

**HONG KONG**

No. 7 OF 1974

L.S.

I assent.

MURRAY MACLEHOSE,  
Governor.

Ordinance not  
disallowed—  
see G.N. 1015/74

14th February, 1974.

An Ordinance to provide for the establishment of an Independent Commission Against Corruption and matters incidental thereto.

[15th February, 1974]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Independent Com- Short title.  
mission Against Corruption Ordinance 1974.

2. In this Ordinance unless the context otherwise requires— Interpretation.  
“Commission” means the Independent Commission Against Cor-  
ruption established under section 3;

“Commissioner” means the Commissioner of the Independent  
Commission Against Corruption appointed under section 5  
and the Deputy Commissioner appointed under section 6;

“Crown servant” means a person holding an office of emolument,  
whether permanent or temporary, under the Crown in right  
of the Government;

“officer” means an officer of the Commission appointed under  
section 8;

“public body” means—

- (a) the Government;
- (b) the Executive Council;
- (c) the Legislative Council;
- (d) the Urban Council;
- (e) any board, commission, committee or other body, whether paid or unpaid, appointed by or on behalf of the Governor or the Governor in Council; and

(Cap 201.)

- (f) any board, commission, committee or other body specified in the Schedule to the Prevention of Bribery Ordinance;

“public servant” means any employee or member of a public body, whether temporary or permanent and whether paid or unpaid, but the holding of a share in a company which is a public body shall not of itself constitute the holder a public servant.

Establishment of the Commission.

3. There is hereby established the Independent Commission Against Corruption which shall consist of the Commissioner, the Deputy Commissioner and such officers as may be appointed.

Maintenance of the Commission.

4. The expenses of the Commission shall be charged to the general revenue of the Colony.

Appointment of Commissioner.

5. (1) The Governor may appoint a Commissioner who, subject to the orders and control of the Governor, shall be responsible for the direction and administration of the Commission.

(2) The Commissioner shall not be subject to the direction or control of any person other than the Governor.

(3) The Commissioner shall be appointed on such terms and conditions as the Governor may think fit.

(4) The Commissioner shall not while he holds that appointment, discharge the duties of any other office of emolument under the Crown in right of the Government of Hong Kong.

6. The Governor may appoint a Deputy Commissioner on such terms and conditions as he may think fit.

Appointment of Deputy Commissioner.

7. (1) If the office of the Commissioner is vacant or the Commissioner is absent from duty, the Deputy Commissioner shall, save where the Governor otherwise directs, act as Commissioner.

(2) If both the Commissioner and the Deputy Commissioner are absent from duty, the Governor may appoint another person to act as Commissioner during that absence.

Acting Commissioner.

Appointment of officers.

8. (1) The Commissioner may appoint such officers as the Governor thinks necessary to assist the Commissioner in the performance of his functions under this Ordinance.

(2) The Commissioner may, if he is satisfied that it is in the interests of the Commission, terminate the appointment of an officer without assigning any reason therefor.

(3) The terms and conditions of employment of officers shall be subject to the approval of the Governor, who may vary any terms or conditions imposed by virtue of subsection (4).

(4) Subject to this section and section 11(2), the Commissioner and officers shall be employed subject to Colonial Regulations, Government regulations and such administrative rules as apply generally to public officers, except insofar as the application of such Colonial Regulations, Government regulations or rules may be modified by standing orders made under section 11(2).

9. The Commissioner may issue to such officers as he thinks fit a warrant card which shall be *prima facie* evidence of the officer's appointment as such.

Warrant card.

10. (1) Any officer authorized in that behalf may, subject to the provisions of this section, arrest or detain for further inquiries without warrant any person reasonably suspected of having committed any offence under the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance.

Power of arrest and detention.

(Cap. 201.)

(Cap. 288.)

(2) An officer who arrests a person (hereinafter referred to in this section as a "suspect") under this Ordinance shall—

- (a) deliver the suspect forthwith to a police station; or
- (b) detain the suspect in the offices of the Commission, or such other place as may be approved by the Governor, if the Commissioner is of the opinion that further inquiries by his officers are necessary before the suspect is so delivered.

(3) If a suspect is taken to the offices of the Commission or any such place under subsection (2) he may be detained there for the purpose of further inquiries and shall thereafter be delivered to a police station there to be dealt with in accordance with the provisions of the Police Force Ordinance:

(Cap. 232.)

Provided that in no case shall any person be detained for more than forty-eight hours from the time of arrest without being charged and brought before a magistrate.

11. (1) The Commissioner may make orders, which shall be known as Commission standing orders, providing for—

Standing orders.

- (a) the control, direction and administration of the Commission;

- (b) the discipline, training, classification and promotion of officers;
- (c) the duties of officers;
- (d) the financial regulation of the Commission;
- (e) such other matters as may, in his opinion, be necessary or expedient for preventing abuse or neglect of duty and for upholding the integrity of the Commission.

(2) The Commissioner may, with the prior approval of the Governor, by standing order modify the application to officers of Colonial Regulations, Government regulations or administrative rules applicable by virtue of section 8(4).

(3) No Commission standing order shall be inconsistent with any of the provisions of this Ordinance.

**12.** It shall be the duty of the Commissioner, on behalf of the Governor, to—

- (a) receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable;
- (b) investigate any alleged or suspected offences under the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance;
- (c) investigate any conduct of a Crown servant which, in the opinion of the Commissioner, is connected with or conducive to corrupt practices and to report thereon to the Governor;
- (d) examine the practices and procedures of Government departments and public bodies, in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Commissioner, may be conducive to corrupt practices;
- (e) instruct, advise and assist any person, on the latter's request, on ways in which corrupt practices may be eliminated by such person;
- (f) advise heads of Government departments or of public bodies of changes in practices or procedures compatible with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;

Duties of  
the Com-  
missioner.

(Cap. 201.)

(Cap. 288.)

- (g) educate the public against the evils of corruption; and
- (h) enlist and foster public support in combatting corruption.

**13.** (1) For the purpose of the performance of his functions under this Ordinance the Commissioner may—

Powers of  
the Com-  
missioner.

- (a) authorize in writing any officer to conduct an inquiry or examination;
- (b) enter any Government premises and require any Crown servant to answer questions concerning the duties of any Crown or public servant and require the production of any standing orders, directions, office manuals or instructions relating thereto;
- (c) require any person to provide any information which the Commissioner considers necessary;
- (d) authorize in writing any person to perform any of his duties and to exercise such powers under this Ordinance and the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance as he may specify.

(Cap. 201.)

(Cap. 288.)

(2) For the purpose of the performance of his functions under this Ordinance the Commissioner and any officer authorized in writing by him shall have access to all records, books and documents relating to the work of any Government department in the possession of any Crown servant.

**14.** (1) In each financial year, before a date appointed by the Governor, the Commissioner shall forward to the Governor, for his approval, estimates of the expenditure of the Commission for the next financial year.

Estimates.

(2) The estimates shall be in such form and contain such information as the Governor may require.

**15.** (1) The Commissioner shall maintain proper accounts of such expenditure by the Commission as the Governor may require.

Accounts.

(2) As soon as may be convenient after the end of each financial year, the Commissioner shall cause a statement of accounts during the previous financial year to be prepared.

**16.** (1) The Director of Audit shall at any time be entitled to have access to all accounts maintained under section 15(1) and he may require such information and explanation thereon as he thinks fit.

Audit.

(2) The Director of Audit shall audit the statement of accounts prepared under section 15(2) and report thereon to the Governor.

Annual  
report.

**17.** (1) The Commissioner shall, on or before the 31st March in each year, or by such later date as the Governor may allow, submit to the Governor a report on the activities of the Commission in the previous year.

(2) The Governor shall cause the report to be laid on the table of the Legislative Council.

Conse-  
quential  
amendment.  
(Cap. 93.)

**18.** Section 6(2) of the Public Services Commission Ordinance is amended by inserting after paragraph (e) the following new paragraph—

“(f) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and any person appointed under section 8 of the Independent Commission Against Corruption Ordinance.”.

Passed by the Hong Kong Legislative Council this 13th day of February, 1974.

K. H. WHEELER,  
*Clerk to the Legislative Council.*

*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

K. H. WHEELER,  
*Clerk to the Legislative Council.*