



ICAC

The Independent Commission Against Corruption (ICAC) was set up in 1974 to tackle corruption, marking a milestone in Hong Kong's anti-corruption work which can be traced back to a century ago.

Anti-Corruption Work Before 1974: As early as 1898, bribery was made an offence with the enactment of the Misdemeanours Punishment Ordinance. In 1948, this was replaced by the Prevention of Corruption Ordinance which was enforced by the Anti-Corruption Office of the Police Force. In May 1971, the Prevention of Bribery Ordinance, incorporated with new offences, heavier penalties and stronger investigative powers, came into force.

In June 1973, a police chief superintendent fled Hong Kong while under investigation by the Anti-Corruption Office. The then Governor, Lord Murray MacLehose, appointed a Commission of Inquiry to look into the circumstances of the case, advise on the effectiveness of the anti-corruption laws and suggest possible amendments. In response to the findings of the Commission of Inquiry and prevailing public opinion, the Governor set up an independent organisation to tackle corruption, heralding a new era in the fight against corruption.

The Birth of the ICAC: The ICAC was established on February 15, 1974, with the enactment of the Independent Commission Against Corruption Ordinance. The Commission is independent of the public service and the Commissioner is answerable directly to the Chief Executive of the Hong Kong Special Administrative Region. The ICAC is committed to fighting corruption through a three-pronged strategy of effective law enforcement, education and prevention to maintain Hong Kong as a fair and just society.

The ICAC comprises three functional departments: Operations, Corruption Prevention and Community Relations. As at the end of 2006, the Commission had an establishment of 1 343 posts.

The work of the ICAC is closely scrutinised by four independent committees comprising leading citizens as members and non-officials as chairmen. The Advisory Committee on Corruption advises on Commission-wide policies and issues. The Operations Review Committee examines and monitors all ICAC investigations. The Corruption Prevention Advisory Committee supervises the work in enhancing practices and procedures to minimise opportunities for corruption. The Citizens Advisory Committee on Community Relations advises on measures to foster public support in combating corruption and to educate the public against the evils of corruption.

An independent ICAC Complaints Committee examines complaints against the ICAC or its staff, monitors the handling of complaints and advises on follow-up actions.

Operations: The Operations Department is the investigative arm of the Commission. The Head of Operations is also the Deputy Commissioner. The department is responsible for receiving, considering and investigating reports of alleged offences under the Prevention of Bribery Ordinance, the Independent Commission Against Corruption Ordinance and the Elections (Corrupt and Illegal Conduct) Ordinance. The department is also responsible for investigating any conduct of a public servant which is connected with or conducive to corrupt practices, and to report to the Chief Executive in accordance with the law.

Investigating officers are empowered to make arrests for alleged offences covered by the above three ordinances. Under the Prevention of Bribery Ordinance and the Elections (Corrupt and Illegal Conduct) Ordinance, ICAC officers can make arrests for associated offences uncovered in corruption investigations, including certain offences under the Theft Ordinance, the Criminal Procedure Ordinance, and offences connected with perverting or obstructing the course of public justice.

The Department of Justice examines evidence gathered by the department and advises on prosecutions. The consent of the Secretary for Justice is necessary before any prosecution can be instituted under Part II of the Prevention of Bribery Ordinance.

Complaints: The ICAC receives complaints and reports through its 24-hour report centre and Regional Offices in various districts. From 1974 to the end of 2006, 169 965 reports, excluding election-related ones, were received. Among them, 94 535 were related to corruption, of which 46 436 were directed against government servants. In recent years, over 70 per cent of the complaints were made non-anonymously.

Those reports relating to crimes outside the ICAC's ambit are referred to the Police or other agencies. Complaints that do not involve criminal offences may be referred to government departments or other organisations concerned. Where identified, the complainant's consent is sought for such referrals.

Investigations and Prosecutions: Of the 94 535 corruption complaints received between 1974 and 2006, the Operations Department carried out 59 935 investigations. Among the 12 402 persons prosecuted within the period, 2 017 were government servants, 3 615 were civilians who were involved in public sector corruption cases, and 366 from public bodies. The remaining 6 404 persons were involved in private sector cases.

In 2006, the department received 3 339 corruption reports, excluding election-related complaints. It conducted 2 658 investigations and prosecuted 341 persons. Among the completed prosecutions involving 366 persons, 308 were convicted. At the end of the year, cases involving 213

persons were pending legal proceedings while 1 397 cases were under active investigation.

Corruption Prevention: The Commissioner has a statutory duty to examine the practices and procedures of government departments and public bodies and to secure the revision of methods of work or procedures which may be conducive to corrupt practices. The Commissioner is also required by law to provide corruption prevention assistance on request to any member of the public. These duties are discharged by the Corruption Prevention Department.

The department conducts detailed studies of practices and procedures of public sector organisations and assists them in the effective implementation of corruption prevention recommendations. Up to the end of 2006, over 3 000 reports had been issued, of which 96 were completed in 2006 covering areas such as environmental protection, construction works, public housing, education, procurement of goods and services, and law enforcement. The department also provides expeditious consultation service to government departments and public bodies whenever there is a need, e.g. when new legislation, procedures or policies are being formulated.

For the private sector, corruption prevention advice is available on request. Since its establishment in 1985, the department's Advisory Services Group has advised private sector organisations on measures to enhance governance and tightening internal control. In 2006, private companies were advised on over 360 occasions. Most of them were small businesses which lacked expertise or capability to handle system control problems on their own. The confidential and free consultation service can be obtained through the hotline 2526 6363.

The department also provides Best Practice Packages with easy-to-use guidelines to help organisations minimise corruption opportunities in common problem areas such as procurement, staff administration and construction.

Community Relations: The Community Relations Department is responsible for educating the public against the evils of corruption and enlisting support in the fight against corruption. As shown in the ICAC's annual opinion surveys conducted by independent research agencies in recent years, almost all (99%) respondents rated the ICAC as an organisation deserving their support.

Anti-corruption messages are disseminated to the public through various Regional Offices and the mass media via television dramas, radio programmes, advertisements and press releases. The department also runs an ICAC website (<http://www.icac.org.hk>) to enhance the Commission's transparency and communication with the public.

A clean and honest civil service is instrumental in Hong Kong's success. The department provides integrity training for civil servants. In 2006, the department in conjunction with the Civil Services Bureau launched the Programme of Ethical Leadership, which called upon government bureaux and departments to nominate ethics officers to form a network for sharing experience on ethical governance and integrity management on a long-term basis. The department also joined hands with the Civil Service Bureau and the Environment, Transport and Works Bureau to foster probity culture in its works departments. Following the promulgation of an integrity management manual, more than 150 training workshops have been organised since October 2006 for managers and site supervisors responsible for monitoring contractors in outsourced work projects.

To maintain a level playing field for Hong Kong, the department set up the Hong Kong Ethics Development Centre in May 1995 to promote business ethics on a long-term basis. A website (<http://www.icac.org.hk/hkedc>) was launched in 2001 to enhance the provision of its services. The department continues to forge partnership with regulatory and professional bodies in promoting good corporate governance and ethical practice in various industries and professions. An electronic newsletter *ICAC Post* was launched in 2006 to keep the international business community and press abreast of the latest anti-corruption efforts.

In August 2006, the department joined hands with the Estate Agents Authority and major trade associations to embark on the two-year Professional Ethics Programme for Estate Agents to promote integrity amongst practitioners. ICAC talks are recognised as a core subject in the Estate Agents Authority's Continuing Professional Development Scheme whilst the anti-bribery legislation is included in the syllabus of the licensing examination for estate agents. In the light of closer economic ties between Hong Kong and the Mainland, the department produced 'A Tool Kit on Managing Staff Integrity for Financial Services Sector' in December 2006 to help managers engaged in the provision of cross-boundary financial services to manage staff integrity.

Youth has always been one of the priority targets in preventive education. Apart from conducting talks in schools, the department organises interactive drama performances to raise secondary school students' awareness to the evils of corruption. In July 2006, the department organised the 'Ethical Leadership for the New Generation' Training Programme for tertiary students. The programme, which includes workshops, a case study competition and a Youth Summit to be held in March 2007, attracts over 1 500 students from Hong Kong, the Mainland, Macao and overseas. The department also continues to disseminate anti-corruption messages to the youngsters through its youth website *Teensland* (<http://www.teensland.hk>) and to the teachers via its web-based moral education resource centre (<http://www.icac.org.hk/me>). In January 2007, a dedicated website *Kidsland* (<http://www.kidsland.icac.hk>) with interactive features was created for primary students.

The department continues to organise workshops and distribute reference materials to members of the Corruption Prevention Network for Property Management Companies (PMCs) which was formed in May 2005 to assist them in preventing corruption in the building management sector. Workshops on corruption preventive measures are also organised for building consultants, contractors and owners' corporations.

Together with 18 District Councils and various district organisations, the department organises activities across the territory to strengthen a probity culture. Meet-the-public sessions are held regularly with people from different walks of life to gauge the public's views on ICAC's work.

The use of mass media publicity has proven to be an effective strategy to spread anti-corruption messages. In March 2006, a six-episode TV spot series was produced to explain ICAC's work to the public, including its use of power and accountability system. An advertising campaign was also launched in late 2006 to encourage members of the public to report corruption. The *ICAC Channel* (<http://www.icac.org.hk/channel>), a web-based TV channel launched in 2004, continues to provide the public with updated information or anti-corruption initiatives.