

**立法會**  
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**Panel on Security**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 1 March 2013**

**Management succession in the  
Independent Commission Against Corruption**

**Purpose**

This paper provides background information on the manpower situation and management succession in the Independent Commission Against Corruption ("ICAC") and summarizes the discussions of the Panel on Security ("the Panel") on the subject.

**Background**

2. ICAC was established on 15 February 1974 under the Independent Commission Against Corruption Ordinance (Cap. 204). It is headed by the Commissioner, ICAC, who is supported by the Administration Branch and three functional departments, including the Operations Department, the Corruption Prevention Department and the Community Relations Department. According to the 2011 Annual Report of ICAC, the staff establishment of ICAC as at 31 December 2011 was 1 380 and the staff strength was 1 298.

**Deliberations of the Panel**

Manpower situation in ICAC

3. Manpower situation in ICAC has been a concern to the Panel. When the Panel discussed the subject at its meeting on 5 January 2010, members noted

with concern that ICAC had experienced some problems with the retention of staff. Notwithstanding a downward trend from 9.3% in 2007 to 7.8% in 2008 and about 4.9% in 2009, the staff wastage rate of ICAC had been consistently higher than that of the civil service as a whole which stood at around 3%. The staff retention problem was relatively more severe in the Commission Against Corruption Officer ("CACO") grade, the wastage rate of which was 9.9% (79 officers) in 2007, 9.7% (76 officers) in 2008 and 5.4% (45 officers) in 2009.

4. According to ICAC, the comparatively higher wastage rate might be attributable to the fact that ICAC officers were remunerated on agreement terms with a contract period of 2.5 years and had a higher propensity to shift jobs. Departures in the surveillance, general and support grades were mostly out of natural causes such as retirement and reversion to the civil service after completion of one or two agreements. A sizable number of officers in the CACO grade left ICAC mainly because they had been lured by the competitive packages offered by the private sector or other public bodies. In 2009, 17 out of 45 CACO or 38% left ICAC to join other sectors.

5. There was a view that ICAC should provide more incentives to retain experienced staff. Members had asked whether the senior management of ICAC had considered measures to retain staff, such as extending the duration of the contract period beyond 2.5 years or raising the salary level of its staff.

6. According to ICAC, over 99% of ICAC staff were employed on renewable agreement terms of 2.5 years in duration. In response to the concern of its staff about job security, ICAC had been granting "linked contracts" of 2.5 years to officers with good performance and conduct after the first 2.5-year contract. The situation in recruitment and retention as well as other challenges faced by ICAC had been examined in the context of the Grade Structure Review of the Disciplined Services ("GSR"). The GSR Report recommended the enhancement of the pay scales of non-directorate ranks, including the CACO and surveillance grades, with a view to increasing the competitiveness of the remuneration packages and boosting staff morale.

7. Members noted that the minimum education qualification requirement for appointment as Assistant Commission Against Corruption Officer ("ACACO") was attainment of five passes in the Hong Kong Certificate of Education Examination. Information was sought on the academic qualifications of serving ACACOs in ICAC. According to ICAC, it had received good response in the CACO grade recruitment exercises, enabling it to appoint candidates with higher education to fill the vacancies concerned. Over 80% of staff appointed to the ACACO rank were degree holders.

8. Similar concern was raised at the special meeting of the Panel held on 28 January 2013 to receive briefing on the ICAC's major anti-corruption initiatives in 2013. ICAC advised that there had been a high turnover rate of experienced officers in the past few years, probably because of a high demand from the private sector for such personnel. ICAC was actively recruiting people of high calibre and would make continued effort to enhance the professional capabilities of investigating officers through constant evaluation and enrichment of the induction and professional development training programmes.

#### Management succession in the Operations Department

9. Members noted with concern that in July 2012, the Commissioner, ICAC appointed the former Director of Investigation (Government Sector) ("D/GS") of ICAC, who had proceeded on pre-retirement leave, to succeed as the Head of Operations ("H/Ops") with effect from 19 July 2012 for a period of three years. At the request of the Panel, ICAC had provided information on the appointment arrangement.

10. According to ICAC, the Operations Department is headed by H/Ops who also assumes the role of Deputy Commissioner of ICAC. H/Ops is underpinned by two Directors, namely D/GS and Director of Investigation (Private Sector) ("D/PS") and they are each assisted by two Assistant Directors.

11. Members were advised that the former H/Ops reached his retirement age in December 2011 and his service was extended to 17 April 2012 on grounds of operational needs of ICAC. The service of the former H/Ops was further extended to 31 July 2012 on operational grounds. The two extensions were agreeable to the former H/Ops. Before completing the full extension period, the former H/Ops requested on 18 June 2012 to curtail his service agreement so that he could cease his active service with ICAC with effect from 19 July 2012. Since then, D/PS had doubled-up the position of H/Ops for administrative convenience.

12. Members were further advised that when the former H/Ops started to extend his service beyond retirement age in December 2011, the D/GS post was held by a senior officer who had been in the post for over six years and standing in as H/Ops from time to time in the absence of the incumbent. At that time, the D/PS post was filled by another senior officer who was newly confirmed to the rank for about six months.

13. In the view of ICAC, since the work of the Operations Department was unique and highly sensitive and the incumbent of H/Ops must have ample experience in investigating corruption-related offences in both the public and private sectors. The appointment of former D/GS would bring immediate relief to the succession pressure in the Operations Department and was in the overall interest of ICAC where potential officers would be given adequate time to be groomed and tested to meet succession needs.

### **Relevant papers**

14. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
25 February 2013

**Relevant papers on  
Management succession in the  
Independent Commission Against Corruption**

Committee	Date of meeting	Paper
Panel on Security	5.1.2010 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	--	<u>Paper provided by ICAC at the request of the Panel on the appointment of a retired senior officer to succeed the Head of Operations who proceeded on pre-retirement leave (CB(2)165/12-13(01))</u>
	28.1.2013 (Item II)	<u>Agenda</u>

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