

For discussion

**Sub-Committee on
the Independent Police Complaints Council Ordinance
(Commencement) (No. 2) Notice 2009**

**Response to issues raised at the Sub-Committee meeting
held on 27 March 2009**

Purpose

At the Sub-committee meeting held on 27 March 2009, Members requested the Administration to provide supplementary information on the financial and staffing arrangements made by the Independent Police Complaints Council (IPCC) for the establishment of the statutory IPCC. The IPCC Secretariat has provided the requested information in the **Annex**.

**Security Bureau
April 2009**

**Subcommittee on
Independent Police Complaints Council Ordinance
(Commencement) (No. 2) Notice 2009**

**IPCC Secretariat's response to issues raised at
the Subcommittee meeting held on 27 March 2009**

- (a) To provide a breakdown of the funding requirement as set out in the Independent Police Complaints Council (IPCC)'s submission to the Bills Committee, to compare the allocation for the IPCC in the 2009-10 Draft Estimates, and to advise whether the difference would have an effect on the IPCC's performance of its review and monitoring functions*

The draft estimate of \$28.3 million provided for the IPCC in 2009-10 represents a significant increase compared with the estimate of \$16.5 million for 2008-09, i.e. an increase of 71.5%. With the flexibility inherent in the lump-sum allocation approach allowed for the statutory IPCC to manage its staffing and finances, the IPCC would be in a better capacity to optimise the use of available resources.

2. In terms of staffing and remuneration, the IPCC, in its submission to the Bills Committee in May 2008, made known its intent to bid for additional staffing provision of \$10.2 million a year, including the upgrading of the Secretary post from Directorate Pay Scale (DPS) Point 2 to Point 3, and the addition of six new positions: two Senior Executive Officer (SEO) equivalent posts, one Executive Officer (EO) I equivalent, one EOII equivalent, one Personal Secretary (PS) II equivalent and one Assistant Clerical Officer (ACO) equivalent posts.

3. For comparison purpose, the resources provided in the 2009-10 Draft Estimates are the lump-sum provision for the three senior posts, i.e. the equivalent of one SEO and one EOI posts (together they will form a vetting team and their post titles will be Senior Vetting Officer and Vetting Officer respectively), and another SEO equivalent to take up the new

appointment of Senior Manager (Finance & General). In this regard, resources are provided to establish an additional team to enhance the statutory IPCC's ability to speed up the processing of complaint cases and vetting of the Police's investigation reports, as well as to oversee finance administration and general support work previously undertaken by Government departments, etc. The remaining three posts viz. one EOII, one PSII and one ACO were proposed to undertake increase in office support work that the IPCC agrees to absorb within its approved manpower.

4. From an operational or practical point of view, the incumbent civil service Secretary, pitched at DPS Point 2, will need to stay on for the time being to oversee and ensure the smooth transition of the IPCC into an independent statutory entity, recruiting its own secretariat staff and instituting its separate administration and financial management systems. That being the case, the IPCC will take account of the operational experience upon its inception as a statutory body and formulate its proposal to upgrade the Secretary General as appropriate. The IPCC notes that in addition to the annual Resource Allocation Exercise (RAE), it may also consider a mid-year bid for urgent approval of required resources.

5. Against the \$0.7 million proposed for the annual amortization of its office and other equipment, no provision is given in the Draft Estimates. The IPCC takes note of the Government's policy to provide funds for the replacement of identified equipment or system towards the end of its useful life, rather than making annual provisions by installment and in advance. Indeed, based on such policy, \$1.88 million is provided for replacement of the audio-visual equipment and other minor works (which also meets part of the application of \$0.8 million for office renovation). The \$0.07 million provided for recruitment expenses - against some \$2.1 million requested - is consequential, as the bulk of the provision for engaging headhunter services to conduct recruitment of the Secretary-General appointment would be considered in the context of the possible upgrading of the appointment in due course.

6. Other provisions in the Draft Estimates are approved on the basis of relevant revised estimates only. These include: \$3.2 million for office rental, computer systems, translation service, etc (against the application of

\$3.5 million); \$0.2 million for publicity (original bid being \$0.6 million); and \$0.1 million for accounting software (\$0.1 million requirement met in full).

(b) To compare the staff complement of the secretariat of the existing IPCC and that of the statutory IPCC

7. The prevailing staff complement of the IPCC Secretariat and the enhanced staff complement of the statutory IPCC Secretariat, with the new positions highlighted, is at **Appendix A**. As at 31 March 2009, the IPCC Secretariat had a total of 25 staff for the performance of required functions and duties of the IPCC, comprising 21 civil servants and four non-civil service contract (NCSC) staff employed to meet on-going service needs (but excludes four NCSC temporary staff for undertaking the one-off preparatory work to facilitate the smooth transition of the IPCC into a statutory body).

8. Subject to the approval of the 2009-10 Draft Estimates, the IPCC will seek to fill the three additional senior appointments (viz. the equivalent of two SEO posts and another EOI post) in the coming year through open recruitment. As a result, the statutory IPCC will have a staffing complement of 28 staff. This notwithstanding, the IPCC will keep under review the possible upgrading of the Secretary General post and other staffing requirements in the light of operational experience. It will bid for additional resources as it considers it necessary.

(c) To provide information on the workflow in connection with the examination of the investigation reports from the Complaints Against Police Office

9. Upon receipt of investigation reports on reportable complaints from the Complaints Against Police Office (CAPO), the IPCC Secretariat will allocate them to a vetting team for scrutiny (resources are approved to establish an additional vetting team and make a total of four teams in 2009-10). The vetting team will help see to it that the investigation is proper and

comprehensive, and will seek clarifications from CAPO as necessary. When the Secretariat is satisfied that a case has been properly investigated and the findings in the report are in order, or in the case of the statutory IPCC, the requirements as stipulated in the IPCC Ordinance are met, it will make arrangements to provide the investigation report to IPCC Members for examination.

10. The IPCC has an internal system to share out the workload among the Members and for the investigation reports to be distributed evenly to three sub-groups for consideration^{Note}. Each sub-group comprises a Vice-Chairman and four to five Members. After a report has been considered and accepted by a sub-group, it will be examined further by the Chairman for formal endorsement under delegated authority and on behalf of the Council. Nevertheless, during the process, any Member can raise the view for a report to be referred to the full Council and the Council must so consider the case as proposed.

11. In 2008, a total of 2 572 cases were endorsed by the IPCC. Of these, 557 cases were fully investigated. The time spent on scrutinising individual complaints varies considerably, depending on the complexity of the case and whether further information or clarification from CAPO is needed.

(d) To provide information on the procedures for the recruitment of the Secretary-General, IPCC

12. The position of Secretary, IPCC is currently filled by a civil servant. Under the IPCC Ordinance, the statutory IPCC may employ its own staff. The IPCC has decided to conduct open recruitment for the appointment of the Secretary-General post.

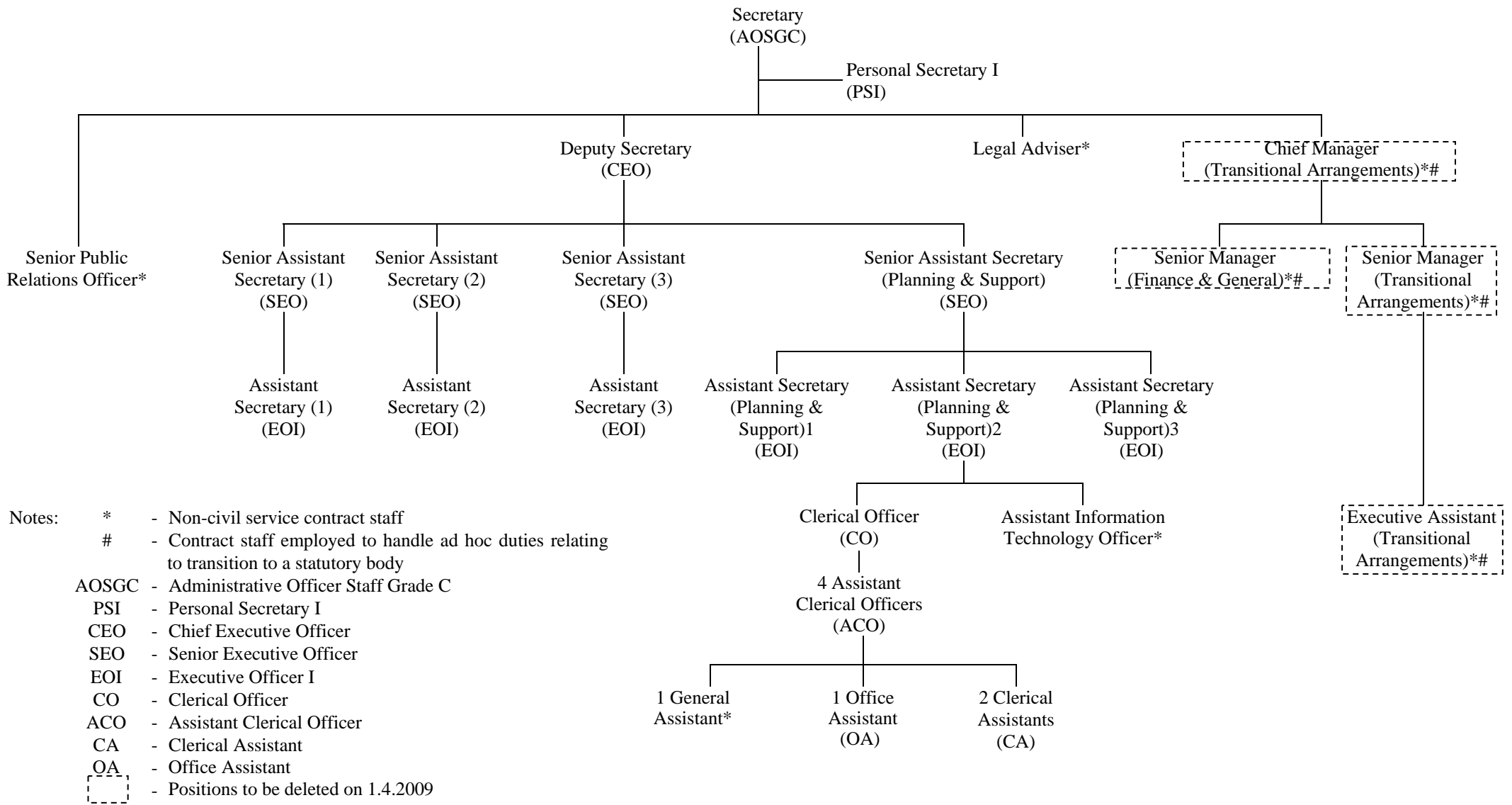
^{Note} The IPCC has delegated to the Secretary the duty to consider and endorse “Withdrawn” and “Informally Resolved” cases.

(e) To provide information on the workload of the IPCC Legal Adviser

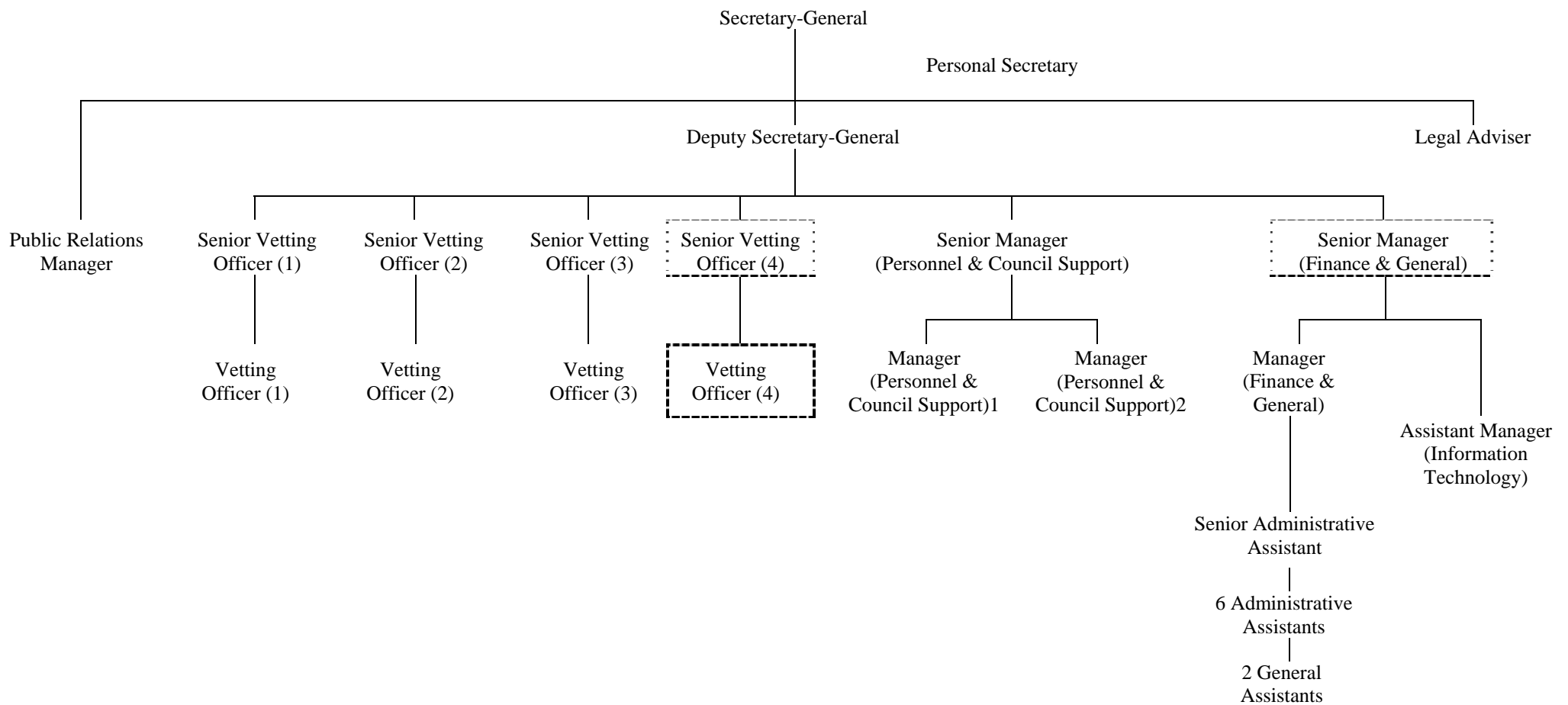
13. The IPCC's Legal Adviser is responsible for advising the IPCC on all matters of a legal nature. She attends all meetings of the IPCC to provide legal advice on a need basis. Where an investigation report may touch upon legal issues e.g. where judicial proceedings may be involved or where there are questions about the legality of the exercise of certain power by a police officer, the Legal Adviser will provide advice as necessary. The IPCC Secretariat has not kept statistics on the number of cases on which the Legal Adviser has provided advice. Where legal advice on investigation reports is required, they relate mainly to cases for which full investigation have been conducted.

Independent Police Complaints Council Secretariat
April 2009

Organisation Chart of Existing IPCC Secretariat
(Position as at 31.3.2009)



Planned Organisation Chart of Statutory IPCC Secretariat



- positions to be added in 2009/10