

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 four departments: Operations, Corruption Prevention, Community Relations and International Cooperation and Corporate Services. As at the end of 2022, it had an establishment of 1 527 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 monitors ICAC's corruption prevention audits for government departments and public bodies, and advises on corruption prevention strategies for both the public and private sector. 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, which is the largest department of the ICAC, undertakes investigation of corruption and related offences in the public and private sectors under the command of the Head of Operations, who is assisted by two Directors of Investigation. The Head of Operations, who is also the Deputy Commissioner, reports directly to the Commissioner.

Investigating officers are empowered to conduct investigations, and exercise powers including arrest, detention, search operations, access to accounts, requests for surrender of travel documents, restraints on suspects'

possession or control of assets, in accordance with law or, where appropriate, with court authorisation.

The ICAC is responsible for undertaking corruption investigations, and analysing and forwarding the evidence gathered to the Department of Justice for consideration of institution of prosecution. Under the Prevention of Bribery Ordinance, the consent of the Secretary for Justice is required for the prosecution of any of the offences listed in Part II of the ordinance, including solicitation or acceptance of advantages, bribery, corrupt transactions with agents and possession of unexplained property.

Complaints: Members of the public are encouraged to report corruption in person at the ICAC Report Centre or any of the seven Regional Offices. Alternatively, they may report corruption via the Complaint Hotline (25 266 366) or by letter (GPO Box 1000). In 2022, there were 1 835 corruption complaints [excluding election complaints alleging breaches of the Elections (Corrupt and Illegal Conduct) Ordinance], of which 1 438 were pursuable. Among those complaints, 1181 (64 per cent) concerned the private sector, while 533 (29 per cent) related to government departments and 121 (7 per cent) involved public bodies. In 2022, 71 per cent of the complainants identified themselves when reporting corruption.

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 complainant's consent is sought for such referrals.

In 2022, a total of 179 election complaints were received, of which 176 were pursuable, concerning the 2021 Legislative Council General Election, the 2020 Legislative Council General Election (postponed), the 2021 Election Committee Subsector Ordinary Elections, the 2023 Rural Ordinary Election, and the 2022 Chief Executive Election.

Investigations and Prosecutions: A total of 215 persons in 111 cases, including election cases, were prosecuted in 2022. Among those prosecutions completed in 2022, 101 persons were convicted, resulting in a person-based conviction rate of 82 per cent and a case-based conviction rate of 83 per cent. By the end of 2022, the overall caseload stood at 1 035, including 122 election cases. A total of 255 persons in 122 cases were pending legal proceedings.

Corruption Prevention: The Commissioner has a statutory duty to examine the practices and procedures of government 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 government departments and public bodies, and assists them in the effective implementation of corruption prevention measures. Up to the end of 2022, 4 208 reports of these studies had been issued, of which 68 were completed within the year, covering areas such as law enforcement, public procurement, public works, public health

and safety, government funding schemes and regulatory functions. 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 2022, private organisations and individuals were advised on 1 022 occasions. Since its establishment in 1985, the Corruption Prevention Advisory Service 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 its hotline (2526 6363), email and online platform. Its web portal also provides handy graft prevention knowledge and resources.

The department also adopts a proactive, partnership and capacity building approach, collaborating with trade regulators and bodies to promote and advise on the adoption of anti-corruption systems and measures by companies in their respective industries, as well as collaborating with the relevant government departments and organisations for promoting the digitalisation of work processes and public services to enhance their corruption prevention capabilities.

Community Education and Publicity: The ICAC educates the public against the evils of corruption and enlists community support in fighting corruption and promoting integrity. These duties are carried out by its Community Relations Department.

The ICAC adopts an “Ethics for All” approach to disseminate anti-corruption messages to the community through face-to-face contact, multi-media publicity and strategic partnership with various sectors. The ICAC Annual Survey 2022 conducted by an independent research agency showed that the public was intolerant of corruption. A vast majority of the respondents said that they had not come across corruption personally in the past twelve months. They also considered a corruption-free society important to the overall development of Hong Kong. These findings are similar to those in the past ten years, confirming the stable probity situation and the deeply-rooted core value of integrity in Hong Kong.

A clean and effective government is essential for maintaining the competitiveness of Hong Kong. The ICAC provides integrity training and e-learning materials for government officers at all levels. Briefing sessions are incorporated into the Civil Service College’s flagship leadership development programmes and the foundation training programme for new recruits. The ICAC also arranges briefings for all politically appointed officials, and collaborates with the Civil Service Bureau to co-organise the “Ethical Leadership Programme” to assist government bureaux/ departments to promote integrity management and fortify the probity culture in the civil service. Besides, the ICAC provides integrity training and learning resources to support public bodies in deepening their culture of integrity.

In 1995, the ICAC established the Hong Kong Business Ethics Development Centre with major chambers of commerce in Hong Kong to actively promote business ethics as the first line of defence against corruption for the favourable business environment of Hong Kong. Steered by the Hong Kong Business Ethics Development Advisory Committee, the ICAC organises ethics training and promotional activities for business organisations of different professions, trades and sizes to strengthen their capabilities in resisting corruption. The Centre also arranges thematic webinars regularly on its online training platform “BEDC Channel” to explain to the business community the anti-corruption law and discuss with them integrity, governance and related issues of concern.

To tie in with the Government’s plan to improve governance at the district level in 2023, the ICAC has put in place a comprehensive educational and publicity campaign to ensure the first District Council Election to be conducted in a

clean and fair manner. As in previous public elections, the ICAC adopts an all-embracing strategy to disseminate clean election messages to stakeholders. Briefings and reference materials are arranged for candidates, election helpers and electors to provide details of the major provisions and new offences of the Elections (Corrupt and Illegal Conduct) Ordinance, whereas an enquiry hotline is in operation. The ICAC also extensively publicises the clean election messages to the general public through district activities, promotional filmlets, thematic websites and other multi-media platforms.

The ICAC works hand in hand with young people to cultivate the core value of integrity. Teaching packages, picture books and animations are produced for kindergarteners and primary school students, while the “ICAC’s Kids Classroom” are conducted to promote positive values to young children. In addition, the ICAC provides support to schools participating in the “i Junior Programme for Primary Schools” in organising moral education activities. Through the “iTeen Leadership Programme” and the “ICAC Ambassador Programme”, senior secondary and tertiary students are engaged as partners of the ICAC to help promote integrity messages to their peers. Meanwhile, iTeen Leaders and ICAC Ambassadors displaying outstanding leadership potentials are selected for the “ICAC ELITE Youth Leadership Programme” which sets to equip them to become trusted partners in building a clean society and safeguarding the rule of law.

Through its seven Regional Offices across the territory, the ICAC provides preventive education to different service targets (including new arrivals and people of diverse race) and organisations (including building management bodies, district services and community care teams, etc.), and organises publicity projects in the community to enlist public support and encourage them to report corruption. Since the establishment of the “ICAC Club” in 1997, over 3,000 Club members have shown their unfailing support for anti-corruption work by providing voluntary services in ICAC’s activities or promoting integrity messages via their own networks over the years. To demonstrate ICAC’s perseverance in the graft-fighting mission, the ICAC will ride on its 50th anniversary in 2024 to launch a series of public engagement activities under the theme of “Fighting Corruption: The Mission Continues” and extend the partnership with all walks of life to build a clean society.

Through various media platforms, the ICAC continues to enhance its transparency and promote its professional image, a dedicated anti-corruption agency adopting a “three-pronged” approach to combat corruption. Adapted from real cases, the “ICAC Investigators 2022” TV drama series was produced to remind the public the evils of corruption and demonstrate the professionalism of the ICAC. The series recorded a viewership of over 5.34 million. The ICAC also makes use of various social media platforms, including the “Hong Kong ICAC” Facebook page, “Greedy Kin” and ICAC’s official Instagram accounts, YouTube “ICAC Channel”, official WeChat account and “Hong Kong Business Ethics Development Centre” LinkedIn account, to expand its reach to the public and share with them ICAC’s latest work initiatives. Over 5.1 million visits to the ICAC website and related online platforms were recorded in 2022.

The Hong Kong International Academy Against Corruption: The ICAC will establish the Hong Kong International Academy Against Corruption (HKIAAC) in February 2024 to showcase Hong Kong’s advantages in the rule of law and a probity culture. HKIAAC will undertake four main areas of work, namely (1) organising international anti-corruption training courses for overseas anti-corruption personnel; (2) providing training programmes for government departments, public and private organisations, and professional associations in Hong Kong; (3) offering accredited, systematic and standardised professional training programmes for ICAC staff; and (4) establishing a research platform for anti-corruption practitioners and experts from the

Mainland, Hong Kong and overseas to engage in academic exchanges and collaboration on anti-corruption.

While preparation for the opening is ongoing, a number of pilot training programmes have been launched, including professional anti-corruption training for overseas anti-corruption authorities as well as those for local diversified targets. In order to build a solid foundation for future development, the HKIAAC has enlisted support from stakeholders in the Mainland, Hong Kong and overseas, and discussions about collaborations in anti-corruption training and research have been underway.

International and Mainland Liaison: The International Cooperation Branch of the International Cooperation and Corporate Services Department is responsible for strengthening communication and collaboration with anti-corruption authorities in other jurisdictions and related international organisations. The ICAC also serves as Secretariat of the International Association of Anti-Corruption Authorities (IAACA) in support of ICAC Commissioner, who is also President of IAACA, leading worldwide IAACA members to advance the global graft-fighting cause. The ICAC also strives to promote Hong Kong's anti-corruption achievements, clean civil service and a level playing field for businesses to the global community through visits and exchanges with international organisations, as well as online publicity via the dedicated "International Perspective" section on the ICAC website. The ICAC is in close 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 to promote a probity culture in the region.

The International and Mainland (Operational) Liaison Section of the Operations Department is responsible for maintaining effective operational liaison and cooperation with anti-corruption and law enforcement agencies in the Mainland, Macao and overseas. As soon as the pandemic situation has begun to subside, officers have started to travel to attend international conferences and provide mutual case assistance in person. The Commission attaches great importance to collaboration with its counterparts from other jurisdictions as well as international and regional organisations in preventing and eradicating corruption. In particular, the ICAC, either in the name of Hong Kong, China or as a member of the Chinese delegation, has participated in various activities hosted by international organisations, including the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) under the auspices of the United Nations, the Asia-Pacific Economic Cooperation Anti-Corruption and Transparency Experts Working Group, the Economic Crime Agencies Network and the Anti-Corruption Initiative for Asia Pacific jointly managed by the Asian Development Bank and the Organisation for Economic Co-operation and Development.