complaints, we are committed to ensuring that the statutory IPCC will continue to be provided with appropriate support and resources under the new regime. We envisage that the IPCC will be provided with no less than the current level of financial resources on becoming a statutory body. Any requests for additional resources will be subject to the established resource bidding procedures in the normal manner. In this regard, the Administration will advise the statutory IPCC annually of the time and manner in which the

relevant resource allocation exercises and estimates of expenditure are to be conducted/prepared to facilitate the statutory IPCC to consider the level of financial provision needed for the subsequent financial year and to prepare resource bids when necessary.

5. Bids for additional financial resources from all Government bureaux/departments and Government-funded bodies, including those from the statutory IPCC in future, will be considered at a high-level forum, with the personal participation of both the Chief Secretary for Administration and the Financial Secretary. Directors of Bureaux may attend before such a forum to appeal against any decisions on their bids for resources. In the event that the statutory IPCC wishes to lodge such an appeal, the Secretary for Security as the point of contact between the statutory IPCC and the Administration, will invite the Secretary-General to the statutory IPCC (being the Controlling Officer for the IPCC's head of expenditure) to present his case personally.

Staffing arrangements

6. Government-funded bodies^{Note}, including the statutory IPCC, are required to observe the Administration's prevailing subvention guidelines when determining their staffing structure, appointing staff and drawing up the terms and conditions of their staff. Specifically, the statutory IPCC is required to regularly review the number, ranking and remuneration packages of its staff at the top three tiers. In assessing the appropriateness of the number and ranking of senior positions of the statutory IPCC, the functions and the overall staffing structure of the Council, the nature and complexity of the duties concerned, and the ranking for comparable jobs in the civil service would be taken into account. In the absence of comparable civil service ranks, reference should be made to market practices. The Administration envisages that when a proper framework governing the remuneration practices for the top three tier executives is drawn up, it will filter down to other tiers of staff.

^{Note} Those receiving more than 50% of its operating income from the Government.

The IPCC's views

Additional resource requirements

7. In its submission of 16 May 2008 to the Bills Committee, the IPCC has sought the following additional staffing/financial resources:

- (a) 6 additional posts in the Secretariat;
- (b) upgrading the IPCC Secretary post from the existing rank of Administrative Officer Staff Grade C (Directorate Pay Scale Point 2, i.e. with a monthly salary of \$115,450 to \$122,600) to the equivalent of Directorate Pay Scale Point 3 (monthly salary of \$134,250 to \$142,250);
- (c) in addition to the Council's existing provision under Head 121, i.e. \$16,526,000, an one-off provision of \$3,700,000 and major increase in recurrent provision of \$14,400,000 to cover staff costs arising from (a) and (b) above and other increased expenses;
- (d) provision to cover any rental increase for office accommodation; and
- (e) provision for other unforeseen expenses.

8. On paragraph 7(a) – (c), the Administration is examining the proposals and will allocate additional resources which are justified. On paragraph (d) and (e), the Administration will consider providing additional resources should there be a sharp increase in rental and unforeseen expenses which are beyond the future IPCC's ability to absorb.

Transitional staffing arrangements

9. The IPCC has suggested that pending recruitment of its own staff and until they are ready and capable to take up the duties, the Administration should provide adequate civil servants to staff the Secretariat. In this respect, to facilitate a smooth transition and if the IPCC so wishes, civil servants may continue to serve in the IPCC Secretariat on secondment and such secondment may be phased out according to a timetable mutually agreeable between the statutory IPCC and the Administration.

Office accommodation

10. We understand that the IPCC intends to remain at its existing rented premises upon its establishment as a statutory body. Accordingly, the Council has asked that arrangement be made for it to “take over” the tenancy (now concluded between the Government Property Agency and the landlord) on the existing terms. The Government Property Agency is following up on this.

Security Bureau

June 2008