

**廉政公署事宜投訴委員會**  
**ICAC COMPLAINTS COMMITTEE**



年報 ANNUAL REPORT

**2021**

## TABLE OF CONTENTS

FOREWORD BY THE CHAIRMAN.....	2
ICAC COMPLAINTS COMMITTEE.....	3
TERMS OF REFERENCE .....	3
MEMBERSHIP .....	4
HANDLING OF COMPLAINTS .....	5
COMPLAINTS RECEIVED.....	7
COMPLAINTS CONSIDERED .....	10
COMPLAINTS HIGHLIGHT .....	11
IMPROVEMENTS TO PROCEDURES.....	17
ANNEX – USEFUL ADDRESSES .....	18

## FOREWORD BY THE CHAIRMAN



I am pleased to present the twenty-seventh annual report of the Independent Commission Against Corruption (“ICAC”) Complaints Committee and share with members of the public an account of our work for the year 2021.

Our Committee is tasked to monitor and review the ICAC’s handling of all non-criminal complaints against the Commission and its officers. In 2021, our Committee held three meetings to consider investigation and assessment reports on the complaints received. Besides looking into the alleged faults of the officers concerned, we examined the ICAC procedures/practices, and recommended remedial measures on individual cases. By adopting a more proactive approach, we had looked for rooms for improvement on strategic and operational issues based on the lessons learnt from complaints. We are pleased that the ICAC has all along been committed to taking forward the suggestions and recommendations of the Committee, continuing with its endeavours to enhance professional standards in pressing ahead with anti-corruption work.

The Committee will continue to do its part in ensuring the effectiveness of the complaints handling mechanism of the ICAC. If members of the public have any views and/or suggestions on the work of the Committee, you are most welcome to contact us through the Committee Secretariat.

Hon Jeffrey LAM Kin-fung, GBS, 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. Since 1996, 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 2021 to 31 December 2021)



Hon Jeffrey LAM Kin-fung,  
GBS, JP  
Chairman



Dr Anissa CHAN WONG Lai-  
kuen, SBS, MH, JP  
Member



Hon Steven HO Chun-yin,  
BBS, JP  
Member



Ms Connie LAU Yin-hing,  
SBS, JP  
Member



Mr Laurence LI Lu-jen  
SC, JP  
Member



Dr TIK Chi-yuen  
SBS, JP  
Member



Mr Stephen YIU Kin-wah  
Member



Hon Eunice YUNG Hoi-yin,  
JP  
Member



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



Ms Iris YICK Pui-yin  
Secretary

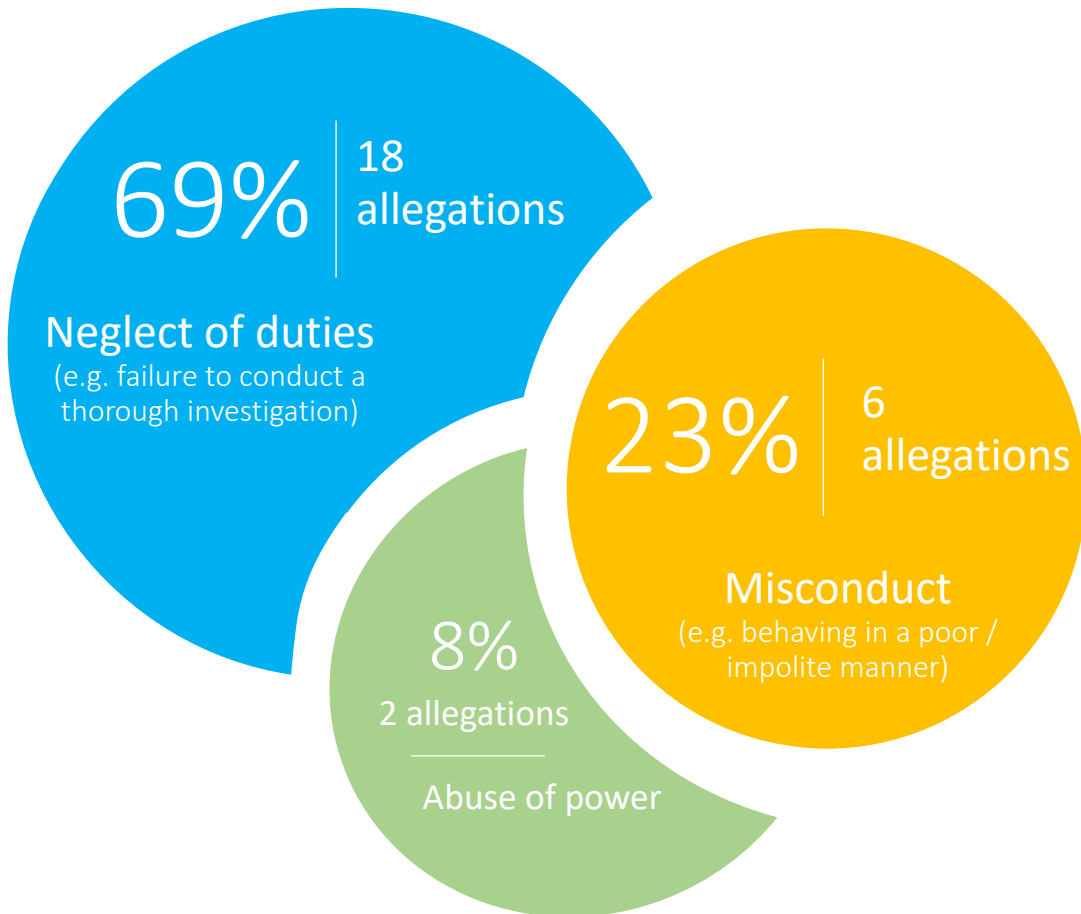


**Remarks**

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 2021, the Committee considered and endorsed one assessment report. The complainant had been advised in writing that no further investigative actions would be taken on her complaint.
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

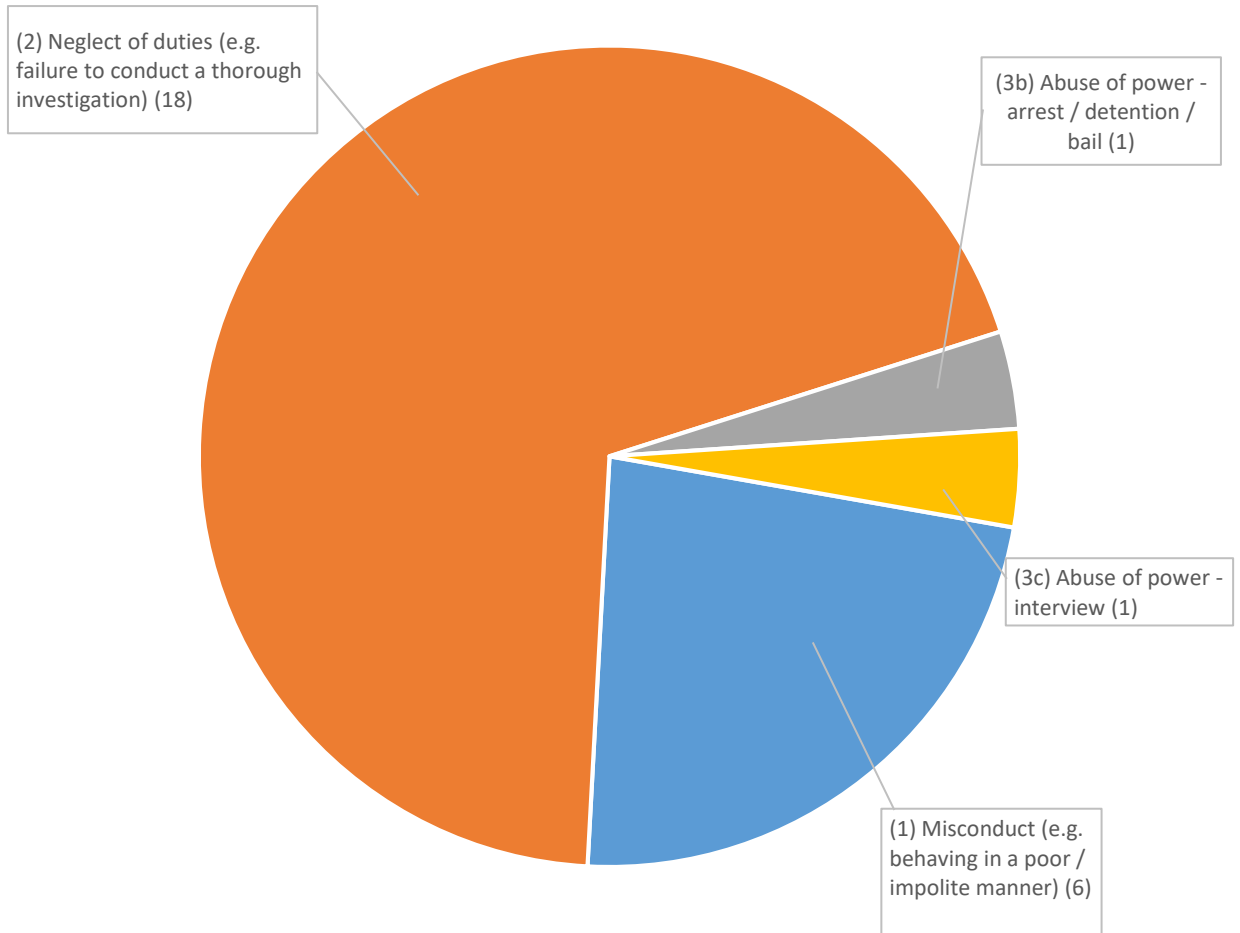
In 2021, 13 complaints containing a total of 26 allegations against the ICAC or its officers were received, as compared with 14 complaints (containing a total of 68 allegations) and 12 complaints (containing a total of 26 allegations) received in 2019 and 2020 respectively. The allegations registered in 2021 were related to neglect of duties by ICAC officers (69%), misconduct (23%) and abuse of power (8%).





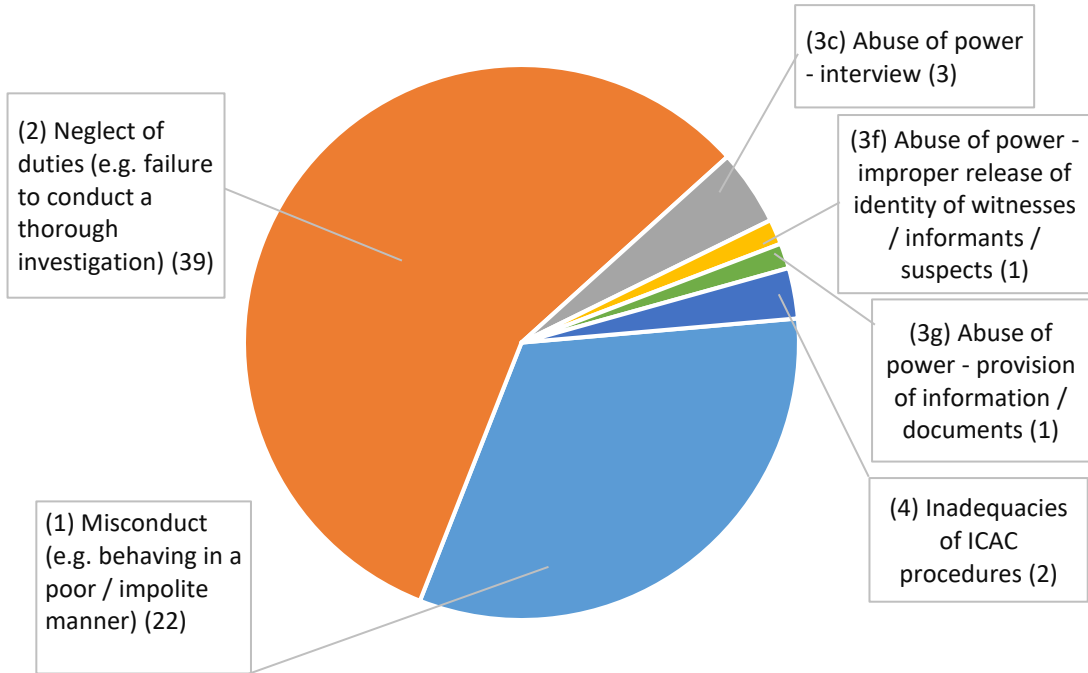
## Number and category of allegations registered in 2019, 2020 and 2021

2021 (Total: 26 allegations)

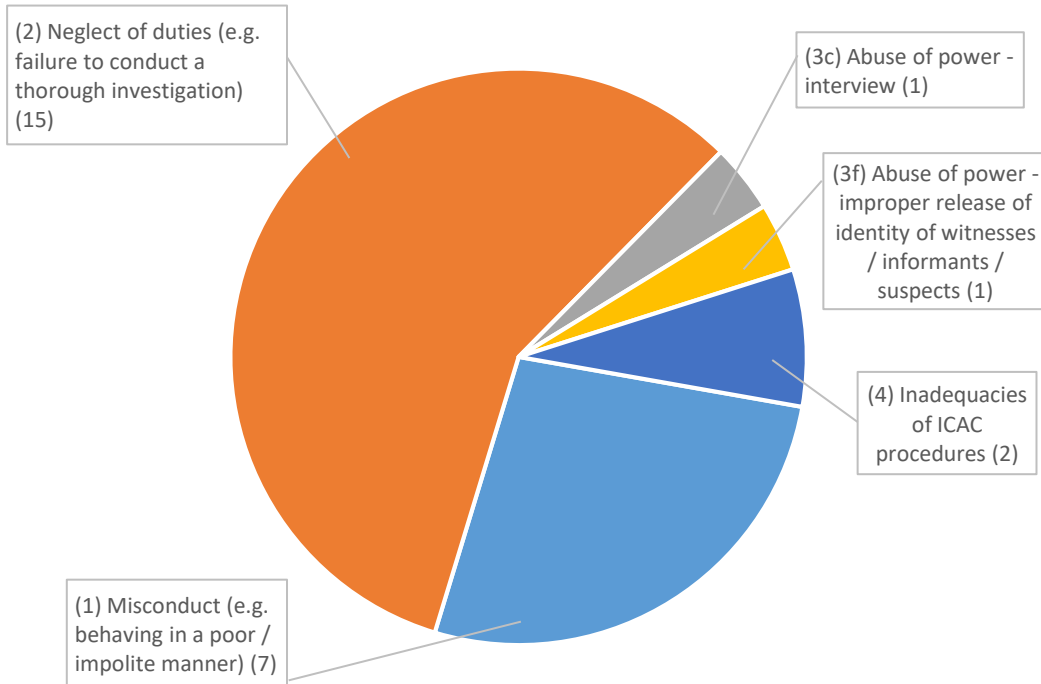


*Note: The full breakdown of allegations by category is set out in the statistical table on page 10.*

**2019 (Total: 68 allegations)**



**2020 (Total: 26 allegations)**



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

## COMPLAINTS CONSIDERED

The Committee had scheduled three meetings in March, July and November 2021. Of the 13 complaints received in 2021, investigations into 9 complaints covering 14 allegations were concluded with the relevant investigation reports considered by the Committee during the year. The remaining four complaints covering 12 allegations were still under investigation as at the end of 2021. The Committee also considered four complaints received in 2020, the related investigations for which were completed in 2021, covering another 11 allegations. A summary of the allegations considered by the Committee in 2021 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>	7	2
2. <i>Neglect of duties</i>	15	2
3. <i>Abuse of power</i>		
(a) <i>search</i>	0	0
(b) <i>arrest / detention / bail</i>	1	0
(c) <i>interview</i>	0	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>	1	0
(g) <i>provision of information / documents</i>	0	0
4. <i>Inadequacies of ICAC procedures</i>	1	0
<b>Total:</b>	25	4(16%)

## COMPLAINTS HIGHLIGHT

Of the 13 complaints covering 25 allegations considered by the Committee in 2021, four allegations (16%) in three complaints (23%) were found to be substantiated. The substantiated allegations concerned a total of five ICAC officers who were as a result given advice by senior officers respectively.

The investigation reports of several complaints are 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 lodged a corruption report which was assigned to an Investigator (“Officer A”) for investigation. Subsequent investigation revealed no evidence of corruption or other offences, and the Operations Review Committee endorsed that no further investigative action be taken by the ICAC. Three months later, the complainant telephoned Officer A to enquire about the case progress. Officer A then informed her of the investigation outcome and apologized for having overlooked to notify her of such. The complainant was dissatisfied with the investigation outcome and alleged that Officer A had failed to conduct a thorough investigation and timely inform her of the investigation outcome.

### Investigation

Having interviewed Officer A and examined the relevant investigation records, L Group was satisfied that the case had been thoroughly investigated with no evidence of corruption or other offences revealed. However, Officer A admitted that due to other urgent work commitments and his poor health condition during the material period, he had failed to inform the complainant of the investigation outcome timely. The supervisor of Officer A (“Officer B”) confirmed Officer A’s version and stated that Officer A was granted prolonged sick leave during the period. Having examined all other files handled by Officer A, Officer B did not find any similar mistakes and was satisfied that the present mistake was an isolated incident.

### Assessment

The allegation against Officer A for failing to thoroughly investigate the corruption report was found unsubstantiated. However, the allegation relating to his failure in timely informing the complainant of the investigation outcome was substantiated. It was considered that such delay was unsatisfactory. ICAC supervisors had been reminded to set a shorter timeframe for some specific tasks, including informing complainants of the investigation outcome. The Committee endorsed the assessment and recommendation. Officer A was given advice accordingly by a senior officer.

### Case 2

#### Case background

The complainant lodged a corruption report which was assigned to an Assistant Investigator (“Officer C”) for investigation. Upon Officer C’s transfer to a new investigating section, another Assistant Investigator (“Officer D”) took up the investigation. Two months later, the complainant called the ICAC Report Centre asking about the case progress. Officer D returned call to the complainant, introduced himself as the new case officer and asked him some questions about his corruption report. After four months, the complainant enquired with Officer D about the case progress and was told that the investigation was still on-going. The complainant was dissatisfied and alleged that Officer C and Officer D had prolonged the investigation of his corruption report. He also alleged that Officer C and Officer D had failed to timely notify him of the change of case officer.

### Investigation

Having examined the relevant investigation records, L Group was satisfied that the investigation of the corruption report had been properly conducted without any undue delay. When interviewed by L Group, Officer C and Officer D admitted that they had failed to timely inform the complainant of the change of case officer. Officer C explained that his omission was due to his engagement in the duties of his new post. Officer D stated that when he took over the investigation, he did not realize that the complainant had not yet been informed of the change of case officer.

### Assessment

The allegation of prolonging the investigation was found unsubstantiated. According to the internal guidelines of the ICAC, Officer C as the outgoing case officer should notify the complainant of the change of case officer. While the internal guidelines do not specifically require Officer D as the new case officer to notify the complainant of the change, it is considered that Officer D should check with Officer C and should have taken initiative to notify the complainant of such as part of the handover arrangement. The Committee endorsed the assessment and recommendation. Officer C and Officer D were given advice accordingly by a senior officer.

## Case 3

### Case background

The complainant telephoned the ICAC Report Centre for lodging a corruption report and was answered by an Assistant Investigator (“Officer E”). The complainant asked for an email address of the ICAC so that he could make the

corruption report by email. Officer E provided the complainant with an email address (“the 1<sup>st</sup> email address”). The complainant found that his email sent to the 1<sup>st</sup> email address bounced back. He then telephoned the Report Centre again and was answered by another Assistant Investigator (“Officer F”). Officer F provided the complainant with another email address (“the 2<sup>nd</sup> email address”) through which the complainant successfully sent his report. Afterwards, when the complainant enquired with Officer F about the 1<sup>st</sup> email address provided by Officer E, Officer F told the complainant that the 1<sup>st</sup> email address was correct. The complainant later obtained clarification from the ICAC that the 1<sup>st</sup> email address was incorrect. He therefore alleged that Officer E had provided him with an incorrect email address of the ICAC, and Officer F had wrongly told him that the 1<sup>st</sup> email address provided by Officer E was correct.

### Investigation

L Group investigation confirmed that Officer E had provided the complainant with an incorrect email address. Only when interviewed by L Group, Officer E and Officer F realised their mistakes. Officer E explained that it was the first time he provided the email address of the ICAC to an inquirer, and he rushed to provide it to the complainant without referring to any document to confirm its accuracy. Officer F stated that due to the similarity of the two email addresses, he was not aware of the difference at the time when he answered the complainant. Both officers apologized for the mistakes.

### Assessment

The allegations against Officer E and Officer F were found substantiated. It was considered that the mistake, which might discourage public reporting, could have been avoided if they had been more vigilant in communication with the public. Fortunately, in the present case, the corruption report eventually



reached the ICAC and was dealt with properly. The Committee endorsed the assessment and recommendation. Officer E and Officer F were given advice accordingly by a senior officer.

## IMPROVEMENTS TO PROCEDURES

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

After a careful examination of the issues identified in the investigation reports considered during 2021, the ICAC has organised a number of briefing sessions and strengthened the training programmes for frontline officers to enhance their vigilance and professionalism in answering enquiries from members of the public and making appropriate case administration. In particular, ICAC officers were advised to inform complainants of the investigation outcomes of their reports as soon as practicable and to be more vigilant in providing accurate information to the public. Moreover, the ICAC has introduced enhanced measures relating to the handover of cases to ensure that the complainant is timely informed of the change of case officer and the progress of the investigation.

## ANNEX – USEFUL ADDRESSES

### The address of the Secretary of 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](mailto: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: <a href="mailto:ops@icac.org.hk">ops@icac.org.hk</a>
ICAC Regional Office – Hong Kong West/Islands	G/F, Harbour Commercial Building, 124 Connaught Road Central, Central 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 Tel: 2493 7733
ICAC Regional Office – New Territories North West	G/F, Fu Hing Building, 230 Castle Peak Road, 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