

第四章

CHAPTER 04

# 執行處

OPERATIONS  
DEPARTMENT



## 法定職責

- 接受及考慮有關指稱貪污行為的投訴。
- 調查任何被指觸犯《廉政公署條例》(第 204 章)、《防止賄賂條例》(第 201 章)及《選舉(舞弊及非法行為)條例》(第 554 章)的罪行。
- 調查訂明人員任何被指透過濫用職權而觸犯勒索罪的指控。
- 調查訂明人員任何與貪污有關連或會助長貪污的行為，並向行政長官提交報告。

## 組織

執行處負責調查工作，是廉政公署(廉署)最大的部門，由執行處首長執掌。執行處首長同時兼任副廉政專員，其下兩名執行處處長分別負責公營部門和私營機構的貪污調查工作。執行處共設有四個調查科，各由一名助理處長監督。

## 權力

調查人員如懷疑某人觸犯上述三條反貪污法例所訂罪行，或在調查過程中揭發與貪污有關連或因其引致的罪行，可在無需手令的情況下將疑犯逮捕。如調查人員需要進入指明處所，搜尋有關罪行的證據，一般要向法庭申請搜查令。

## STATUTORY DUTIES

- Receive and consider allegations of corrupt practices.
- Investigate any alleged or suspected offences under the Independent Commission Against Corruption Ordinance (ICACO) (Cap 204), the Prevention of Bribery Ordinance (POBO) (Cap 201), and the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) (Cap 554).
- Investigate any alleged offences of blackmail committed by a prescribed officer through the misuse of office.
- Investigate any conduct of a prescribed officer, which is connected with or conducive to corrupt practices and report thereon to the Chief Executive.

## STRUCTURE

The Operations Department (OPS) is the investigative arm and the largest department of the Independent Commission Against Corruption (ICAC). It is led by the Head of Operations, who is also the Deputy Commissioner, assisted by two Directors of Investigation, one responsible for the public sector and the other for the private sector. OPS is organised into four investigation branches, each overseen by an Assistant Director.

## POWER

Investigating officers are empowered to arrest without warrant any person for offences stipulated in the above three anti-corruption ordinances and for offences connected with or facilitated by corruption that are disclosed in the course of investigation. The powers to enter and search premises for evidence of these offences are normally granted by the court under judicial warrants.

### 審查貪污舉報諮詢委員會

廉署的調查工作由審查貪污舉報諮詢委員會負責監察。委員會定期舉行會議，審議由執行處擬備的報告。這些報告包括：

- 當前的重大調查案件及其最新情況；
- 廉署調查為時超過 12 個月的個案；
- 廉署准予保釋六個月以上人士的報告；
- 檢控結果及其後提出上訴的報告；以及
- 已完成調查個案的報告。

廉署所有調查個案，均須呈交委員會審查。未經委員會同意，廉署不會結束任何調查。

### 提出檢控

凡屬《防止賄賂條例》第 II 部所列罪行，須經律政司司長同意，方能提出檢控。事實上，廉署就任何罪行提出檢控前，均會先徵詢律政司的意見。

### OPERATIONS REVIEW COMMITTEE

The investigative work of the ICAC is overseen by the Operations Review Committee (ORC). The ORC meets regularly to review reports prepared by OPS. These reports include:

- current major investigations and their updates;
- cases investigated by the ICAC for over 12 months;
- reports on persons on ICAC bail for over six months;
- reports on results of prosecutions and any subsequent appeals; and
- reports on completed investigations.

All ICAC cases must be submitted to the ORC for scrutiny. Without ORC's endorsement, the ICAC will not conclude an investigation.

### PROSECUTION OF CASES

The consent of the Secretary for Justice is required for the prosecution of any of the offences listed in Part II of the POBO. In practice, the ICAC seeks the advice of the Department of Justice before commencing any prosecution.

土木工程拓展署一間顧問公司的19名前實驗室職員，就港珠澳大橋香港工程項目的混凝土壓力測試記錄造假，全部被判入獄，其中最高的刑期為四年

Nineteen former laboratory staff of a consulting firm of the Civil Engineering and Development Department were sentenced to up to four years' imprisonment for producing false records on concrete compression tests for the Hong Kong-Zhuhai-Macao Bridge Hong Kong Project



## 貪污案件的來源

### 貪污投訴

廉署鼓勵市民親身到廉署舉報中心或七間廉署分區辦事處舉報貪污或懷疑貪污事件。市民亦可致電廉署投訴熱線(25 266 366)或投函香港郵政信箱 1000 號作出投訴。執行處首長級人員會每個工作天審閱接獲的所有投訴，然後決定是否進行調查，或在適當情況下將個案轉交其他政府部門或公共機構處理。

## SOURCES OF CORRUPTION CASES

### Corruption Complaints

Members of the public are encouraged to report corruption or suspected corruption in person to the ICAC Report Centre or any of the seven Regional Offices. Alternatively, a complainant may contact the ICAC via the Complaint Hotline (25 266 366) or by letter (GPO Box 1000). Directorate officers of OPS consider all complaints on each working day to decide whether to investigate, or where appropriate to refer them to other government departments or public bodies for action.

一名時任政府決策局副秘書長，在處理直升機及定翼機服務公司的航權和其他申請時觸犯公職人員行為失當罪，被判入獄九個月

A then Deputy Secretary of a government bureau was sentenced to nine months' imprisonment for misconduct in public office over applications, including that of air traffic rights, made by helicopter and fixed-wing aircraft services companies



### 主動出擊調查策略

執行處採取主動出擊調查策略，旨在揭發未經舉報的貪污活動，並找出可能出現貪污的範疇。這策略正彰顯廉署剷除貪污的決心，事實亦證明行之有效，讓廉署得以揭發不少嚴重貪污案件，否則這些貪污活動會繼續存在，危害公眾利益。

### Proactive Approach

OPS adopts a proactive strategy in the detection of unreported corruption and the identification of potential areas for corrupt practices. This approach demonstrates the determination of the ICAC to seek out and eradicate corruption wherever it may be, and is proven effective in uncovering serious cases of corruption which might otherwise have remained unreported.

### 貪污投訴的統計數字

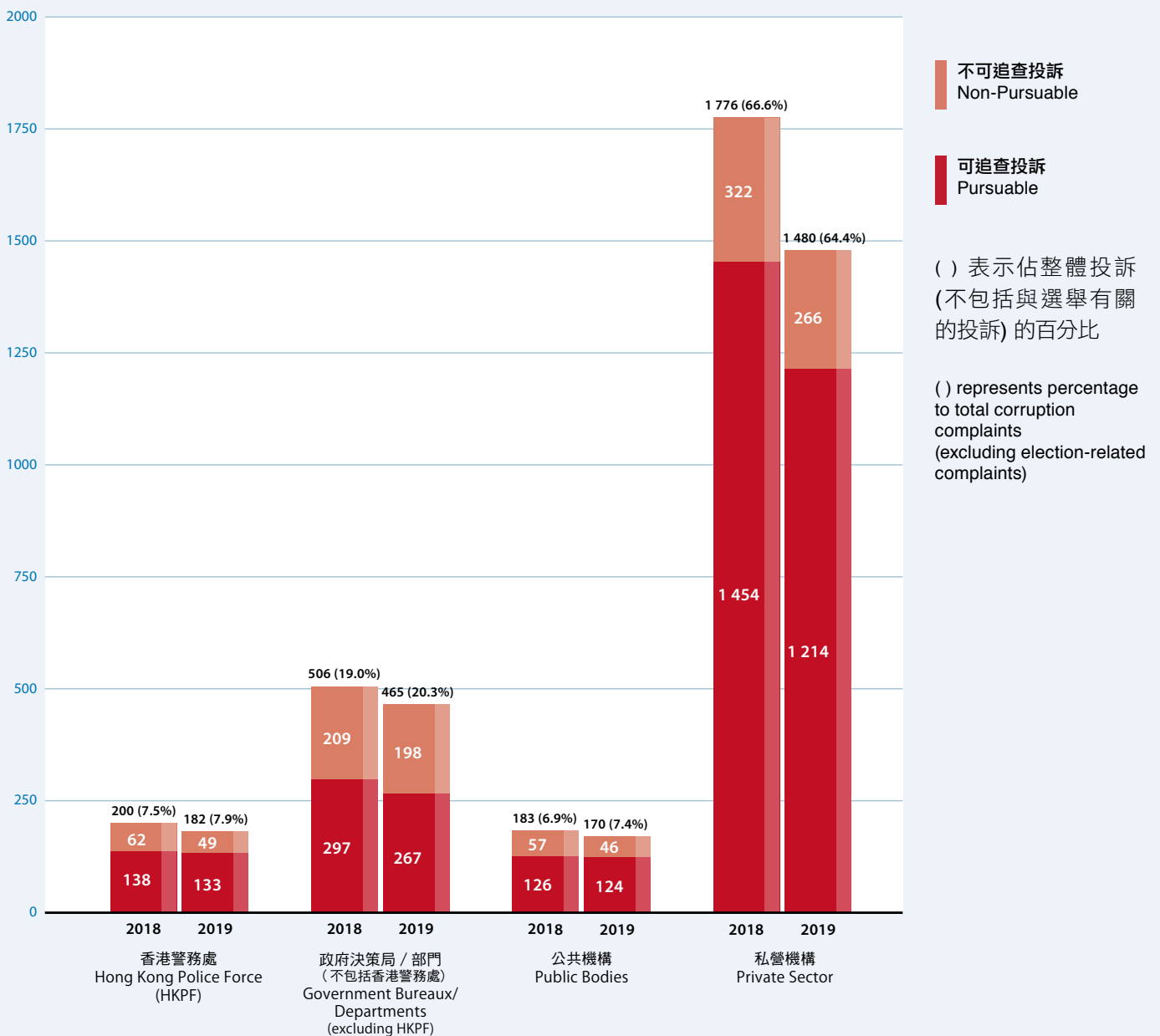
執行處在二零一九年共接獲 2 297 宗貪污投訴 (不包括與選舉有關的投訴)，較二零一八年下降 14%。可追查的貪污投訴有 1 738 宗，佔整體貪污投訴 76%，較上年的 2 015<sup>△</sup> 宗同樣下跌 14%。二零一八年及二零一九年接獲貪污投訴依機構分類的分項數字，詳見圖表 4-1。

### STATISTICS ON CORRUPTION COMPLAINTS

Excluding election-related complaints, OPS received a total of 2 297 corruption complaints in 2019, representing a decrease of 14 per cent from that in 2018. The number of pursuable complaints was 1 738, or 76 per cent of the total, representing a decrease of 14 per cent when compared with 2 015<sup>△</sup> complaints recorded in 2018. A breakdown of the corruption complaints received in 2018 and 2019 by sector is shown in Figure 4-1.

圖表 4-1：二零一八年及二零一九年接獲的貪污投訴依機構分類 (不包括與選舉有關的投訴)

Figure 4-1 : Corruption Complaints (Excluding Election-related Complaints) Recorded by Sectors in 2018 and 2019



△ 將重新歸類及已完成調查個案數字更新後得出的最新數字。

Figures revised to take account of the updating of reclassified cases and completed cases.



執行處在二零一九年共接獲 623 宗與選舉有關的投訴，其中 590 宗屬可追查投訴。這些可追查投訴中，涉及二零一九年一月舉行的鄉郊代表選舉和十一月舉行的區議會選舉分別有 70 宗及 492 宗。有關二零一九年區議會選舉的投訴，當中 153 宗涉及發布關於候選人的虛假或具誤導性陳述、113 宗有關對候選人施用武力或脅迫手段、96 宗關於賄賂選民或其他人，另有 62 宗涉及在選舉中作出與投票有關的舞弊行為。

As regards election-related complaints, 623 complaints (590 pursuable) were received in 2019. Out of those 590 pursuable complaints, 70 and 492 were related to the 2019 Rural Representative Election held in January and the 2019 District Council Election held in November respectively. Among those complaints in respect of the District Council Election, 153 related to the publishing of false or misleading statements about candidates, 113 concerned the use of force or duress against candidates, 96 related to bribing of electors and others, and 62 concerned corrupt conduct with respect to voting at elections.

一名製藥廠前高級醫藥代表及一名藥房經營者因在供應處方藥物時涉及貪污詐騙約100萬元，被裁定罪名成立

A former senior medical representative of a pharmaceutical manufacturer and a pharmacy operator were convicted for bribery and fraud involving about \$1 million in relation to the supply of pharmaceutical drugs



## 調查及檢控

### 調查

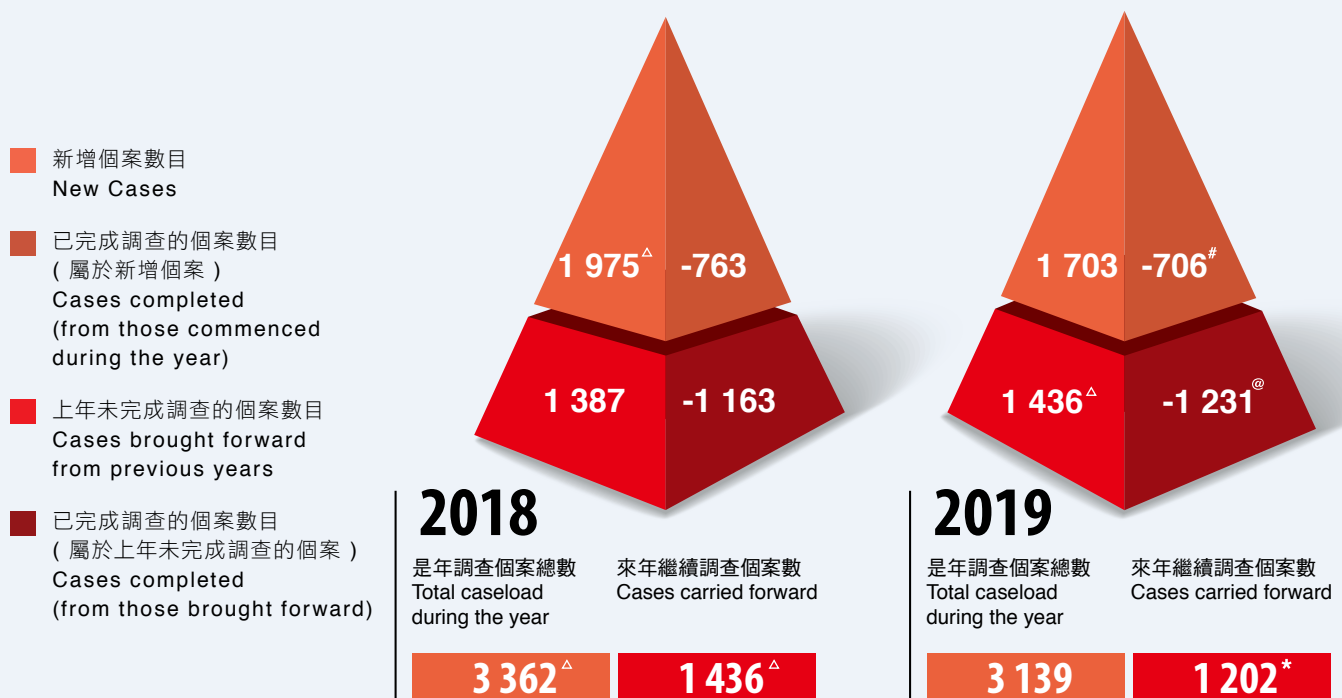
執行處在二零一九年共處理 1 703 宗新增個案（不包括與選舉有關的個案），較二零一八年的 1 975<sup>△</sup> 宗（不包括與選舉有關的個案）減少 14%。截至二零一九年年底，已完成調查的個案共 1 937 宗，有待律政司給予法律意見的有 108 宗。二零一八年及二零一九年未完成及已完成調查的個案數目比較，詳見圖表 4-2。完成調查個案所需時間的分項數字，載於附錄三至五。此外，執行處在二零一九年共處理 589 宗與選舉有關的新增個案。

## INVESTIGATIONS AND PROSECUTIONS

### Investigations

In 2019, OPS handled 1 703 new cases (excluding election-related cases), a decrease of 14 per cent as compared to 1 975<sup>△</sup> cases (excluding election-related cases) in 2018. At year end, 1 937 cases were completed and 108 were pending legal advice. A comparison of the number of cases carried forward and completed in 2018 and 2019 is set out in Figure 4-2. Detailed breakdowns of the time taken to complete investigation of cases are shown at Appendices 3 to 5. Separately, OPS handled 589 new election-related cases in 2019.

圖表 4-2：二零一八年及二零一九年的調查個案總數（不包括與選舉有關的案件）  
Figure 4-2 : Statistics on Caseload in 2018 and 2019 (Excluding Election-related Cases)



△ 將重新歸類及已完成調查個案數字更新後得出的最新數字。

Figures revised to take account of the updating of reclassified cases and completed cases.

# 完成調查這些個案所需的時間見附錄三。

The time taken to complete investigation of these cases is shown at Appendix 3.

@ 完成調查這些個案所需的時間見附錄四。

The time taken to complete investigation of these cases is shown at Appendix 4.

\* 尚未完成調查的個案已用的調查時間見附錄五。

The time taken to investigate outstanding cases is shown at Appendix 5.

**檢控及警誡**

犯罪者並非全部都會被檢控。根據律政司發出的指引，假如罪行性質輕微，而檢控並不符合公眾利益，廉署可對當事人施行警誡。二零一九年，共有 157 人被廉署檢控，20 人被正式施行警誡。自一九七四年以來被廉署檢控或警誡的人數詳見附錄六。

被檢控人士當中，有 13 名政府人員；8 名公共機構僱員；125 名私營機構人員；其餘 11 名個別人士因與政府或公職人員進行事務往來時涉及貪污及相關罪行而被檢控。二零一九年因貪污及相關罪行而被檢控的政府決策局／部門、公共機構和私營機構人員數目詳見附錄七。

被檢控的私營機構人員和個別人士共有 136 人，其中 26 人因涉及《防止賄賂條例》第 9 條所指的貪污交易而被檢控；一人因向公職人員提供利益而被控觸犯上述條例第 4(1) 條；一人被控與公職人員串謀索取及接受利益，違反上述條例第 4(2) 條；20 人因觸犯《選舉(舞弊及非法行為)條例》及《選舉程序(鄉郊代表選舉)規例》所訂罪行而被檢控；另外 88 人則因觸犯與貪污有關連或因其引致的相關罪行而被檢控。

**Prosecutions and Cautions**

Not all offenders are prosecuted. The guidelines issued by the Department of Justice provide that a caution may be administered for minor offences when it is considered not in the public interest to prosecute. In 2019, 157 persons were prosecuted and 20 formally cautioned. A breakdown of the number of persons prosecuted or cautioned since 1974 is shown at Appendix 6.

Of those prosecuted, 13 were government servants, 8 from public bodies and 125 from the private sector. The remaining 11 private individuals prosecuted were involved in corruption and related offences during the course of their dealings with public servants. Appendix 7 shows the number of persons from various government bureaux/departments, public bodies and the private sector prosecuted in 2019 for corruption and related offences.

Among the 136 private individuals prosecuted, 26 persons were charged for their involvement in corrupt transactions in the private sector contrary to section 9 of the POBO, one person for offering advantages to a public servant contrary to section 4(1) of the POBO, one person for conspiring with a public servant to solicit and accept advantages contrary to section 4(2) of the POBO, 20 persons with offences under the ECICO and the Electoral Procedure (Rural Representative Election) Regulation, and 88 persons with offences connected with or facilitated by corruption or other related offences.



一名找換店職員使用載有虛假匯率及結算金額的匯款表格欺騙該公司，被裁定代理人意圖欺騙其主事人而串謀使用文件罪名成立

An employee of a currency exchange company was convicted for conspiracy as agent to use document with intent to deceive principal by using remittance forms containing false exchange rates and settlement amounts to deceive the company



二零一九年被檢控人士所犯的貪污及相關罪行，依分類詳列於附錄八。觸犯貪污相關罪行而被檢控的人數，則見附錄九。

此外，對於處理性質較輕微的選舉違例個案，如律政司認為對違例人士提出檢控或進行警誡並不符合公眾利益，便會建議向有關人士發出警告信。二零一九年，廉署共發出55次警告，主要涉及沒有按照《選舉（舞弊及非法行為）條例》第37條及／或第23(3)條的規定提交選舉申報書，以及違反上述條例第27條的發布選舉廣告假稱獲支持的非法行為。

Appendix 8 shows the types of corruption and related offences prosecuted in 2019. A breakdown of the number of persons prosecuted for these related offences is shown at Appendix 9.

Additionally, in handling relatively minor electoral breaches, the Department of Justice would advise the issue of a warning letter to the offender if it is considered not in the public interest to prosecute or caution the person. In 2019, 55 such warnings were issued by the ICAC mainly concerning failure to lodge election return in accordance with the requirements set out in section 37 and/or section 23(3) of the ECICO and illegal conduct in publishing election advertisements that included false claim of support contrary to section 27 of the ECICO.



一名會籍顧問公司經營者串謀使多名香港賽馬會（馬會）會員收受一筆68萬元賄款的部分款項，以協助一名人士申請馬會賽馬會員會籍，被判入獄16個月

An operator of a membership consultancy firm was sentenced to 16 months' imprisonment for conspiring with members of the Hong Kong Jockey Club to accept a share of \$680,000 bribe for assisting a person in applying for his racing membership

### 轉介

廉署在年內分別將219宗屬非貪污性質的個案，轉交相關政府部門及公共機構處理，詳情見附錄十。

### Referrals

During the year, the ICAC made 219 referrals of non-corruption nature to relevant government departments and public bodies, details of which are provided at Appendix 10.

### 對政府人員所作的紀律處分或行政處理

二零一九年，就涉及 91 名政府人員被指行為不當的調查報告，經取得審查貪污舉報諮詢委員會的建議後，已送交有關政府決策局局長／部門首長考慮作紀律處分或行政處理。有關人數較二零一八年的 87 名為多。其中涉及 12 名人員的個案在年底時已有決定，有七人須接受紀律處分。另外，涉及 63 名政府人員而在二零一九年以前尚未解決的個案已於年內完結，其中 42 人須接受紀律處分。

### DISCIPLINARY OR ADMINISTRATIVE ACTION AGAINST GOVERNMENT SERVANTS

On the recommendation of the ORC, reports on alleged misconduct of 91 government servants, compared to 87 in 2018, were forwarded to the heads of government bureaux/departments concerned for consideration of disciplinary and/or administrative action in 2019. Cases involving 12 officers were resolved by the end of the year, resulting in disciplinary action taken against seven of them. Cases involving 63 officers carried forward from preceding years were completed in the year, resulting in disciplinary action taken against 42 officers.

一名代表兩間公司的特約經紀，因向一名玩具生產商時任經理提供共逾450萬元非法佣金以取得生意，被判入獄兩年

A freelance agent of two companies was sentenced to two years' imprisonment for offering illegal commissions totalling over \$4.5 million to a then manager of a toy manufacturing firm to secure business



## 舉報中心及扣留中心

### 舉報中心

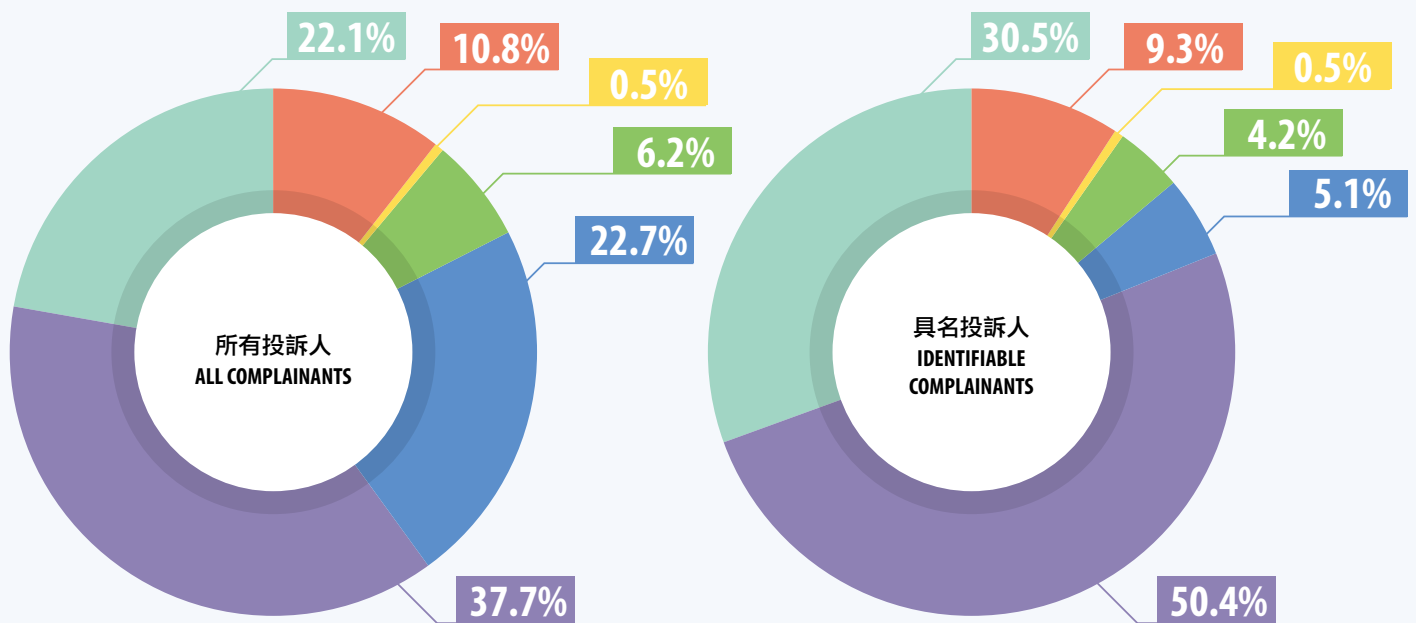
舉報中心 24 小時運作，接受市民舉報及查詢。廉署各分區辦事處接獲的舉報及查詢，亦會轉交舉報中心處理。二零一九年，共有 72% 的投訴人在舉報貪污時願意表明身分。

## REPORT CENTRE AND DETENTION CENTRE

### Report Centre

The Report Centre operates on a 24-hour basis to receive reports and enquiries from the public. Reports and enquiries made to the Regional Offices are also referred to the Report Centre for handling. In 2019, 72 per cent of complainants identified themselves when reporting corruption.

圖表 4-3：二零一九年接獲的貪污舉報依投訴形式分類（不包括與選舉有關的舉報）  
Figure 4-3: Mode of Reporting Corruption (Excluding Election-related Reports) – 2019



由政府決策局／部門及公共機構轉介廉署的投訴  
Referred by Government Bureaux/Departments & Public Bodies

傳真投訴  
By Fax

電子郵件投訴  
By E-mail

投函投訴  
By Letter

電話投訴  
By Phone

親身投訴  
In Person

## 扣留中心

執行處為被廉署扣留的人士提供周全的扣留設施。根據《廉政公署條例》第 10A(2) 條，廉署有權扣留被捕人士。

《廉政公署(被扣留者的處理)令》(第 204(A) 章) 列明被扣留人士所享有的權利。被扣留者會收到一份中英對照的《致被扣押人士的通告》，列明該法令的詳細內容。這份通告亦會張貼在各個扣留室、會見室和扣留中心的當眼處。

執行處在二零一九年共逮捕 564 人，當中包括 31 名政府人員。二零一八年則共有 494 人被逮捕，當中 27 名屬政府人員。

年內，太平紳士曾到廉署的扣留中心巡視 24 次，從而確保扣留設施妥善，並聽取被扣留者的訴求或投訴。廉署會就太平紳士每次的巡視，向行政署長提交報告，確保廉署的扣留設施受到外界監察。

## Detention Centre

OPS provides comprehensive detention facilities for persons detained under ICAC's custody. The power to detain arrested persons is provided for in section 10A(2) of the ICACO. The ICAC (Treatment of Detained Persons) Order (Cap 204(A)) sets out the rights and entitlements of persons detained. Persons under detention receive a *Notice to Persons Detained* in both Chinese and English containing details of the Order. This Notice is also displayed in cells, interview rooms and various conspicuous places in the Detention Centre.

In 2019, OPS arrested 564 persons, 31 of whom were government servants, as compared to 494 arrested (27 government servants) in 2018.

During the year, Justices of the Peace visited the Detention Centre on 24 occasions. The purpose of these visits is to ensure that the detention facilities are properly maintained and that any requests or complaints that detainees may wish to make are recorded. Every visit is reported to the Director of Administration, thus facilitating external monitoring of ICAC's detention facilities.



一名跨境校巴服務公司東主及一名旅遊巴公司前司機承認串謀使該司機接受賄款，以利用該公司的旅遊巴接載非指定學童往返深圳和香港，分別被判入獄四個月及六個月，各緩刑三年

The proprietor of a cross-border school bus service company and a former driver of a coach company were respectively sentenced to four months' and six months' imprisonment, suspended for three years, after admitting that they had conspired together for the latter to accept bribes for driving non-designated students to cross the Shenzhen-Hong Kong border by coach of the said coach company

## 快速反應隊

快速反應隊專責處理較簡單的案件，以便執行處各調查科可專注調查相對重大和複雜的案件。雖然這些案件性質較為簡單，但同樣亦須提交審查貪污舉報諮詢委員會審查。快速反應隊在二零一九年共處理 202 宗性質較輕微的貪污案件，佔執行處全年接獲可追查案件總數(不包括與選舉有關的案件)的 12%，而二零一八年的相關數字則分別為 347 宗及 18%。

## QUICK RESPONSE TEAM

The Quick Response Team deals with minor cases, enabling OPS's investigation branches to focus on cases of substance and complexity. Notwithstanding their minor nature, the cases will also be submitted to the ORC for scrutiny. During 2019, 202 minor corruption cases were handled by the Quick Response Team, representing 12 per cent of the pursuable cases received (excluding election-related cases), as compared to 347 cases or 18 per cent in 2018.



## 法證會計

法證會計組於二零一一年成立，成員為法證會計師職系人員，各人均具備專業資格及豐富的法證會計經驗。針對犯罪手法日趨複雜的案件，該組從財務角度為調查人員提供有效支援，包括就財務會計事宜提供專家意見，以及在搜查行動中提供協助。法證會計組人員亦為調查人員舉辦培訓課程，以加強他們的財務調查技巧及知識。二零一九年，法證會計組在 90 宗案件中提供協助，當中涉及 253 個目標人物和公司，以及約達 93 億元的交易總額。

## FORENSIC ACCOUNTING

Established in 2011, the Forensic Accounting (FA) Group comprises dedicated Forensic Accountant Grade officers with professional qualifications and extensive forensic accounting experience. It provides support to investigating officers in dealing with cases involving increasingly sophisticated modus operandi from a financial perspective. The support includes the provision of expert opinion in relation to financial and accounting matters as well as the provision of assistance in search operations. Training courses are also provided by FA Group officers to investigating officers to enhance their skills and knowledge in financial investigation. During 2019, the FA Group provided assistance in 90 cases concerning 253 target individuals and companies in connection with transactions of an aggregate sum of approximately \$9.3 billion.

一名銀行前高層人員因接受某銀行客戶提供共約146萬元賄款，被廉政公署檢控，最終被法庭裁定罪名成立並下令充公有關賄款

The court ordered the confiscation of about \$1.46 million from a former senior bank executive convicted of accepting the sum, being bribes, from a bank client in an ICAC case





## 犯罪得益

廉署為加強能力以剝奪罪犯從貪污及相關罪行所得收益，於二零一零年成立犯罪得益小組，負責根據《有組織及嚴重罪行條例》（第 455 章）處理限制、披露及沒收資產的工作。二零一九年在取得一份限制令及一份沒收令後，已成功使總值 1,850 萬元的資產受到限制及 146 萬元被沒收。另外，法庭亦正處理兩宗個案中有關充公總值 9,270 萬元可變現資產的申請。

小組亦代表廉署，參與財務行動特別組織（特別組織）及亞洲／太平洋反清洗黑錢組織就香港打擊洗錢及恐怖分子資金籌集制度所進行的相互評估。特別組織在二零一九年九月發表的報告中，確認香港打擊洗錢及恐怖分子資金籌集的制度，在整體上合規而有效，使香港成為亞太區內第一個成功通過特別組織第四輪相互評估的成員地區。

廉署作為其中一名持份者，亦就評核是否符合特別組織所訂國際標準的技術指標、用以衡量香港打擊洗錢／恐怖分子資金籌集制度的成效的直接成果指標，以及就辨識洗錢風險的威脅與脆弱程度的國家風險評估等，提供資訊。此外，在香港接受第四輪相互評估期間，廉署人員亦與特別組織評核人員進行會面，並參與特別組織的全體會議和工作小組會議。

## 證人保護

證人是否能夠及願意在刑事法律程序中為控方作證，往往是刑事調查和檢控工作成敗的關鍵。有見及此，廉署根據《證人保護條例》（第 564 章）設立和實施保護證人計劃，保護及協助因擔任廉署證人而人身安全或福祉受到威脅的人士。廉署設有專責小組，由受過專門訓練的成員執行保護證人的任務。

## PROCEEDS OF CRIME

To enhance the capability of the ICAC to deprive criminals of their corrupt and illicit crime proceeds, the Proceeds of Crime Section was established in 2010 to deal with restraint, disclosure and confiscation of assets under the Organised and Serious Crimes Ordinance (Cap 455). In 2019, assets amounting to \$18.5 million were restrained following the making of one Restraint Order, and one Confiscation Order was obtained for \$1.46 million. In addition, applications for confiscating \$92.7 million worth of realisable assets, in relation to two cases, were being dealt with by the courts.

The Section also represented ICAC to participate in the mutual evaluation of Hong Kong's anti-money laundering (AML) and counter-terrorist financing (CTF) regime by the Financial Action Task Force (FATF) and the Asia-Pacific Group on Money Laundering. In September 2019, the FATF issued a report, which assessed Hong Kong's AML/CTF regime to be compliant and effective overall, making it the first jurisdiction in the Asia-Pacific region to have achieved an overall compliant result in the 4th round of FATF evaluation.

The ICAC, being one of the stakeholders, provided inputs on technical compliance with the FATF standards, on immediate outcomes that measures Hong Kong's effectiveness of the AML/CTF regime, and on the national risk assessment which identifies money laundering threats and vulnerabilities. In relation to the 4th round mutual evaluation of Hong Kong, the ICAC also attended interviews conducted by the FATF assessors and took part in deliberations at the FATF Plenary and Working Group meetings.

## WITNESS PROTECTION

Success in criminal investigation and prosecution depends largely on the ability and willingness of witnesses to testify for the prosecution in criminal proceedings. In this regard, witness protection programmes are established and maintained in accordance with the Witness Protection Ordinance (Cap 564) to provide protection and other assistance to witnesses whose personal safety or well-being may be at risk as a result of being witnesses for the ICAC. The ICAC has a dedicated section and specially trained officers to deal with matters concerning witness protection.

## 行動聯繫

廉署除了與社會不同界別合力打擊貪污外，執行處亦與各政府部門及公共機構建立溝通渠道。二零一九年，執行處與有關部門（包括本地其他紀律部隊）舉行聯絡會議，商討共同關注的議題。此外，廉署應香港警務處的邀請，由轄下三個部門各派一名首長級人員出席警隊誠信管理委員會會議，討論有關警務人員的誠信事宜。

二零一九年，執行處及律政司刑事檢控科的首長級人員舉行多次會議，就共同關注的法律及執法事宜彼此交換意見。

## OPERATIONAL LIAISON

The ICAC works in partnership with various sectors in its fight against corruption. In particular, OPS has established operational liaison channels with various government departments and public bodies. In 2019, liaison meetings were held with these counterparts, including those from local disciplined services, to discuss matters of mutual interest. Besides, upon invitation of the Hong Kong Police Force, three directorate officers of the ICAC, one from each department, attended meetings of the Force Committee on Integrity Management to discuss matters concerning integrity of police officers.

In 2019, meetings between directorate officers of OPS and the Prosecutions Division of the Department of Justice were also held, during which both sides exchanged their views on legal and enforcement issues of mutual concern.



廉政公署與銀行界於二零一九年一月舉行聯繫網絡會議

The ICAC Operational Liaison Networking in banking sector in January 2019

## 國際及內地聯絡與協查

二零一九年，廉署繼續與國際、內地及澳門的反貪機構及執法機關，保持行之有效的工作聯繫。年內，執行處轄下的國際及內地（行動）聯絡小組安排廉署人員前往內地八次、澳門一次及海外一次，分別會見 11 名、兩名及一名證人。另外，在柬埔寨反貪機構的協助下，一名證人獲安排從柬埔寨來港為廉署一宗案件出庭作證。

該小組亦分別協助國家監察委員會、廣東省人民檢察院及澳門廉政公署派員來港共五次，會見共七名證人。

## INTERNATIONAL AND MAINLAND LIAISON AND MUTUAL ASSISTANCE

In 2019, the ICAC continued to maintain effective operational liaison and cooperation with international, Mainland and Macao anti-corruption and law enforcement agencies. During the year, the International and Mainland (Operational) Liaison Section of OPS arranged ICAC officers to visit the Mainland on eight occasions for interviewing 11 witnesses in the Mainland; on one occasion for interviewing two witnesses in Macao; and on one occasion for interviewing one witness overseas. With the assistance of the Anti-Corruption Unit of Cambodia, one witness travelled to Hong Kong from Cambodia to testify in court in an ICAC case.

The Section also offered assistance on a total of five occasions to officials from respectively the National Commission of Supervision, the People's Procuratorate of Guangdong Province and the Commission Against Corruption of Macao to interview a total of seven witnesses in Hong Kong.

中國人民銀行代表團於二零一九年七月三十日到訪廉政公署

The delegates from the People's Bank of China visiting the ICAC on 30 July 2019



根據《刑事事宜相互法律協助條例》(第 525 章)、《聯合國反腐敗公約》及《聯合國打擊跨國有組織犯罪公約》，獲授權的廉署調查人員可因應海外執法機關及司法機構的要求，就貪污相關事宜作出調查。二零一九年，廉署共處理 71 次有關要求(包括於二零一九年接獲的 20 次要求)。廉署同樣亦可要求海外相關機構在當地協助進行調查。年內，日本、瑞士、泰國、英國及美國的相關機構，就廉署根據《刑事事宜相互法律協助條例》提出的要求，曾八次協助進行調查。

廉署認為，與海外反貪機構、國際組織及地區組織緊密合作，對防貪及反貪工作至為重要。廉署亦一直積極參與多個國際反貪組織的事務，包括亞太經濟合作組織反貪腐倡透明專家工作小組、亞洲開發銀行和經濟合作及發展組織合辦的亞太區反貪污行動計劃，以及由全球執法機構於二零一三年組成、專責處理貪污及經濟罪行的經濟罪行調查機構網絡。

為加強與海外執法機關的相互合作，執行處高層人員曾先後接待並與多國相關機構的代表團會面，包括內地的浙江省人民檢察院及中國人民銀行紀檢監察組、新加坡警察部隊網絡罪行調查組、新加坡貪污調查局、美國國土安全部轄下的移民及海關執法局，以及美國聯邦調查局。此外，廉署人員亦參與澳洲、加拿大、法國、德國、印度、日本、韓國、蒙古國、英國及美國等國的駐港領事館及法律參事所舉辦的合共 29 項聯絡活動及會議。

Pursuant to the Mutual Legal Assistance in Criminal Matters Ordinance (Cap 525), the United Nations Convention against Corruption and the United Nations Convention against Transnational Organised Crime, authorised ICAC investigators may conduct enquiries into corruption-related matters in response to requests from overseas law enforcement agencies and judicial authorities. In 2019, the ICAC handled 71 requests (including 20 requests received in 2019). In return, the ICAC may also secure assistance from its overseas counterparts in conducting enquiries in their jurisdictions. During the year, our counterparts in Japan, Switzerland, Thailand, the United Kingdom and the United States of America handled eight ICAC's requests under the Mutual Legal Assistance in Criminal Matters Ordinance for investigative assistance.

The ICAC recognises the importance of collaboration with overseas anti-corruption counterparts, as well as international and regional organisations, in preventing and fighting corruption. In particular, the ICAC is an active member of the international anti-corruption community, including the Asia-Pacific Economic Cooperation Anti-Corruption and Transparency Experts Working Group, the Asian Development Bank and the Organisation for Economic Co-operation and Development - Anti-Corruption Initiative for Asia and the Pacific, and the Economic Crime Agencies Network, which is a global network of law enforcement agencies formed in 2013 to deal with corruption and economic crimes.

To enhance mutual co-operation, senior officers of OPS received and met with delegations from the Mainland including the People's Procuratorate of Zhejiang Province and the Discipline Inspection and Supervision Office at the People's Bank of China, the Cybercrime Command of Singapore Police Force, the Corrupt Practices Investigation Bureau of Singapore, the Immigration and Customs Enforcement of the Department of Homeland Security and the Federal Bureau of Investigation of the United States of America. Furthermore, ICAC officers attended 29 liaison functions and meetings with the Consulate Generals and their legal attachés in Hong Kong including Australia, Canada, France, Germany, India, Japan, Korea, Mongolia, the United Kingdom and the United States of America.





美國駐香港總領事館總領事史墨客先生及副總領事侯偉業先生於二零一九年十二月十二日到訪廉政公署

The Consul General of the United States of America in Hong Kong Mr Hanscom Smith and his Deputy Mr Paul Horowitz visiting the ICAC on 12 December 2019

## 資訊科技

資訊科技管理組專責為廉署就資訊科技事宜提供意見和支援，包括制訂資訊科技策略及資訊保安政策。該組致力維持安全可靠、穩定妥當的資訊科技設施，以配合廉署的日常運作，並持續研發及提升應用系統，務求精簡廉署的行政和調查程序，以配合不斷演變的資訊科技及運作需要。

現時無論在個人日常生活或公私營機構的日常運作上，資訊科技都已成為不可或缺的一環；犯罪分子亦迅速利用資訊科技進行非法活動。電腦鑑證小組在檢索、取得及分析電子數據方面為前線人員提供支援，協助他們確認調查所需的重要資料及向法庭提交可獲接納的證據。二零一九年，該小組曾參與 57 項行動，並處理檢獲電子裝置所儲存的 262 兆位元組數據。此外，該小組亦與其他本地及海外執法機關及資訊科技界保持緊密聯繫，以便掌握資訊科技的最新趨勢與發展。

## INFORMATION TECHNOLOGY

The Information Technology Management Unit provides information technology (IT) advice and support including the formulation of IT strategy and information security policy for the ICAC. It maintains a secure, reliable and stable IT infrastructure to facilitate ICAC's daily operation. The Unit has been developing and enhancing application systems with a view to streamlining ICAC's administrative and investigative processes and meeting the evolving IT and operational needs.

With IT being an integral part of the daily life of private individuals as well as public and private organisations, criminals are quick to exploit IT to facilitate their illicit activities. The Computer Forensics Section provides support to frontline investigators in retrieving, securing and analysing electronic data for identifying valuable information for investigation and producing admissible evidence in court. In 2019, the Section took part in 57 operations and processed 262 terabytes of data contained in the digital devices seized. The Section also maintains close liaison with other local and overseas law enforcement agencies and the IT industry to keep abreast of the latest trend and development in this area.



## 職員紀律

### 內部調查及監察

廉署的內部調查及監察組（L 組）專責調查涉及廉署人員的違紀行為和貪污指控，以及涉及廉署或其職員的非刑事投訴。執行處處長（私營機構）直接管轄 L 組，亦直接向廉政專員匯報有關非刑事投訴的內部調查結果。

廉政公署事宜投訴委員會獨立運作，負責監察及覆檢廉署所處理涉及廉署或其職員的非刑事投訴，並適時進行檢討，從而找出廉署工作程序中導致或可能導致投訴的漏洞。

就廉署人員被指涉及貪污及相關刑事罪行的每宗個案，廉署會徵詢律政司司長的意見，並向審查貪污舉報諮詢委員會匯報所有已完成調查的個案。不涉及貪污的刑事投訴則會轉交適當機關（通常轉交香港警務處）進行調查。

### 涉及廉署或其職員的非刑事投訴

廉署於年內共處理 16 宗涉及廉署或其職員的非刑事投訴。當中一宗投訴在二零一六年接獲，一宗在二零一八年接獲，其餘 14 宗在二零一九年接獲。

在二零一六年及二零一八年接獲的投訴並無事實根據。

二零一九年接獲的 14 宗投訴中，兩宗有實據支持或部分有實據支持，九宗並無事實根據，餘下三宗在年底時仍在調查。首宗有實據支持的個案涉及一名廉署人員到搜查令指明的一名人士的處所進行搜查時，未有向該名人士出示委任證以表明身分。由於該名人員加入搜查行動時，另一名同事正向該名人士解釋搜查令內容，因此沒有機會向該名人士表明身分。該名人員已接受上司勸誡。第二宗個案涉及一名廉署人員未能在訂明的時限內確認收到投訴人的電郵，有關投訴有實據支持；而在同案中另一項指控關

## STAFF DISCIPLINE

### Internal Investigation and Monitoring

The ICAC's internal investigation and monitoring group (L Group) is responsible for investigating breaches of staff discipline, non-criminal complaints against the ICAC or its staff, as well as allegations of corruption against ICAC staff. Operationally it is under the direct command of the Director of Investigation (Private Sector) who reports the results of internal investigations relating to non-criminal complaints directly to the Commissioner.

An independent ICAC Complaints Committee monitors and reviews the handling by the ICAC of non-criminal complaints against the ICAC or its staff, and identifies any faults in ICAC procedures which lead or might lead to complaints.

All investigations into allegations of corruption and related criminal offences against ICAC staff are referred to the Secretary for Justice for advice and all completed investigations are reported to the ORC. Criminal complaints not relating to corruption are referred to the appropriate authority, usually the Hong Kong Police Force, for investigation.

### Non-Criminal Complaints Against ICAC or its Staff

During the year, 16 non-criminal complaints made against the ICAC or its staff were processed. One of the complaints was received in 2016, another in 2018 and the remaining 14 in 2019.

The complaints received in 2016 and 2018 were found unsubstantiated.

Of the 14 complaints received in 2019, two were found substantiated or partially substantiated, nine were unsubstantiated and three were still under investigation by the end of the year. In the first substantiated case, an officer had failed to identify himself by producing his warrant card to a person whose premises was the subject of a search warrant, as the concerned officer joined the search operation when another officer was explaining the content of the search warrant to the person and did not find an opportunity to identify himself to the person. The concerned officer was given advice by a senior officer. In the second case, the allegation against an officer who had failed to acknowledge her receipt of an email sent by a complainant within the required timeframe was found substantiated, while the allegation against another officer who had not performed diligently when preparing a seizure list during an interview with the complainant and failed to prepare suitable equipment and sufficient number of seizure

於另一名廉署人員與投訴人在會面時未能勤快地預備檢取證物表，亦未有為該次會面預備合適設備和足夠數目的檢取證物表，有關投訴則部分屬實。該兩名人員已分別接受上司勸誡，須遵守及時處理所收通信和在必要時發出臨時回覆的規定，並應勤快地預備與調查有關的文件。至於無事實根據的投訴，其中一宗對三名社區關係處人員的原來指控雖無事實根據，但有關人員亦受到上司勸誡，提醒須在處理選舉相關事宜上提高專業敏感度。

### 涉及廉署職員的貪污指控

二零一九年，L 組調查兩宗廉署職員懷疑涉及貪污和相關刑事罪行的個案。兩宗個案經調查後並無發現任何貪污或其他罪行的證據。經徵詢法律意見後，該兩宗個案已呈交審查貪污舉報諮詢委員會審查。

### 培訓及發展

訓練及發展組負責：

- 招聘執行處的部門職系人員；
- 為部門職系人員提供調查及法律訓練、專業培訓及對抗管理等訓練；
- 為廉署人員的事業發展制訂政策，並管理執行處為年輕的助理調查主任及調查主任而設的“師友計劃”；以及
- 發展執行處的資訊及知識管理系統。

lists for the occasion was found partially substantiated. The officers were respectively given advice by a senior officer as to the requirement of handling an incoming correspondence in a timely manner and sending an interim reply as and when necessary, and the importance of performing diligently when preparing investigation-related documents. Besides, in one of the unsubstantiated complaints, although the original allegation against three officers of the Community Relations Department was not substantiated, they were given advice by a senior officer to heighten their professional sensitivity when dealing with election-related matters.

### Allegations of Corruption Against ICAC Staff

In 2019, L Group investigated two cases of suspected corruption and related criminal offences concerning ICAC officers. Investigation into both cases revealed no evidence of corruption or other offences. Legal advice was sought and the cases were reported to the ORC.

### TRAINING AND DEVELOPMENT

The Training and Development (T&D) Group is responsible for:

- recruitment of departmental grades staff in OPS;
- provision of investigation and legal training, professional development and confrontation management skills for departmental grades officers;
- formulation of policies on career development and administration of a Mentoring Programme in OPS for young Assistant Investigators and Investigators; and
- development of the Information and Knowledge Management System in OPS.



廉政公署“總調查主任指揮課程”的學員參與團隊建立訓練活動

Course members of the ICAC Chief Investigators' Command Course participating in team building training activities

廉署推行訓練及發展工作的目標是訓練及培育調查人員成為最具誠信及能力的反貪專才，以偵查及肅清貪污。

為新入職助理調查主任提供的培訓為期兩年半，分為三個階段合共 24 周的入職課程，與在職培訓配合進行。繼二零一八年年底完成招聘程序後，受聘的助理調查主任於二零一九年九月至十二月接受第一階段的入職課程訓練，其間署方為學員安排多元化的密集培訓，內容涵蓋法律條文、證據規則、調查技巧、電腦鑑證、財務調查、會談技巧、體適能和團隊建立等。另一輪招聘工作已於二零一九年九月展開，可望於二零二零年年底聘任新一批助理調查主任。

Underpinning all T&D initiatives is the mission to train and develop officers into anti-corruption professionals with the highest integrity and competencies so as to seek out and eradicate corruption wherever it exists.

Training for newly recruited Assistant Investigators covers a two-and-a-half year period and is split into three induction courses totalling 24 weeks interspersed with on-the-job training. In late 2018, a recruitment exercise for Assistant Investigators was concluded and the successful candidates attended an induction course stage I between September and December 2019. The new recruits received intensive training on a wide range of subjects, including law, rules of evidence, investigative skills, computer forensics, financial investigation, interviewing techniques, physical fitness and team building. Another recruitment exercise has commenced in September 2019 which aims to recruit another batch of Assistant Investigators in late 2020.



新入職人員參與廉政公署入職課程的模擬法庭訓練

New recruits attending mock court exercise in an ICAC induction course

此外，兩項為經驗較豐富的助理調查主任及高級調查主任舉辦的複修課程，亦於年內進行。課程可幫助有關人員掌握最新的反貪知識和技巧，讓他們互相分享獨特的調查經驗，促進知識交流。

由於所有前線調查人員均要接受對抗管理複修訓練，年內共安排 44 次培訓班，為 412 名廉署人員提供是項訓練。

In 2019, two refresher courses targeting experienced Assistant Investigators and Senior Investigators were organised. These courses updated officers on the latest anti-corruption knowledge and skills, and allowed them to share their unique investigation experience hence facilitating knowledge exchange among themselves.

All frontline investigating officers were also provided with confrontation management refresher training, with 412 officers attending 44 training sessions held throughout the year.

年內，廉署共舉辦 48 個內部課程及研討會，累積參加人數為 1 772 人，並舉辦多個專業知識工作坊，主題包括涉及上市公司的財務調查、選舉個案分享及裁判法庭應訊須知等。年內共有 122 名執行處人員在公私營機構修讀本地外間課程。另外，23 名執行處人員獲派參加由海外知名學府和執法機關舉辦的培訓。

為提升調查人員的領導及專業才能，訓練及發展組在年內舉辦了兩個指揮課程，分別為“調查主任指揮課程”及“總調查主任指揮課程”。

“總調查主任指揮課程”是廉署特別為執法機關內具備晉升潛質的中層管理人員而設的國際高級指揮課程，亦體現廉署切合《聯合國反腐敗公約》的要求及配合“一帶一路”倡議，致力透過培訓提升執法人員的專業才能。二零一九年的課程除有 10 名廉署人員參加外，亦提供 15 個培訓名額予非廉署人員，他們分別來自香港、內地、澳門、不丹、斐濟、印尼、馬來西亞、新加坡、南非及東帝汶的反貪及執法機構。課程更安排學員前往長沙進行比較研究，加深對內地的反貪工作及法律制度的認識，以開拓學員的視野，為他們發揮更高效的領袖才能奠定路線圖。

## 培訓設施

廉署大樓配備先進的培訓設施，包括射擊場、多用途訓練館、健身室、電腦訓練室、模擬法庭及多個錄影會面訓練室。位於屯門的廉署訓練營亦擁有完善的教室設備及戶外高繩網訓練場，更設有多個模擬訓練室，可進行拘捕及搜查行動的實況訓練。

During the year, 48 in-house courses and seminars with an accumulated attendance of 1 772 officers were conducted. Professional knowledge workshops on a diverse array of subjects, including financial investigation concerning listed companies, election cases sharing and Magistrates' Court appearances, were also conducted. One hundred and twenty two officers from OPS benefited from local external courses in both the public and private sectors. Separately, 23 officers participated in overseas training provided by reputable institutions and law enforcement agencies.

The T&D Group also organises command courses to enhance officers' leadership and professional capabilities. Two command courses were organised in 2019, namely the Investigators' Command Course and the Chief Investigators' Command Course.

The Chief Investigators' Command Course is an international senior command course designed for middle managers in a law enforcement environment who have the potential for further advancement within their respective agencies. It represents ICAC's commitment to training and capacity building under the United Nations Convention against Corruption and in support of the Belt and Road Initiative. Apart from 10 ICAC officers, the 2019 course offered places to 15 non-ICAC participants coming from anti-corruption counterparts and law enforcement bodies in Hong Kong, the Mainland, Macao, Bhutan, Fiji, Indonesia, Malaysia, Singapore, South Africa and Timor-Leste. A comparative study visit to Changsha was also arranged as an integral part of the course to allow participants to gain an understanding of the anti-corruption work and legal system in the Mainland. The course broadened the horizons of the participants and helped them devise a roadmap to become more effective leaders.

## Training Facilities

The ICAC Building is equipped with modern training facilities, including a shooting range complex, a multi-purpose hall, a gymnasium, computer training rooms, a mock court, and video interview training rooms. The ICAC Training Camp in Tuen Mun has full classroom facilities, mock rooms for operational skills training such as arrest and search scenarios and an outdoor high event challenge course.