

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 2021, it had an establishment of 1 522 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 is the investigative arm of the Commission. The department is responsible for receiving and investigating any suspected or 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 arrest without warrant any person for offences stipulated in the above three

ordinances and for offences connected with or facilitated by corruption that are disclosed in the course of investigation.

The ICAC and the Department of Justice (DoJ) are vested with the respective powers of investigation and prosecution. ICAC analyses and forwards the evidence gathered in investigations to DoJ for consideration of instituting prosecution. The consent of the Secretary for Justice is required for the prosecution of any of the offences, including soliciting or accepting an advantage, bribery, corrupt transactions with agents and possession of unexplained property, as listed in Part II of the Prevention of Bribery Ordinance.

**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 2021, there were 2 264 corruption complaints (excluding election complaints<sup>1</sup>), of which 1 738 were pursuable. Among those complaints, 1 482 (65 per cent) concerned the private sector, while 645 (28 per cent) related to government departments and 137 (6 per cent) involved public bodies. In 2021, 70 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 2021, a total of 164 election complaints were received, of which 85 concerned the 2019 District Council Ordinary Election and 52 relating to the 2021 Legislative Council General Election. Out of the 164 complaints, 159 were pursuable.

**Investigations and Prosecutions:** A total of 200 persons in 112 cases, including election cases, were prosecuted in 2021. Among those prosecutions completed in 2021, 128 persons were convicted, resulting in a person-based conviction rate of 72 per cent and a case-based conviction rate of 78 per cent. By the end of 2021, the overall caseload stood at 1 198, including 96 election cases. A total of 168 persons in 86 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 public organisations, and assists them in the effective implementation of corruption prevention measures. Up to the end of 2021, 4 140 reports of these studies had been issued, of which 69 were completed within the year, covering areas such as law enforcement, public

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

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 2021, private organisations and individuals were advised on 1 375 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.

**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 2021 annual opinion survey conducted by an independent research agency showed that almost all respondents had not come across corruption personally in the past year and considered a corruption-free society 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, multi-media 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 the promotion of integrity management in the civil service. Briefings are conducted for all politically appointed officials to enlist their support in entrenching the probity culture. Besides, the department reached out to all public bodies to provide integrity training and resources such as a thematic website and an e-learning course with an aim to sustain the integrity culture in the public sector.

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 tailored 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 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. The department launched an "i Junior Programme for Primary Schools" to support students' participation in various moral education activities. An "iTeen Programme for Secondary Schools" comprising a leadership programme, interactive drama performances and visits to ICAC is arranged for secondary students; while "ICAC Ambassador Programmes" and a "Personal Ethics Module" are organised for tertiary students.

Through its seven Regional Offices across the territory, the department provides face-to-face and online preventive education to different groups and organisations in the community, encourages and receives corruption complaints from the public. Public support to the anti-corruption cause has been enlisted and sustained through various activities under the multi-year "All for Integrity" Programme. The signature event "Journey for Integrity" was organised in Tai Kwun in June 2022. Through participation in experiential exhibition and online city walks, citizens were reminded of the anti-corruption history and the importance of the rule of law and law abidingness.

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 to further involve young members in planning and implementing integrity projects.

The department uses multi-media platforms to magnify the impact and penetration of anti-corruption messages in the community. To educate the public and demonstrate the ICAC's determination in rooting out corruption, the new "ICAC Investigators" TV drama series adapted from real cases was broadcast in May 2022. The latest corporate advertising campaign with the tagline "Stand Firm against Corruption. Our Mission Continues." was launched in 2022. The ICAC corporate website, together with various affiliated online platforms and channels of the ICAC such as Facebook, YouTube and Instagram, attracted 7.9 million visits in 2021.

**International Cooperation and Mainland Liaison:** Through the International Cooperation Branch of the International Cooperation and Corporate Services Department, the ICAC collaborates with anti-corruption agencies of States Parties to the United Nations Convention against Corruption to build up their anti-corruption capacity. ICAC also serves as the Secretariat of the International Association of Anti-Corruption Authorities (IAACA) to support ICAC Commissioner's presidency to lead worldwide IAACA members to advance global graft-fighting. It also sustains efforts 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. 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 probity culture in the region.