



廉政公署事宜投訴委員會
ICAC COMPLAINTS COMMITTEE

2023 年報
ANNUAL
REPORT



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FOREWORD BY THE CHAIRMAN



It is my pleasure to present the twenty-ninth report of the Independent Commission Against Corruption (“ICAC”) Complaints Committee (“the Committee”) which provides an account of the work of the Committee in the year 2023.

The major responsibility of the Committee is to monitor and review the ICAC’s handling of all non-criminal complaints against the ICAC and its officers. The Committee held three meetings in 2023 to consider investigation and assessment reports on the complaints received. Apart from considering the alleged faults of the concerned officers, the Committee would also look into the ICAC’s procedures, practices and guidelines to see whether there is room for further improvement on strategic and operational issues.

We hope this report would help the public to have a more thorough understanding of our work. Members of the public are most welcome to contact the Committee Secretariat to share your views and ideas regarding the work of the Committee.

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.

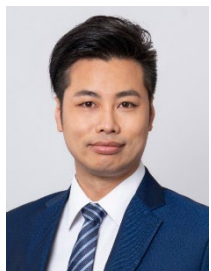
To identify any faults in ICAC procedures which lead or might lead to complaints.

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 2023 to 31 December 2023)



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



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



Dr the Hon TIK Chi-yuen,
SBS, 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



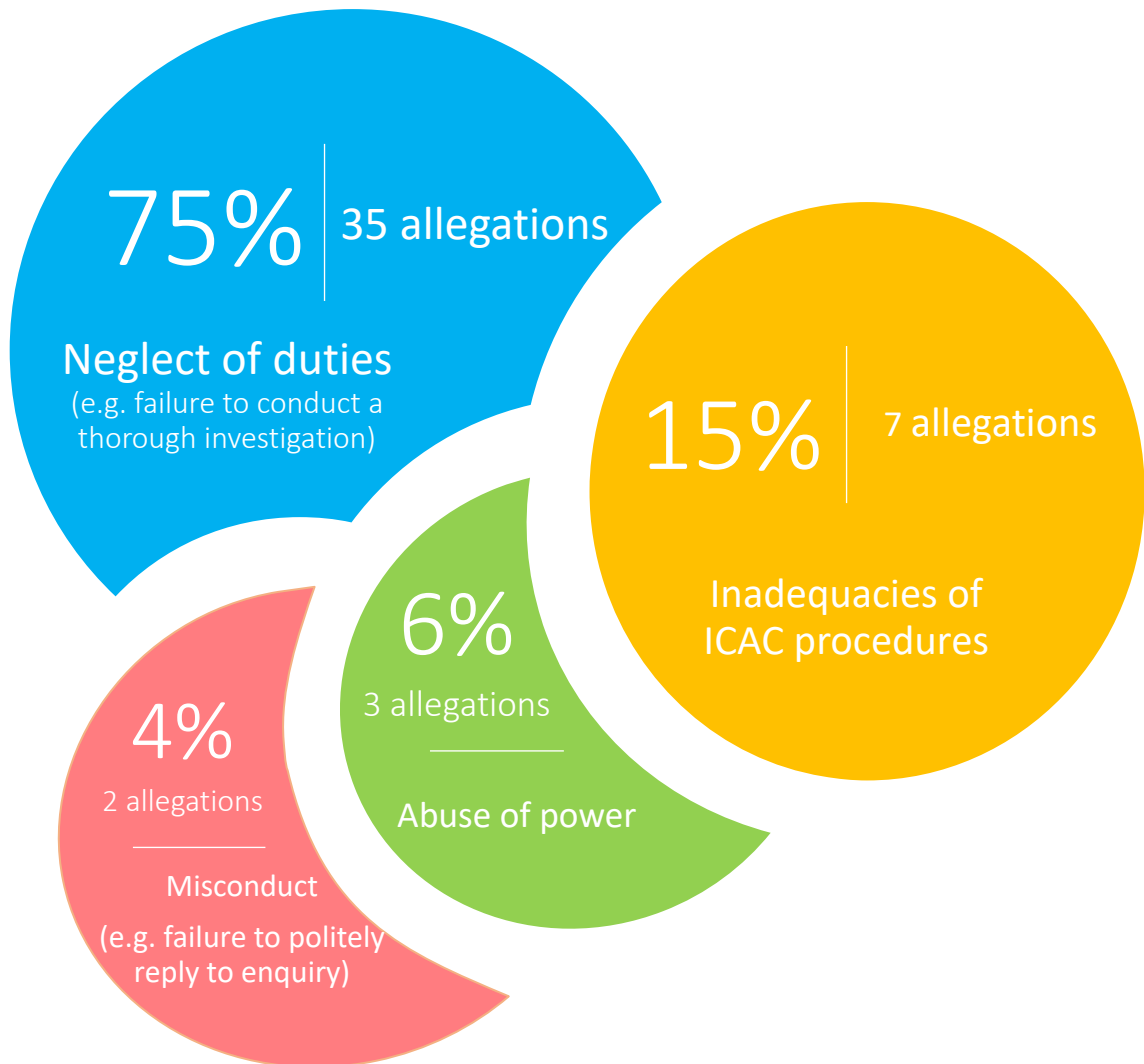
Ms Iris YICK Pui-yin
Secretary

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 court. 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 2023, the Committee considered and endorsed eight 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.

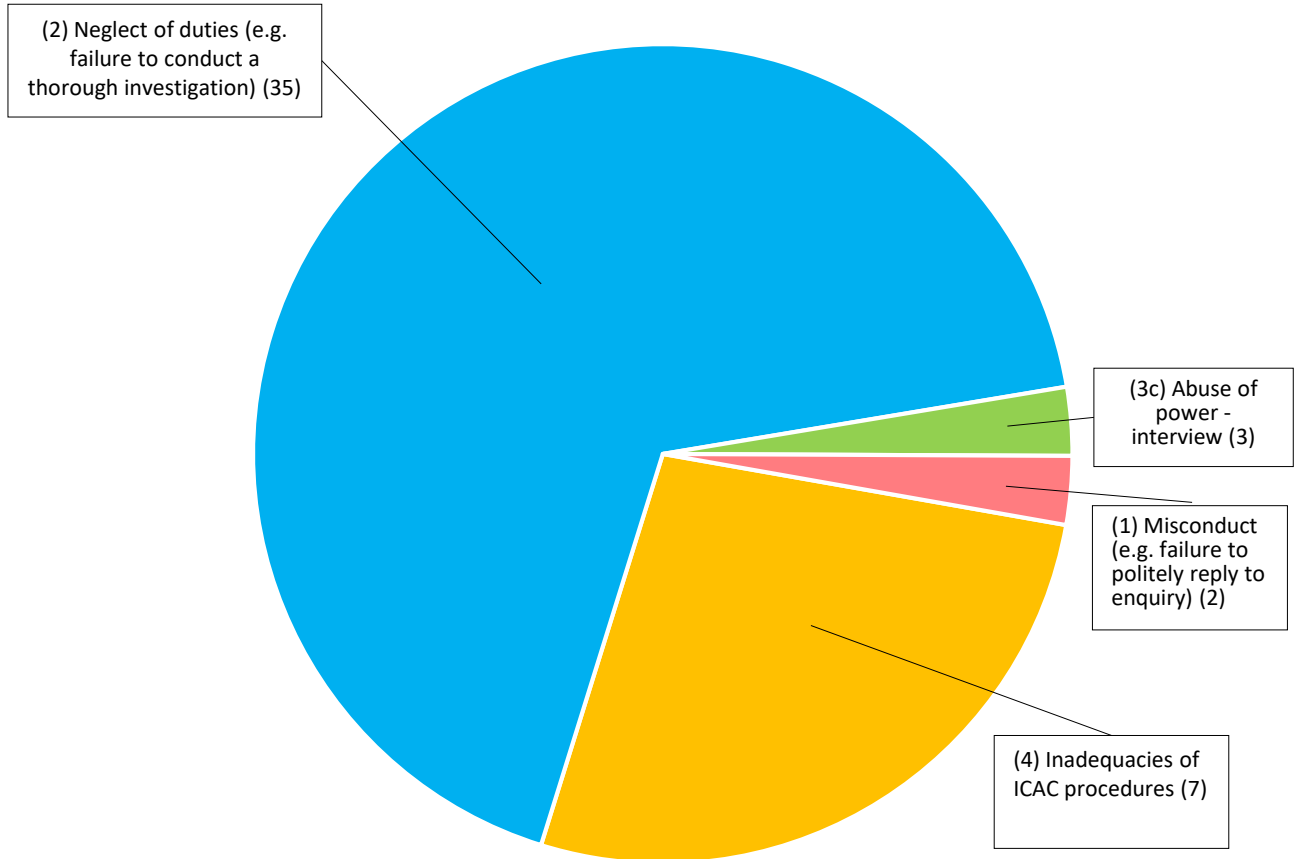
COMPLAINTS RECEIVED

In 2023, 19 complaints containing a total of 47 allegations against the ICAC or its officers were received, as compared with 13 complaints (containing a total of 26 allegations) and 13 complaints (containing a total of 47 allegations) received in 2021 and 2022 respectively. The allegations registered in 2023 were related to neglect of duties by ICAC officers (75%), inadequacies of ICAC procedures (15%), abuse of power (6%) and misconduct (4%).



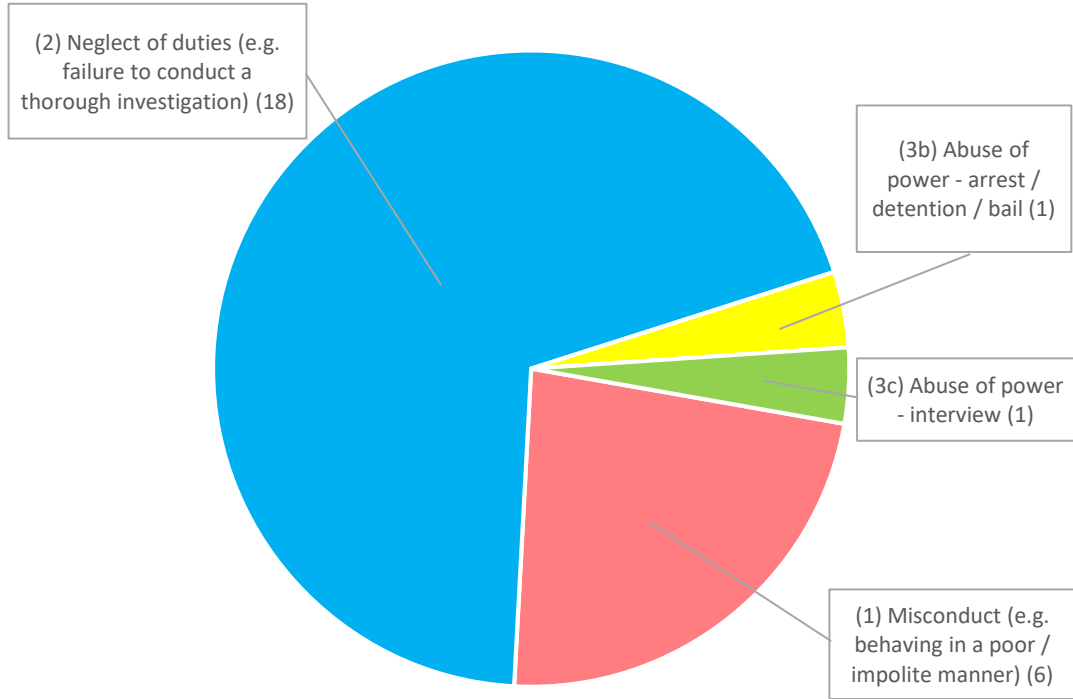
Number and category of allegations registered in 2021, 2022 and 2023

2023 (Total: 47 allegations)

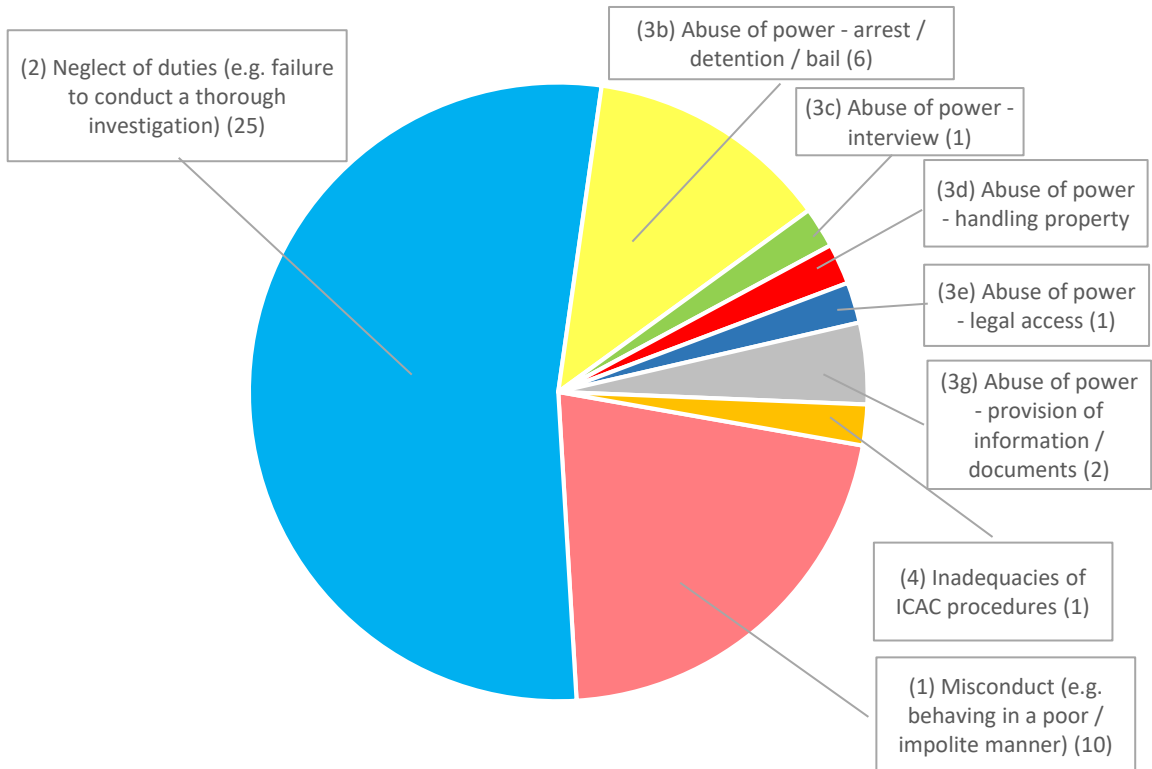


Note: The full breakdown of allegations by category is set out in the statistical table on page 10.

2021 (Total: 26 allegations)



2022 (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 had scheduled three meetings in March, July and November 2023. Of the 19 complaints covering 47 allegations received in 2023, investigations into 15 complaints covering 34 allegations were concluded with the relevant investigation reports considered by the Committee during the year. The remaining four complaints covering 13 allegations were still under investigation as at the end of 2023. The Committee also considered one complaint received in 2021, the related investigation for which was completed in 2023, covering other three allegations (see Note below). A summary of the allegations considered by the Committee in 2023 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>	2	1
2. <i>Neglect of duties</i>	27	0
3. <i>Abuse of power</i>		
(a) <i>search</i>	0	0
(b) <i>arrest / detention / bail</i>	0	0
(c) <i>interview</i>	1	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>	7	0
Total:	37	1

Note: The investigation had been withheld for a period of time as the complainant had in the interim made additional allegations which were then associated with sub-judice cases.

COMPLAINTS HIGHLIGHT

Of the 16 complaints covering 37 allegations considered by the Committee in 2023, one allegation was found substantiated. As the ICAC officer concerned had left the ICAC, no disciplinary action could be taken on the officer.

Eight 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

A complainant telephoned the ICAC Report Centre (“RC”) and was answered by an Assistant Investigator (“Officer A”). The complainant, who suspected that her supervisor might have assisted a job seeker for employment in their company, enquired whether there was a corruption case. When Officer A asked the complainant for background information of the post and the supervisor, the complainant replied that she had not yet decided whether to make a corruption report. However, Officer A kept asking her for more information. During their conversation, the complainant commented that Officer A had interrupted her repeatedly and that Officer A should listen to her version before asking questions. The complainant also queried the capability of Officer A. In response, Officer A said that as the complainant was so “experienced”, she should work in the ICAC (“the Utterance”). The complainant was dissatisfied and alleged that Officer A had handled her enquiry unprofessionally.

Investigation

L Group investigation revealed that the complainant was not articulate during the teleconversation and Officer A impatiently interrupted her for the details. After being criticised by the complainant, Officer A made the Utterance. After that, they had a short quarrel before another RC officer took over the telephone enquiry. When interviewed by L Group, Officer A denied the allegation and tried to excuse that the Utterance was solely her natural response.

Assessment

The allegation against Officer A was found substantiated. The Utterance was impolite, inappropriate and adversely affected the professional image of the ICAC. Since Officer A had left the ICAC, no further disciplinary action could be taken on her. Nevertheless, the RC had taken immediate actions to remind the other officers to act professionally when handling enquiries from members of the public. The Committee endorsed the assessment and recommendation.

Cases 2 to 8

Cases background

In these seven cases, the complainants were dissatisfied that the ICAC investigations revealed no corruption or other offences. The complainants suspected that the handling ICAC officers had not taken appropriate investigative actions including thorough examination of the documents provided by them. Hence, they alleged that the ICAC officers had failed to conduct thorough investigations into their corruption reports.

Investigation

Having examined the relevant investigation records, L Group was satisfied that the corruption reports had been thoroughly investigated. When interviewed by L Group, the ICAC officers concerned provided details of their investigative actions which were supported by the records. For some of the cases concerned, legal advice had been sought from the Department of Justice (“DoJ”) concerning the criminalities of the subject persons. Having

scrutinized the case documents and exhibits, the advising counsels found insufficient evidence to support any corruption or other offences. The Operations Review Committee (“ORC”), which oversees the work of the Operations Department of the ICAC, also endorsed that the corruption allegations were not substantiated and no further investigative action be taken by the ICAC.

Assessment

The allegations of failing to thoroughly investigate the corruption reports were found unsubstantiated. The ICAC officers concerned had taken appropriate and thorough investigative actions, and sought legal advice from the DoJ based on the evidence gathered when necessary. For checks and balances, all these corruption reports together with the investigation findings had been tabled before the ORC, which subsequently agreed with the recommendation to curtail these investigations. The Committee endorsed the assessments and recommendations of L Group regarding complaints against the ICAC officers in these seven cases.

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.

After a careful examination of the issues identified in the investigation reports considered during 2023, the ICAC has strengthened the training programmes for frontline officers to enhance their professionalism and vigilance in discharging their duties. In particular, officers were advised to act professionally when handling enquiries from members of the public and treat them with courtesy and respect.

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