

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-bribery law 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, prevention and education to maintain Hong Kong's reputation as a clean and fair society.

The ICAC comprises three functional departments: Operations, Corruption Prevention and Community Relations. As at the end of 2020, the Commission had an establishment of 1 511 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 oversees 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 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 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.

Investigating officers are empowered to make arrests for alleged offences covered by the above three ordinances.

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

Complaints: The ICAC receives corruption complaints through its 24-hour report centre and hotline (2526 6366) as well as its Regional Offices in various districts. In 2020, there were 1 924 corruption complaints (excluding election complaints¹), of which 1 454 were pursuable. Among those complaints, 1 134 (59 per cent) concerned the private sector, while 629 (33 per cent) related to government departments and 161 (8 per cent) involved public bodies. In 2020, 70 per cent of the complainants who reported corruption were willing to reveal their identities.

Reports that are found to relate to crimes outside the purview of the ICAC are referred to the Police or other law enforcement agencies. Reports that are found not to involve criminality, but disclose inappropriate conduct or systems considered conducive to corruption may be referred to relevant government departments for consideration of disciplinary or administrative actions or other relevant organisations for appropriate follow-up actions. Where identified, individual complainants' consent is sought for such referrals.

In 2020, a total of 361 election complaints were received, of which 332 concerned the 2019 District Council Ordinary Election, and 18 concerned the 2020 Legislative Council General Election. Out of the 361 complaints, 353 were pursuable.

Investigations and Prosecutions: A total of 154 persons in 91 cases, including election cases, were prosecuted in 2020. Among those prosecutions completed in 2020, 110 persons were convicted, resulting in a person-based conviction rate of 86 per cent and a case-based conviction rate of 88 per cent. By the end of 2020, the overall caseload stood at 1 585, including 388 election cases. A total of 153 persons in 76 cases were pending legal proceedings.

Corruption Prevention: The Commissioner has a statutory duty to examine the practices and procedures of government

¹ Election complaints refer to complaints alleging breaches of the Elections (Corrupt and Illegal Conduct) Ordinance

departments and public bodies and 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 organisations, and assists them in the effective implementation of corruption prevention measures. Up to the end of 2020, 4 071 reports of these studies had been issued, of which 65 were completed within the year, covering areas such as law enforcement, public procurement, public works projects, funding schemes and licensing regulatory systems. The department also provides timely consultation service to government departments and public bodies on corruption prevention concerning new legislations, policies, public services, and major projects.

Corruption prevention advice is available to the private sector upon request. In 2020, private organisations were advised on 509 occasions. Since its establishment in 1985, the department's Corruption Prevention Advisory Service (formerly known as Advisory Services Group) has advised private organisations ranging from small companies to large corporations and listed companies on measures to prevent corruption through good governance, internal control and capacity building. The confidential and free consultation service can be obtained through the department's hotline (2526 6363). In addition, the Corruption Prevention Advisory Service Web Portal (<https://cpas.icac.hk>) provides handy online knowledge and resources for corruption prevention.

The department also produces user-friendly corruption prevention guides to help both public and private sector organisations enhance their governance and internal control systems in areas 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 community support in the fight against corruption. ICAC's 2020 annual opinion survey conducted by an independent research agency showed that 93 per cent of respondents expressed their support for the ICAC and almost all respondents considered a corruption-free society was important to the overall development of Hong Kong. The survey continued to reflect the public's high intolerance of corruption.

The department adopts an "Ethics for All" approach to disseminate anti-corruption messages to the community through face-to-face liaison, multimedia publicity and strategic partnership with various sectors.

A clean civil service is one of the pillars for the success of Hong Kong. The department provides regular integrity training to government officers of all ranks and maintains a self-learning *Integrity Management e-learning Platform for Civil Servants*. The department also strives to enhance ethical leadership of senior civil servants and public officials by implementing the "Ethical Leadership Programme" in collaboration with the Civil Service Bureau. Under the Programme, a network of around 160 Ethics Officers from all

government bureaux and departments has been formed to help fortify a probity culture in the civil service. Besides, the "Integrity Promotion Campaign for Public Bodies" was launched in 2021 to provide public bodies with integrity training resources such as a thematic website, an e-learning module and animated videos.

To sustain a level-playing field in Hong Kong, the department established the Hong Kong Business Ethics Development Centre in 1995 to promote business ethics as the first line of defence against corruption. The Centre's work is steered by the Hong Kong Business Ethics Development Advisory Committee which comprises 10 major chambers of commerce in Hong Kong. To fortify the business sector's resistance to bribery, the department conducts anti-corruption talks and seminars for different trades, industries, professions and individual business entities. Capitalising on the burgeoning trend of online learning, the Centre has set up a "BEDC Channel" through which thematic webinars are regularly organised for practitioners from different industries to explain the anti-corruption law and discuss integrity and governance-related issues.

To enhance the integrity standard and corruption prevention awareness of construction professionals and practitioners, the department launched an "Ethics Promotion Programme for the Construction Industry" in 2021 with tailor-made initiatives, including e-learning packages and feature articles for construction professionals, regional seminars for public works contractors / consultants and publicity materials to promote the "Don't Bribe for Jobs" message to frontline practitioners.

To uphold fairness and prevent corrupt and illegal conduct in the public elections after the implementation of the improved electoral system, the department launched a comprehensive education and publicity campaign. Adopting an all-embracing strategy, clean election messages were conveyed to all stakeholders. Briefings and reference materials for candidates, election helpers and electors covering major provisions and new offences in the Elections (Corrupt and Illegal Conduct) Ordinance were organised and produced. Clean election messages were also extensively publicised to the general public through flash roadshows, publicity filmlets and multi-media platforms. An election enquiry hotline was set up for addressing the enquiries from candidates, election helpers and electors.

The department attaches great importance to the nurturing of the core value of integrity amongst the young generations of different developmental stages. Teaching packages, picture books and animation disseminating positive values targeted at kindergarteners and primary pupils have been produced. Interactive drama performances and an "iTeen Leadership Programme" to promote integrity are arranged for secondary students; while "ICAC Ambassador Programmes" and a "Personal Ethics Module" are organised for tertiary students. To further support educators in cultivating positive values in children, the department launched an "i Junior Programme for Primary Schools" in 2021. Schools joining the Student Participation Scheme under the Programme were supplied with activity resources for arranging on-campus and online moral education activities.

Through its seven Regional Offices across the territory, the department provides face-to-face preventive education to different groups and organisations in the community and receives corruption complaints from the public. Public support to the anti-corruption cause has been enlisted and sustained through online and offline activities under the multi-year territory-wide “All for Integrity” Programme. The department has been proactively disseminating anti-corruption messages and cultivating a probity culture to people of diverse race and new arrivals through promotion of a multi-language publicity package. In addition, ordinary citizens are engaged as members of the ICAC Club to provide voluntary service at ICAC publicity events and activities. A Youth Chapter has been formed under the Club to further involve young members in planning and implementing integrity projects.

The department also uses multi-media platforms to magnify the impact and penetration of anti-corruption messages in the community. Having engaged young people in contributing creative ideas, the department launched a series of multi-media productions on Facebook, Youtube and Instagram under the “Youth-for-Youth” Co-creation Project. The ICAC corporate website (<https://www.icac.org.hk>), together with various affiliated online platforms and channels of the ICAC, attracted 6.2 million visits in 2020.

International and Mainland Liaison: The ICAC continues to collaborate with and assist anti-corruption agencies of States Parties to the United Nations Convention against Corruption to build up their anti-corruption capacity. It also sustains efforts to promote Hong Kong’s anti-corruption achievements, its clean civil service and a level playing field for businesses to the international community through visits and exchanges with international organisations, as well as online publicity via the dedicated “International Perspective” section on the ICAC corporate website. In partnership with the Guangdong and Macao counterparts under the framework of the National 14th Five-Year Plan and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area, it has commenced a new page to promote probity culture in the region.