

Submission on Police pay reviewConsultation Paper

I am writing this in response to your invitation to forward views and comments on the Interim Report and Consultation Paper of the Task Force on Review of Civil Service Pay Policy and system.

2. My comments refer only to Police pay, not Civil Service pay in general. I am not in a position to comment on the rest of the Civil Service.

3. It is my contention that since the nature of Police work is so different to the rest of the civil service, that conditions of service (including pay) for the Police should not be considered in the same way as the rest of the Civil Service.

4. The points considered below are therefore those on which I believe the Police differ from the civil service, and which may not have been given the consideration they need. I will not comment on matters which are apparently common to the Police and the rest of the Civil Service.

The Danger of Corruption

5. One of the basic principles on which the consultation paper is built is that 'Civil Service pay should follow not lead the Private Sector'. This basic principle leads inevitably to comparison with pay given to other 'comparable' jobs in the private sector.

6. Whilst there may be a case for taking such an approach in the rest of the Civil Service, the basic principle is completely wrong in respect of the Police Force. If the basic principle is wrong, everything that flows from it, no matter how good the work, will be wrong too.

7. The reason the principle is wrong is that the objective is wrong.

The implied objective of such an approach appears to be something to do with 'fairness' or 'equity' with other (broadly similar) occupations.

8. The objective, in considering pay and conditions in the Police Force, can only be that of having a clean, un-biased and effective Police Force. As is clear from various other Police Forces in surrounding countries, and indeed the (then R) HKP before the late 1970's, by giving a man a badge and a gun, you give him almost unmatched powers of making money, should he decide to do so.

9. And if the Police Officer feels that he is not being properly looked after by the society he is looking after, he will take advantage of those powers.

10. Most, in fact almost certainly all, Police Officers join the Police out of a desire to serve the community (however expressed), not out of a desire to make money. A Police Officer comes from society, and needs to feel part of society. He compares himself with the people with whom he deals on a daily basis, not some theoretical 'peer'.

11. A Police Officer patrols a street full of bars, and sees ordinary people going into them for a drink, and he deals with the resulting alcohol based consequences. If he feels he can't afford to go into a bar for a beer like everyone else, he becomes disaffected.

12. A Traffic Police Officer handles people driving nice new cars. He naturally 'benchmarks' his own situation with those of the other drivers. If 'everyone else'; i.e. 'Society'; the society he is working for and needs to feel a part of, can afford a car, but he cannot, there is no use telling him that his wages are fair in comparison with some, for example, privately employed security guard.

13. Such perceived alienation from 'Society', from his peers, will leave the Police Officer disposed to use the powers given to him to make the money he feels he needs to take his rightful place in it. This is even more important if it appears that 'professional' criminals have a better lifestyle than professional law enforcers.

14. Of course, a Police Officer does not exist in isolation. The

prosecutors and judges with who he deals must be seen to be clean as well. If the perception is that the Police Officer is working so that the prosecutors or judges can make money by 'fixing' cases, then obviously he will see no reason to guarantee their income with his hard work, and will take the benefits himself.

15. The change in the integrity of the Police Force since the 1970's, when the Government, in effect, handed over a badge and a gun and then expected the Police Force to be self financing, has far more to do with front-line officers feeling a proper part of society in that they can afford to, for example have a beer whenever they feel like it and in any bar they feel like, on their pay, than the highly trumpeted effects of the ICAC.

16. There are many examples in this region of under-paid Police Officers making their own arrangements to compensate.

#### The effect of 'short termism'

17. The effect I have considered above can be regarded as the normal, day-to-day effects of a remuneration rate which is seen as fair by a Police Officer.

18. There does, in addition, need to be a mechanism whereby an Officer is sure that his best long-term interests coincide with that of the society he works for.

19. There has recently been a move to change the employment conditions of Police Officers, by for example, using contracts. I am not against contracts as long as they are correctly administrated. If however an officer feels sufficiently uncertain about his chances of long-term employment and security, a fair rate of pay will not be enough; the temptation is to make use of his position today to cover against his lack of income tomorrow.

20. Periodically, a police Officer will be confronted with a situation where the short-term gains could be very large. Being human, he inevitably compares these with his long-term prospects by being honest. Thus, he weighs his expected future earnings, pension, gratuity, housing, holidays or whatever, against the large potential short-term gain. If his long-term

prospects look far inferior to his immediate potential for short-term gain, the Police Force has a problem.

21. This is, to a large extent, a matter of trust; the Police Officer must trust the society (i.e. the government), to keep it's side of the bargain. If the government starts breaching that trust; by unilaterally changing conditions of service for example; the Police Officer will feel that his 'contract', his obligation to keep his side of the bargain, has been negated, and will feel that it may well be prudent to 'make hay while the sun shines'; i.e. to act on short term rather than long term interests.

22. Having said that however, there is also a corresponding need for the Police Force to be able to get rid of Officers who have been compromised, or in whom confidence has been lost, as quickly and cleanly as possible. Recent experience suggests there are problems in this area, although they have to be balanced against the need to ensure that any such termination is seem to be just.

#### Performance based pay

23. There have also been proposals to link performance to pay. This is a far more difficult thing to do in the Police Force than in a private company, where, after all, the bottom line is easy to see in terms of profit or loss.

24. The problem with trying to use performance pay for the Police Force is that all possible performance indicators are only very indirect and approximate indications of how well the Police are doing.

25. That is because if the Police are working properly, most of their success should be measured by what doesn't happen. It is not possible for example, to measure the crime that doesn't happen; the ability of the average citizen to go about his normal business which is taken for granted by most of Hong Kong's population, or the investments which are made or not made because of confidence in the stability and predictability of Hong Kong's society which is underpinned by the Police Force.

26. So, whatever method of performance indicator is chosen would rapidly become a self-fulfilling end in its-self. If for example, productivity was measure by passing more files around faster, more files would be passed around faster. If it was measured by arresting more people or issuing more tickets, more people would be arrested or more tickets issued. Such activities would have no correlation with the ultimate requirement that Hong Kong has of it's Police Force however.

#### The need for rewards other than promotion

27. There is one final matter I note in respect of the Police Force remuneration system, and this is an area which it does appear that the example of the private sector could usefully be learned from.

28. The Police Force has a notably sclerotic and very formal rank based system, which means, after a few years of increments, the only way that a Police Officer's contribution to the force can be recognised and rewarded is by promotion.

29. This leads to distortions in a similar way to ill-considered performance indicators, in that the performance that is rewarded is behaviour aimed at promotion rather than aimed at doing the best possible job of being a Police Officer. This also leads to the well-known outcome of 'promotion to the level of one's incompetence'.

30. I do not have an answer to this problem, but would suggest that, since the private sector is not so hidebound, this may be one area where their experience could be successfully copied. Overlapping salary scales between different ranks may be a possible start.

#### Conclusion

31. To conclude; I would suggest that the Police Force is quite different to both the private sector and the rest of the Civil Service, and this difference should be kept at the forefront of any considerations about pay and conditions relating to the force.