

— INTEGRITY 不懼不偏
Commitment

ICAC

誠
信



廉政公署事宜投訴委員會
ICAC COMPLAINTS COMMITTEE

— 2024 年報
ANNUAL
REPORT —

Courage
(勇)



ICAC
[1974]

VISION
願景

To become a world-acclaimed exemplar in the graft-fighting arena, entrench the reputation of Hong Kong as a city of probity, and drive global collaboration in anti-corruption efforts.

成為國際公認反貪典範，
鞏固香港廉潔都會美譽，
促進全球廉政建設合作。

廉政公署致力維護香港公平公正，
安定繁榮，以執法、教育、預防三管
齊下，與全體市民攜手肅貪倡廉，並
推動國際合作，與各地反貪機構共
同打擊貪腐。

廉政公署

使命

Mission

With the community, the ICAC is committed to fighting corruption through law enforcement, education and prevention to keep Hong Kong fair, just, stable and prosperous. We also foster international cooperation among anti-corruption agencies worldwide in the common fight against graft.

VALUES

廉政公署

牢記使命
[1974]

追求

Ability 卓越



INTEGRITY



堅守
誠信

信念

信

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FOREWORD BY THE CHAIRMAN



This is the thirtieth annual report published by the Independent Commission Against Corruption (“ICAC”) Complaints Committee (“the Committee”). It provides an overall account of our work in 2024.

This Committee is to monitor and review the ICAC’s handling of all non-criminal complaints against the ICAC and its officers. In 2024, the Committee held three meetings to consider investigation and assessment reports pertaining to the complaints lodged.

Apart from examining the alleged faults of the officers concerned, the Committee would also look into ICAC’s established procedures, practices and guidelines with a view to exploring possible enhancements on strategic and operational matters.

We sincerely hope that this report would enable the public to better understand the work of the Committee. If members of the public would like to share your views and suggestions with us, you are most welcome to contact us through the Committee Secretariat.

Dr the Hon LAM Ching-choi, SBS, JP
Chairman, ICAC Complaints Committee

ICAC COMPLAINTS COMMITTEE

Established on 1 December 1977, the ICAC Complaints Committee (“the Committee”) is responsible for monitoring and reviewing the handling by the ICAC of non-criminal complaints against the ICAC and its officers. The Committee comprises Executive Council and Legislative Council members as well as eminent members of the community appointed by the Chief Executive. From 1996 onwards, the Committee submits an annual report to the Chief Executive to provide an account of its work in the preceding year. The annual reports are also tabled in the Legislative Council and made available to the general public as a measure to enhance the transparency and accountability of the Committee.

TERMS OF REFERENCE

To monitor, and where the Committee considers appropriate to review, the handling by the ICAC of non-criminal complaints by anyone against the ICAC and officers of the ICAC.

To identify any faults in ICAC procedures which lead or might lead to complaints.

When the Committee considers appropriate, to make recommendations to the Commissioner of the ICAC, or when considered necessary, to the Chief Executive.

MEMBERSHIP (From 1 January 2024 to 31 December 2024)



Dr the Hon LAM Ching-choi, SBS, JP
Chairman



Miss Grace CHAN Man-yee
Member



The Hon Steven HO Chun-yin, BBS, JP
Member



Mr LAU Chun-hung, MH
Member



Ms Connie LAU Yin-hing, SBS, JP
Member



Mr Laurence LI Lu-jen, SC, JP
Member



Mr Stephen YIU Kin-wah, JP
Member



The Hon Eunice YUNG Hoi-yan, JP
Member



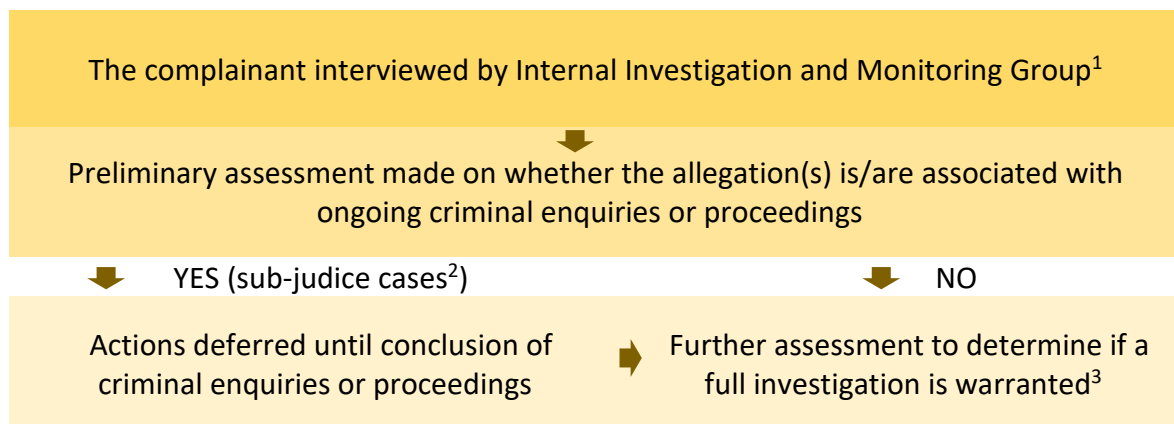
Mr CHAK Shui-hang
(Representative of The Ombudsman)
Member



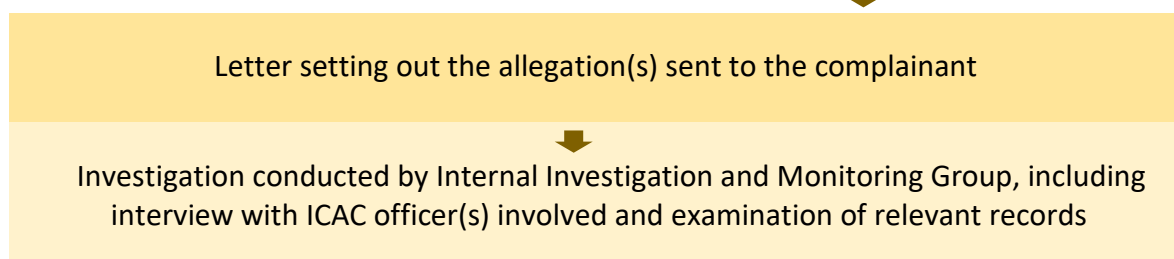
Ms Iris YICK Pui-yin
Secretary

HANDLING OF COMPLAINTS

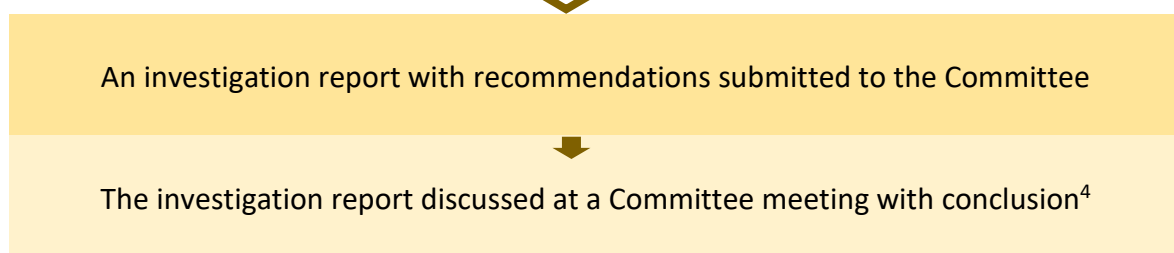
PRELIMINARY ASSESSMENT STAGE



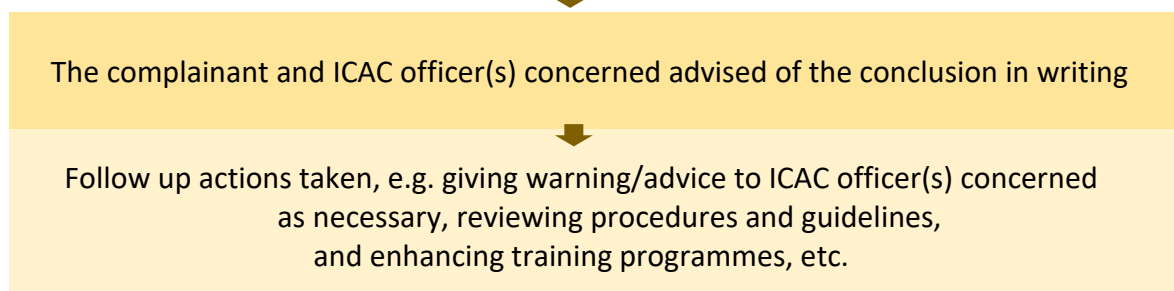
INVESTIGATION STAGE



COMMITTEE DISCUSSION STAGE



FOLLOW-UP ACTION STAGE

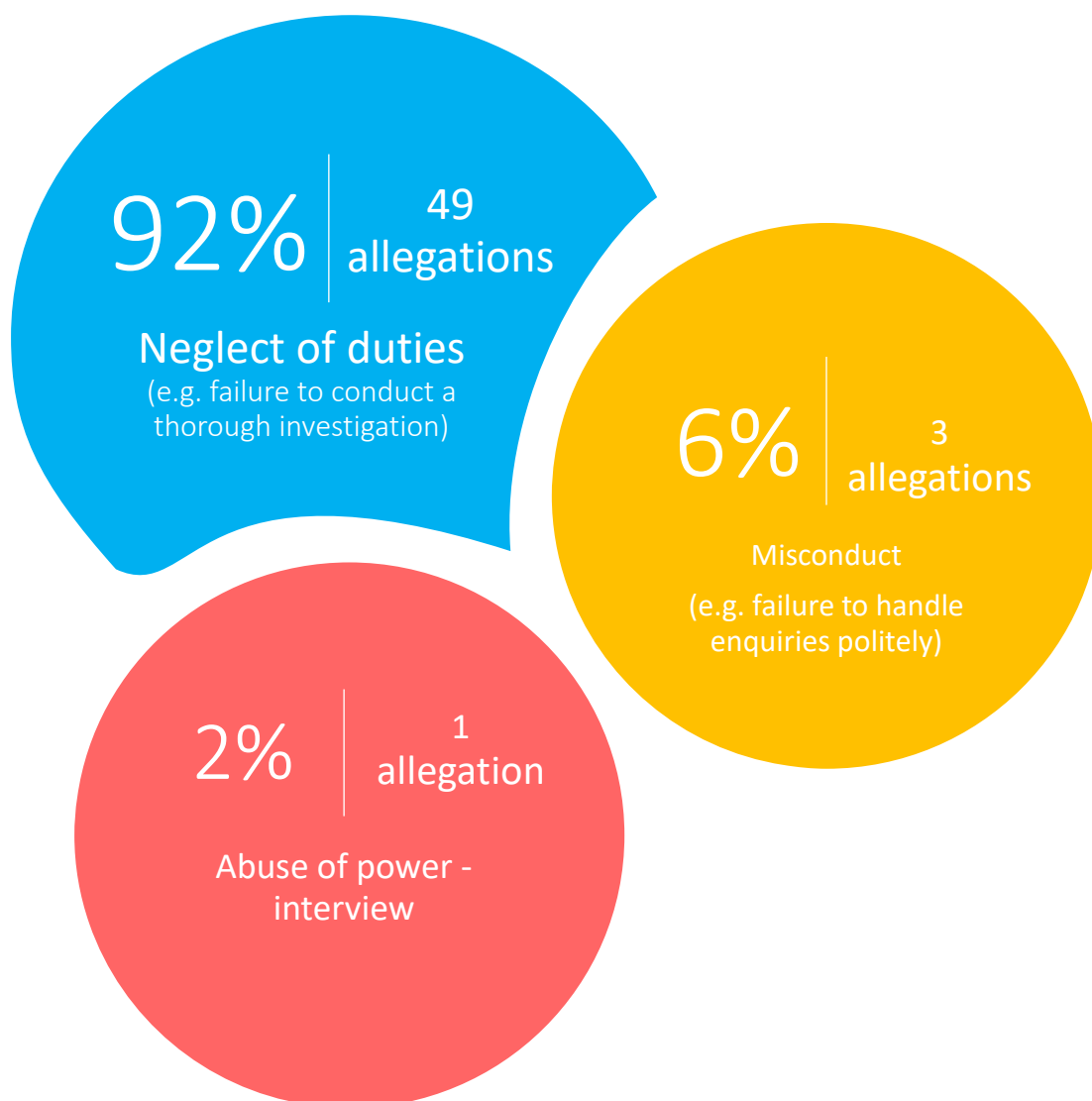


Remarks

1. The Administration Wing of the Chief Secretary for Administration's Office provides secretariat support for the Committee, including maintaining the Committee's website (<https://www.admwing.gov.hk/eng/links/icac.html>). If a person wishes to lodge a complaint against the ICAC or its officers, he/she may write to the Committee Secretary ("the Secretary"), or complain to the ICAC at any of its offices in person, by phone or in writing. The addresses of the Secretary and the ICAC offices are at Annex. When the complaint is received by the Secretary, the Committee Secretariat will acknowledge receipt and forward the complaint to the ICAC for follow-up actions. The Internal Investigation and Monitoring Group ("L Group"), under the direct command of Director of Investigation/Private Sector, in the Operations Department of the ICAC is responsible for assessing and investigating the complaint. Where warranted by circumstances, the Commissioner of the ICAC may make ad hoc arrangement to assign a particular complaint to designated officers outside L Group for assessment and investigation.
2. Where the allegations in a complaint are directly or closely associated with ongoing criminal enquiries or proceedings ("sub-judice cases"), the investigation will usually be deferred until the conclusion of such criminal enquiries or proceedings. Pursuant to legal advice, the complainant will be informed in writing that the investigation into his/her complaint will be deferred, pending the conclusion of relevant criminal enquiries or proceedings. If the complainant still wishes to seek immediate investigation of his/her complaint but the subject matter of the complaint appears to be closely related to issues on which the court has yet to decide, the Commissioner of the ICAC will seek further legal advice and decide whether or not to maintain the decision to defer the investigation of the complaint. The ICAC provides a summary on sub-judice cases to the Committee for discussion at each Committee meeting.
3. Complaints which after preliminary assessment are considered by the ICAC as not warranting a full investigation will be processed by way of assessment reports. Such cases include complaints which are incoherent or irrational, repeated complaints previously disposed of through the Committee and complaints of which the subject matters have already been decided by the courts. In respect of each case, the ICAC will state the reason(s) for not conducting a full investigation and submit an assessment report for the Committee's consideration. In 2024, the Committee considered and endorsed six assessment reports. The complainants had been advised in writing that no further investigative actions would be taken on their complaints.
4. Members of the Committee may seek additional information and/or clarifications from the ICAC concerning the handling of the complaints and will consider the recommendations made in the investigation report before reaching the conclusions.

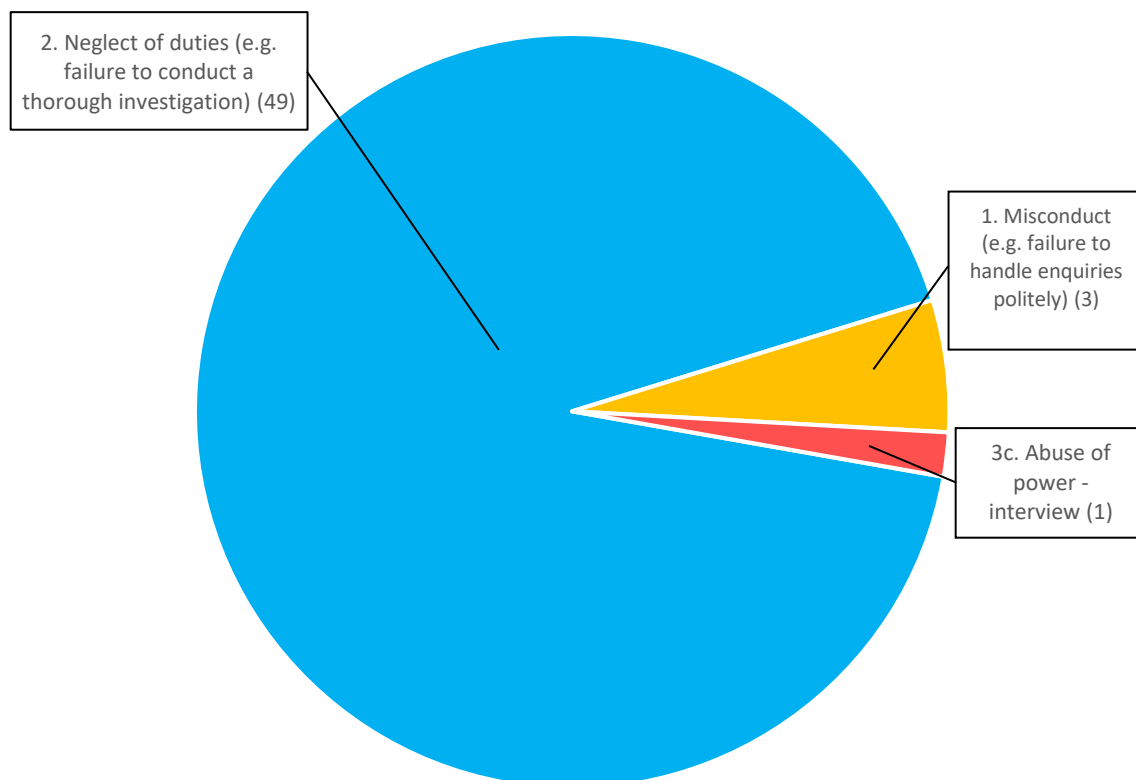
COMPLAINTS RECEIVED

In 2024, 13 complaints containing a total of 53 allegations against the ICAC or its officers were received, as compared with 13 complaints (containing a total of 47 allegations) and 19 complaints (containing a total of 47 allegations) received in 2022 and 2023 respectively. The allegations registered in 2024 were related to neglect of duties by ICAC officers (92%), misconduct (6%) and abuse of power (2%).



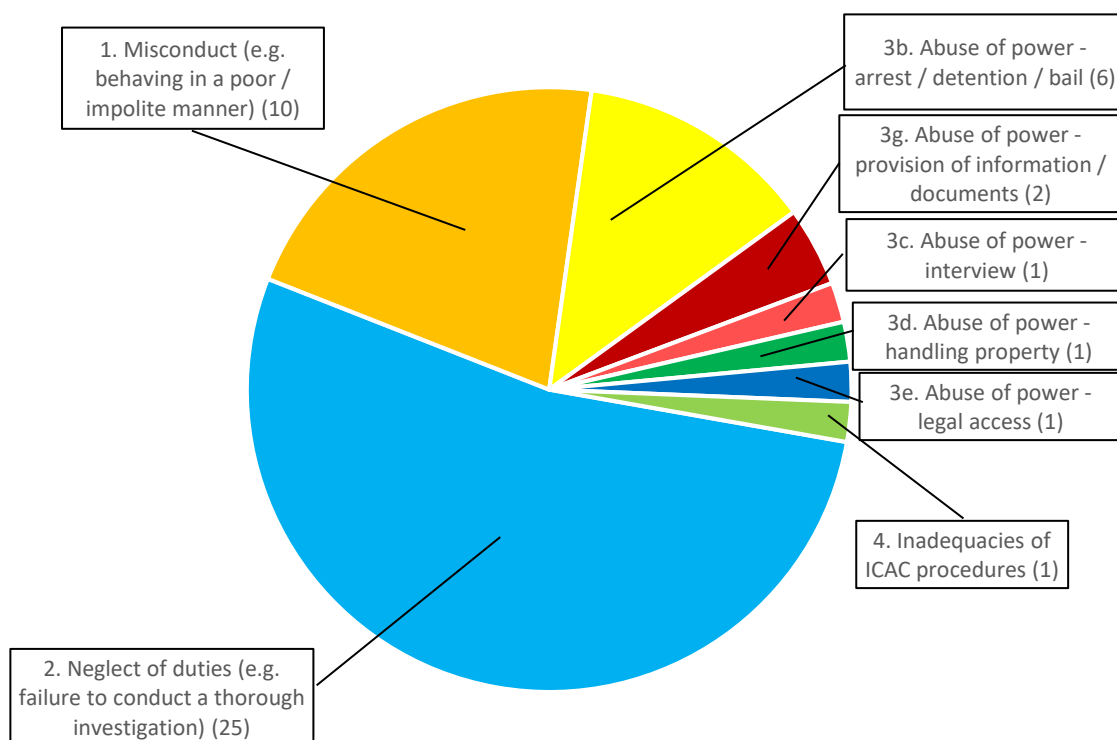
Number and category of allegations registered in 2022, 2023 and 2024

2024 (Total: 53 allegations)

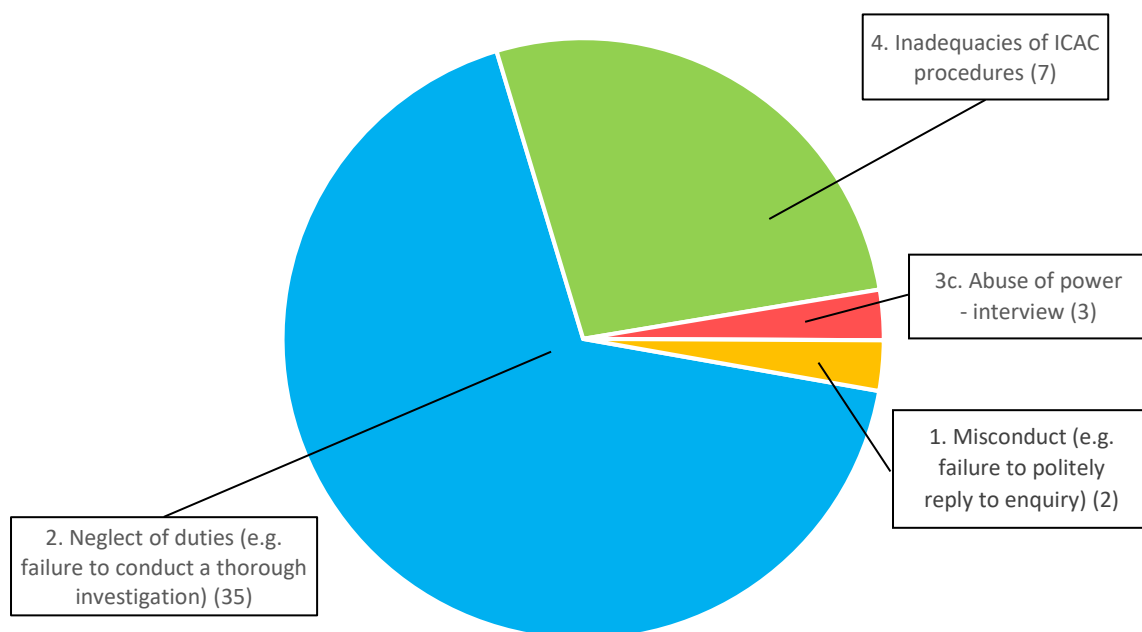


Note: The full breakdown of allegations by category is set out in the statistical table on page 10.

2022 (Total: 47 allegations)



2023 (Total: 47 allegations)



Note: The full breakdown of allegations by category is set out in the statistical table on page 10.

COMPLAINTS CONSIDERED

The Committee held three meetings in 2024 (April, June and November respectively). Of the 13 complaints covering 53 allegations received in 2024, all investigations were concluded with the relevant investigation reports considered by the Committee during the year. The Committee also considered four complaints received in 2023, the related investigation for which was completed in 2024, covering other 13 allegations. A summary of the allegations considered by the Committee in 2024 is shown in the table below:

<i>Category of allegation</i>		<i>Number of allegations considered</i>	<i>Number of allegations found substantiated / partially substantiated</i>
1.	<i>Misconduct</i>	3	0
2.	<i>Neglect of duties</i>	60	1
3.	<i>Abuse of power</i>		
	(a) <i>search</i>	0	0
	(b) <i>arrest / detention / bail</i>	0	0
	(c) <i>interview</i>	3	0
	(d) <i>handling property</i>	0	0
	(e) <i>legal access</i>	0	0
	(f) <i>improper release of identity of witnesses / informants / suspects</i>	0	0
	(g) <i>provision of information / documents</i>	0	0
4.	<i>Inadequacies of ICAC procedures</i>	0	0
Total:		66	1

COMPLAINTS HIGHLIGHT

Of the 17 complaints covering a total of 66 allegations considered by the Committee in 2024, only one allegation (2%) was found substantiated. The substantiated allegation concerned one ICAC officer who was as a result given advice by a senior officer.

Two investigation reports are selected and summarised below to illustrate how the complaints were handled, particularly the investigative work conducted by the ICAC and overseen by the Committee.

Case 1

Case background

The complainant was interviewed by a Senior Investigator (“Officer A”) after work outside the ICAC offices. A witness statement was taken during the interview for her corruption report against a number of staff members in her company. As there was no photocopying machine available at the vicinity, the complainant agreed to collect her statement copy later. Subsequently, the complainant agreed to meet Officer A near her workplace in one evening to collect her copy of the statement. However, Officer A called the complainant in the afternoon of the meeting date, asking her to pick up her statement copy during her work shift. The complainant agreed to do so. After collecting the statement, the complainant unexpectedly met one of the alleged staff members on her walk back to her workplace. The complainant complained that Officer A had served the statement copy on her unprofessionally as Officer A suddenly changed their meeting time to meet her near her workplace, which would easily expose her identity as the complainant of the corruption report.

Investigation

L Group interviewed Officer A who explained that at the material time, he had ascertained from the complainant the feasibility of leaving her workplace for a while to collect the statement copy at a place nearby. The complainant replied positively without any hesitation. As Officer A arrived at the vicinity earlier on that day, he considered that it might be more desirable to advance the meeting with the complainant if it was convenient to her. He therefore called the complainant who agreed promptly to meet him. With hindsight, Officer A admitted that his arrangement for providing a statement copy to the complainant was not desirable and might cause anxiety to the complainant.

Assessment

The allegation against Officer A was found substantiated. In view of the circumstances of the corruption report, it is not appropriate for Officer A to request the complainant to leave her workplace during working hours and to meet him near her workplace. It was recommended that Officer A should be given an advice by a senior officer to enhance his vigilance and professionalism in arranging meetings with the public. The Committee endorsed the relevant assessment and recommendation.

Case 2

Case background

At the material time, the complainant was arrested by a Senior Investigator (“Officer B”) and an Assistant Investigator (“Officer C”) with her residence being searched. A tablet, attached with a protective cover, was seized during the search. About one month later, the tablet was returned to her at the ICAC Headquarters. At the time of collection, the complainant turned on the tablet and confirmed that it functioned properly. She did not remove its protective cover to further check other parts of the tablet on the spot. After collecting the tablet, she kept it at home. Few days later, she noticed that the speaker holes were slightly deformed when she removed the protective cover from the tablet. She suspected that Officers B and C had failed to handle the tablet properly.

Investigation

When interviewed by L Group separately, Officers B and C denied the allegation. Officer C explained that after the tablet was seized, he sealed it into a tamper-

proof bag and delivered the tablet to a Senior Computer Forensic Specialist (“Officer D”) for forensic examination later. L Group interviewed Officer D who stated that he had carefully checked the tablet and found it in good physical condition. After forensic examination, Officer D sealed the tablet into another tamper-proof bag and handed it to Officer C. When the complainant collected the tablet at the ICAC Headquarters, Officer C unsealed the tamper-proof bag in the presence of the complainant for checking before returning the tablet to her. The complainant confirmed that it could function properly and acknowledged receipt of it without any complaint on the spot upon checking. L Group examined all relevant records which supported their explanations.

Assessment

The allegation against Officer B and Officer C was not substantiated. It was considered that their accounts of events were supported by the relevant records and corroborated by Officer D. There was no evidence to show that any ICAC officer had mishandled the tablet. The Committee endorsed the assessment and recommendation.

IMPROVEMENTS

With a view to enhancing the anti-corruption work, the ICAC has made improvements to its internal procedures, guidelines and practices, as well as training for ICAC officers through the investigation into complaints and the review by the Committee.

Upon careful examination of the issues identified in the investigation reports considered during 2024, the ICAC has strengthened the training programmes for frontline officers to enhance their vigilance and professionalism when discharging their duties. In particular, officers were advised to act professionally and conscientiously when arranging meetings with the public.

ANNEX – USEFUL ADDRESSES

The address of the Secretary to the ICAC Complaints Committee -

Administration Wing of the Chief Secretary for Administration's Office,
25/F, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong
(Tel: 3655 5503; Fax: 2524 7103; E-mail: icc@cso.gov.hk)

The address of ICAC Offices -

Office	Address and Telephone Number
ICAC Report Centre (24-hour service)	G/F, 303 Java Road, North Point Tel: 2526 6366 Fax: 2868 4344 E-mail: ops@icac.org.hk
ICAC Regional Office – Hong Kong West/Islands	G/F, Harbour Commercial Building, 124 Connaught Road Central, Sheung Wan Tel: 2543 0000
ICAC Regional Office – Hong Kong East	Unit 3, G/F, East Town Building, 16 Fenwick Street, Wanchai Tel: 2519 6555
ICAC Regional Office – Kowloon East/Sai Kung	Shop No.9, G/F, Chevalier Commercial Centre, 8 Wang Hoi Road, Kowloon Bay Tel: 2756 3300
ICAC Regional Office – Kowloon West	G/F, Nathan Commercial Building, 434-436 Nathan Road, Yaumatei Tel: 2780 8080
ICAC Regional Office – New Territories South West	Shop B1, G/F, Tsuen Kam Centre, 300-350 Castle Peak Road-Tsuen Wan, Tsuen Wan Tel: 2493 7733
ICAC Regional Office – New Territories North West	G/F, Fu Hing Building, 230 Castle Peak Road-Yuen Long, Yuen Long Tel: 2459 0459
ICAC Regional Office – New Territories East	G06 - G13, G/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin Tel: 2606 1144