

Hong Kong
Standing Commission on Civil Service
Salaries and Conditions of Service

Report No. 3

Report on the Pay of Staff
of the
Independent Commission Against
Corruption

Chairman
The Hon. Sir S. Y. Chung, CBE, JP

June 1980

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His Excellency Sir Murray MacLehose, G.B.E., K.C.M.G., K.C.V.O.,
Governor of Hong Kong

Your Excellency,

In our First Report on Civil Service Pay, we referred to a number of issues which we considered required further examination. Among these issues was the pay of the staff of the Independent Commission Against Corruption.

We have now completed our review of the pay of the staff of the Independent Commission Against Corruption and we have the honour to submit our findings and recommendations which are contained in this Report.

We have the honour to be,
Your Excellency's obedient servants,

S.Y. Chung
Chairman

Chen Shou-lum

Rev. P.T. McGovern

Grace Ho

Gallant Y.T. Ho

G.M. Macwhinnie

John L. Soong

F.L. Walker

Maisie Wong

Prince's Building, Hong Kong
5th June 1980

Introduction

In the course of our review of individual grades in the civil service during 1979, we received a request from the Commissioner of the Independent Commission Against Corruption that we also consider the pay and conditions of service of his staff. After making enquiries as to the relationship between the staff of the I.C.A.C. and the civil service, and confirming that it was appropriate to include them in our reviewing process, we agreed to the Commissioner's request. However, clarification of the position of the staff of the I.C.A.C. was not received in time to enable us to examine and report on their grades in our First Report on Civil Service Pay. In paragraph 20.3 of that Report we therefore gave notice of our intention to review the I.C.A.C. grades separately. We have now completed this review and our recommendations on pay are contained in this Report.

Background

2. On 17th October 1973, His Excellency the Governor announced in the Legislative Council that a separate Anti-Corruption Commission would be formed under a civilian Commissioner whose independence would be established by his position being separated from the civil service, and by the fact that he would be accountable directly to the Governor. On 15th February 1974, the Independent Commission Against Corruption was formally brought into existence with the enactment of the Independent Commission Against Corruption Ordinance 1974.

3. On its establishment, the Commission was provided with two main categories of staff. The first category comprised grades and ranks with counterparts elsewhere in Government but with the suffix "Commission Against Corruption" (CAC) added to the rank and grade title. For example, Executive Officers were titled Executive Officers (CAC), Motor Drivers were titled Motor Drivers (CAC) and so on. The second category was a new grade of Commission Against Corruption Officer, created especially to undertake anti-corruption duties. Subsequently, in 1976, a further grade of staff peculiar to the Commission was created to undertake surveillance duties.

4. Staff in grades and ranks with direct equivalents elsewhere in Government are paid on the same pay scales as their counterparts in the civil service. Staff in the two departmental grades, i.e. in the Commission Against Corruption Officer grade and the Surveillance grade, are paid from the

/ Master

Master Pay Scale at rates which, prior to the recommendations in our First Report on Civil Service Pay, were broadly related to those for disciplined ranks in the Royal Hong Kong Police Force.

Representations

5. Representations from staff of the I.C.A.C. were limited to some initial comments on our Consultative Document on Principles and Practices, a submission from a group of Commission Against Corruption Officers (Middle/Lower) on the administrative organisation of certain units of the Commission - a management matter - and to a submission from representatives of Commission Against Corruption Officers in the Operations Department drawing attention to their particular responsibilities. However, the Commissioner I.C.A.C. has made comprehensive representations on behalf of all his staff and we have taken due account of these in formulating our recommendations.

I.C.A.C. Grades with Direct Equivalents Elsewhere in Government

6. We do not consider that there should be any change in the present position whereby staff in ranks or grades distinguishable from civil service ranks and grades only by the suffix (CAC) are paid on the same pay scales as their civil service counterparts. This arrangement enables the Commission not only to recruit its own staff but also enables staff to be drawn from appropriate grades within the civil service for a period of service with the I.C.A.C., and for them to return to their parent department or grade on completion of such service. We believe the arrangement has worked satisfactorily for both management and staff concerned. We therefore consider that the adjustments in pay recommended for this category of staff in our First Report on Civil Service Pay are appropriate and propose no further changes.

I.C.A.C. Departmental Grades

7. The loose relationship between the level of pay for staff in the I.C.A.C. departmental grades and that for

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the disciplined ranks in the Royal Hong Kong Police Force was established as a matter of government policy. As far as we are aware the policy towards I.C.A.C. pay remains unchanged, and we decided, at an early stage, that in setting the pay of I.C.A.C. departmental grade staff our objective should be to restore this relationship which had been disturbed following our First Report on Civil Service Pay. We then considered three options for achieving this objective.

8. Firstly, we considered whether the I.C.A.C. departmental grade staff should be paid from the Disciplined Services Pay Scale. The work of certain of such staff is not dissimilar to that of the Criminal Investigation Department or other specialist divisions of the Police Force. In addition, all I.C.A.C. staff are subject to strict disciplinary provisions and, to an extent, the factors which led to our affording special treatment to the Disciplined Services in our First Report on Civil Service Pay apply to them. However, while there are similarities between Police and I.C.A.C. work, there are also differences, and the present pay practice has regard to certain management and policy considerations. On balance, therefore, we considered it preferable not to pay I.C.A.C. departmental grade staff from the Disciplined Services Pay Scale.

9. Secondly, we considered a suggestion made to us that I.C.A.C. departmental grade staff should have their own separate scale. By this means, the relationship between I.C.A.C. and Police pay which existed prior to our First Report on Civil Service Pay could be restored more closely. It was also suggested to us that a separate scale might serve to underline the independence of the I.C.A.C. However, we do not find the arguments in favour of a separate scale overwhelming, and indeed its introduction could have significant implications. In general, we believe that it should be possible to provide appropriate pay for I.C.A.C. staff within the framework of one of the existing civil service pay scales.

10. Finally, we considered paying staff in the departmental grades of the I.C.A.C. from the Master Pay Scale, with the rank scales suitably adjusted to bring them broadly into line with the pay of ranks in the Royal Hong Kong Police Force. While this option also has certain drawbacks in that it is not possible to restore the previous relationship exactly and requires special conversion arrangements, we consider it by far the most preferable of the options available to us in that it involves minimal departure from existing I.C.A.C. pay policy. The recommendations which follow provide accordingly.

/ 11. Our

11. Our recommended scales are as follows :

The Surveillance Grade

	<u>Existing</u>	<u>Proposed</u>
Assistant Commission Against Corruption Investigator	MPS 11 - 16	MPS 11 - 18
Commission Against Corruption Team Leader	MPS 17 - 19	MPS 19 - 21
Commission Against Corruption Controller	MPS 20 - 24	MPS 23 - 26
Senior Commission Against Corruption Controller	MPS 26 - 30	MPS 28 - 33

Commission Against Corruption Officer Grade

Assistant Commission Against Corruption Officer	MPS 11 - 19	MPS 11 - 21
Commission Against Corruption Officer (Middle/Lower)	MPS 20 - 38	MPS 23 - 40
Commission Against Corruption Officer (Upper)	MPS 39 - 45	MPS 41 - 45
Senior Commission Against Corruption Officer	MPS 46 - 48	MPS 46 - 48

At present there are similar arrangements for advancement from Commission Against Corruption Officer (Lower) to Commission Against Corruption Officer (Middle) to those we have recommended in paragraph 6.19 of our Report No. 2 for the overlapping ranks of Inspector and Senior Inspector in the Royal Hong Kong Police Force. We recommend that these arrangements should continue. The minimum point of the Commission Against Corruption Officer (Middle) rank should now be MPS point 34.

12. In accordance with the principles stated in our earlier reports our proposed scales include no provision for incremental jumps on confirmation or following training.

/ 13. We

13. We are aware that the present structure of the I.C.A.C. departmental grades is not entirely satisfactory and that our recommendations do not help to resolve this situation. We have been advised however that an internal examination of the structure of the I.C.A.C. grades will be conducted by the Commissioner during 1980, and we therefore recommend no structural change pending the outcome of that examination. Some of the rank titles of the I.C.A.C. grades also appear to warrant examination, and the Commissioner may wish to consider whether they could be improved.

Starting Pay

14. The considerations which led us to provide for multiple entry points for recruits to the Disciplined Services also apply in our view to the I.C.A.C. departmental grades. We therefore propose that the arrangements for the Disciplined Services should be extended, as far as practicable, to the I.C.A.C. In the case of the ranks of Assistant Commission Against Corruption Investigator and Assistant Commission Against Corruption Officer, we recommend only one enhanced entry point for recruits who have a minimum of 5 'E's in the Hong Kong Certificate of Education, including English. Such recruits should enter at the second point in the scale i.e. MPS point 12. In the case of recruits to the Commission Against Corruption Officer (Middle/Lower) rank, matriculants should enter the scale at MPS point 25, and degree holders at MPS point 27.

I.C.A.C. Special Allowance

15. In addition to pay, all staff of the Commission except those on salaries above D2 in the Directorate Pay Scale receive a non-pensionable special allowance. The rates are as follows :

/ Staff

<u>Staff paid on</u>		<u>Monthly Allowance</u>
D1 and D2	on the Directorate Scale)	
Points 46 - 48	on the Master Pay Scale)	\$1,000
Points 20 - 45	on the Master Pay Scale	\$ 700
Points 11 - 19	on the Master Pay Scale	\$ 400
Points 1 - 10	on the Master Pay Scale)	
Model Scale 1)	\$ 200

16. The I.C.A.C. special allowance was introduced as a means of attracting people of the right calibre and with experience in different fields into what was a new, somewhat isolated, and developing organisation. Its payment has been the subject of adverse comment from other civil servants and in the light of such comment we have considered whether it should be retained. After studying the purpose of the allowance, how it has worked, and its effect on recruitment and retention, we have concluded that there is still a need to provide an additional financial incentive to attract and retain staff of the right calibre. Furthermore, in the case of the non-departmental grades their subjection to more rigorous disciplinary provisions on joining the I.C.A.C. is an added justification for payment of the special allowance. We consider the present level of the allowance is still adequate for its purpose and recommend its continued payment to those staff who come within our Terms of Reference.

Date of Implementation

17. As the pay of the staff of the I.C.A.C. was an item deferred for further review in our Report No. 2, we recommend, in so far as it is practicable, that our proposals be implemented with effect from 1st October 1979, the date for implementation of the recommendations contained in our First Report on Civil Service Pay.

/ Conversion

Conversion Arrangements

18. In converting staff of the I.C.A.C. to our proposed scales we would wish regard to be had to our objective that pay levels should broadly correspond with those of Police officers of comparable rank and seniority.