



ICAC

The Independent Commission Against Corruption (ICAC) was set up in 1974 to tackle corruption. Its inception was 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 came into force, bringing with it new offences, heavier penalties and stronger investigative powers.

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 the three-pronged strategy of effective law enforcement, education and prevention to help keep Hong Kong fair and just.

The ICAC comprises three functional departments: Operations, Corruption Prevention and Community Relations. As at the end of 2005, the Commission had an establishment of 1 334 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 on all aspects of corruption in Hong Kong. The Operations Review Committee monitors and advises on 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 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 thereon to the Chief Executive in accordance with the law.

Investigating officers are empowered to make arrests under the three ordinances mentioned above, and for other associated offences disclosed during the investigation of a suspected offence under the Prevention of Bribery Ordinance or the Elections (Corrupt and Illegal Conduct) Ordinance. These include certain offences under the Theft Ordinance, the Criminal Procedure Ordinance, and offences connected with perverting or obstructing the course of justice.

The Department of Justice examines evidence gathered by the department and advises on which cases should be prosecuted. 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 a report centre manned on a 24-hour basis and through local offices in various districts. From 1974 to the end of 2005, 165 909 complaints and reports, excluding election-related ones, were received. Among them, 91 196 were related to corruption, of which 45 368 were directed against government servants. In recent years, about 70 per cent of the complaints were made non-anonymously.

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

Investigations and Prosecutions: Of the 91 196 corruption complaints received between 1974 and 2005, the Operations Department carried out 57 277 investigations with 12 061 persons being prosecuted. Among these prosecutions, 1 993 persons were government servants and 3 553 were civilians who either attempted to bribe civil or public servants or were involved with them in public sector corruption. There were 356 staff members of public bodies being prosecuted, and 6 159 persons involved in offences in the private sector.

In 2005, 3 685 corruption reports, excluding election-related ones, were received and 2 946

investigations were carried out. 348 persons were prosecuted. Among the completed prosecutions of 350 persons, 263 were convicted. Cases involving a further 226 persons were pending legal proceedings by the end of the year. At the same time, 1 356 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 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 of the Commission.

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 2005, over 2 900 reports had been issued, of which 96 were completed in 2005 covering areas such as procurement, public works, staff management, law enforcement, contract administration, licensing and registration systems, and disbursement of public funds. Besides, the department also provides expeditious consultation service to public sector organisations whenever there is a need for corruption prevention advice, e.g. when new 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 given advice to private sector organisations on more than 4 400 occasions. In 2005, private sector organisations were advised on over 360 occasions, with most requests coming from small businesses which did not have the experience or capability to handle system control problems on their own. This confidential and free service can be obtained through the hotline 2526 6363.

To help organisations enhance their corruption prevention capability, easy-to-use Best Practice Packages are available, providing guidelines on ways to minimize 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 annual opinion surveys conducted by independent research agencies in Hong Kong 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 Regional Offices and the mass media via television dramas, radio programmes, Announcements of Public Interest and press releases. The department also runs the ICAC website (<http://www.icac.org.hk>) to enhance the ICAC's transparency and communication with the public.

A clean and honest civil service is instrumental in Hong Kong's success. In 2005, the department provided integrity training for 18 000 civil servants from 62 departments. The department continued to work closely with the Civil Service Bureau in implementing the two-year Civil Service Integrity Entrenchment Programme launched in 2004 to help government departments foster an ethical culture. A forum to bring together leaders from the public and private sectors locally and overseas to examine new ethical challenges and share experience in ethical leadership was held in June 2005. In addition, staff integrity training was also provided for public bodies.

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. Besides, the department continued to forge partnership with regulatory and professional bodies in promoting good corporate governance and ethical practice in various industries and professions including banking, insurance, construction, travel and tourism, trading and building management. A two-year Business Ethics Promotion Programme launched in late 2003 to foster the support and commitment of the senior management of listed companies in practising ethical management and good corporate governance was concluded in late 2005. A total of 740 listed companies were visited, including all 33 composite companies of the Hang Seng Index. Nearly 80% of the listed companies had used or were actively considering the use of various ICAC services.

In addition, the department actively sought co-operation from chambers of commerce and trade associations to promote the "Corruption Prevention Kit for Cross-Boundary Business Organisations" launched in 2004. Two seminars were conducted in 2005 for proprietors and training managers of Hong Kong companies operating in Shenzhen.

Youth has always been one of the priority targets in preventive education. During the year, apart from conducting talks for secondary and tertiary students, the department also organised interactive drama performances to raise secondary school students' awareness to the evils of corruption. In response to the government's plan to introduce Liberal Studies into the secondary school curriculum, the department initiated a liberal studies project to enhance the promotion of positive values among young people through the school curriculum. In October 2005, the "Integrity Enhancement Publication and 'e-Reading' Students Participation Programme" was launched to foster positive values among young people through an online reading project, a writing competition and publication of articles by over 100 renowned writers and celebrities. Other than the youth website *Teensland* (<http://www.icac.org.hk/teensland>), the department has also launched Hong Kong's first web-based moral education resource centre (<http://www.icac.org.hk/me>) to provide a forum for teachers to share experiences and views on moral education issues.

In May 2005, the Corruption Prevention Network for Property Management Companies (PMCs) was established to strengthen co-operation with the trade and encourage PMCs to take positive action against corruption. The department also worked closely with the Hong Kong Housing Society in offering preventive education services to applicants and working partners of the Building Management and Maintenance Scheme.

Together with 18 District Councils and various district organisations, the department continued to organise various educational activities to reinforce the commitment of the community in building a probity culture. Meet-the-public sessions were regularly held with people from different walks of life to gauge the public's views on ICAC's work.

Over the years, the use of mass media publicity to complement face-to-face contact has proven an effective strategy. A series of radio programmes was launched in 2005, with ICAC investigators sharing their work experience. The ICAC Channel (<http://www.icac.org.hk/channel>), a web-based TV channel, was launched in 2004 to keep the public abreast of ICAC initiatives and developments.