



## ICAC

The Independent Commission Against Corruption (ICAC) was set up in 1974 to tackle corruption, marking a milestone in Hong Kong's anti-corruption history.

**Anti-Corruption Work Before 1974:** As early as 1898, bribery was made an offence with the enactment of the Misdemeanours Punishment Ordinance. Replaced by the Prevention of Corruption Ordinance in 1948, the legislation was enforced by the Anti-Corruption Office of the Police Force. In May 1971, the Ordinance was further strengthened with new offences, heavier penalties and stronger investigative powers to become the Prevention of Bribery Ordinance of today.

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 civil 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 2008, the Commission had an establishment of 1 376 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 hotline (2526 6366) as well as its Regional Offices in various districts. From 1974 to the end of 2008, 178 318 reports, excluding election-related complaints, were received. Among them, 101 512 were related to corruption, of which 48 371 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 101 512 corruption complaints received between 1974 and 2008, the Operations Department carried out 65 318 investigations. Among the 13 081 persons prosecuted within the period, 2 058 were government servants, 3 765 were civilians involved in public sector corruption cases, and 382 were from public bodies. The remaining 6 876 persons were involved in private sector cases.

In 2008, the ICAC received 3 377 corruption reports, excluding election-related complaints. The department conducted 2 621 investigations and prosecuted 333 persons. Among the completed prosecutions involving 370

persons, 314 were convicted, with the conviction rate (case-based) being 87%. At the end of the year, cases involving 181 persons were pending legal proceedings while 1 519 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 2008, over 3 200 reports had been issued, of which 88 were completed in 2008. They covered areas such as environmental protection, construction works, education, procurement of goods and services, and law enforcement. The department also provides expeditious consultation service to government departments and public bodies when new legislation, procedures or policies are being formulated.

Corruption prevention advice is available to the private sector on a request basis. Since its establishment in 1985, the department's Advisory Services Group has advised private sector organisations on measures to enhance governance and tighten internal control. In 2008, private companies were advised on over 370 occasions. Most of them were small businesses which lacked expertise or capability to put in place proper control measures. The confidential and free consultation service can be obtained through its hotline (2526 6363).

The department also produces user-friendly Best Practice Packages which help private sector organisations enhance their governance and internal control systems, such as procurement, staff administration and building maintenance.

**Community Relations:** The Community Relations Department is responsible for educating the public against the evils of corruption and enlisting support in the fight against graft. Recent ICAC's annual opinion surveys conducted by independent research agencies show that almost all (99%) respondents said the ICAC deserved 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 publicity. 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 2008, the department continued to work with the Civil Service Bureau (CSB) to help government departments foster an ethical culture through the "Ethical Leadership Programme" under which a network of about 150 Ethics Officers from 81 bureaux and departments was established. Since the launch of the programme, the department has offered corruption prevention services to 60 bureaux and departments.

The department set up the Hong Kong Ethics Development Centre in May 1995 to promote business

ethics on a long-term basis, with the support of the chambers of commerce. The department continues to forge partnership with regulatory, trade and professional bodies in promoting good corporate governance and ethical practices in various industries and professions. The *ICAC Post*, an online newsletter, has been launched to update the local and international business communities on Hong Kong's latest anti-corruption efforts.

To further promote ethical management amid an economic downturn, the ICAC, together with the Ministry of Supervision of the People's Republic of China and the Commission Against Corruption of Macao, organised a conference on corporate governance in late 2008, targeting at the financial sector and listed companies.

To help small and medium enterprises (SMEs) with cross-boundary businesses better understand the anti-corruption laws in Hong Kong and the Mainland, the department and the Guangdong Provincial People's Procuratorate jointly launched the *Corruption Prevention Guide for SME Entrepreneurs Investing in Hong Kong and Guangdong* at a conference in April 2008. The conference also inaugurated a two-year ethics promotion programme to provide corruption prevention services to SMEs through a network of trade bodies and integrity activities.

In light of the large number of corruption complaints relating to building management, the department launched a territory-wide programme in May 2008 to promote ethical practices in this sector. The programme represented the joint efforts of the ICAC, the Home Affairs Department, the Hong Kong Housing Society, other relevant government bureaux and departments as well as professional bodies. Under the programme, a corruption prevention guidebook was promoted to 8 500 owners' corporations.

To maintain open and fair public elections, the department launched a comprehensive education and publicity programme to promote the "Support Clean Elections" message for the Legislative Council Election held in September 2008. A comprehensive handbook was produced to help candidates and election agents understand the Elections (Corrupt and Illegal Conduct) Ordinance. Briefings were organised to explain the laws to candidates and election agents. Leaflets were distributed to all voters to remind them of the importance of adhering to the law.

Youth has always been one of the priority targets in preventive education. The department arranges interactive drama performances, talks and workshops for over 80 000 secondary schools and university students each year to educate them against the evils of corruption. To optimise the impact of our education efforts, the department will seek to incorporate moral education into the formal curricula of university, secondary and primary students.

Together with 18 District Councils and various district organisations, the department organises activities across the territory to strengthen the 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 has proven to be an effective strategy to spread anti-corruption messages. In 2008, a radio drama series, co-produced with the Radio Television Hong Kong, was broadcast. In addition, the department launched a new advertising campaign in October to urge the public to adopt a zero tolerance attitude towards corruption and report graft promptly. The ICAC website (<http://www.icac.org.hk>) and the *ICAC Channel* (<http://www.icac.org.hk/channel>) are used to keep the public updated on the latest anti-corruption initiatives.