

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。調查人員進入任何處所搜尋有關罪行的證據前，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 (ICAC) Ordinance (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 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

廉署的調查工作由行政長官委任及獨立運作的審查貪污舉報諮詢委員會（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；
- 廉署安排保釋達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。

對於已完成調查的個案，廉署向委員會提交的報告中，會建議無須繼續查辦及如何處理在調查中揭露的非刑事事項，例如將有關事項轉介其他政府部門以考慮作紀律處分或轉交其他監管機構以採取適當行動等。委員會同意這些建議前會審議報告，並提供意見。

## 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。實際上，廉署會先分析調查所得證據，然後轉交律政司以考慮提出檢控。

## OPERATIONS REVIEW COMMITTEE

The investigative work of the ICAC is overseen by the independent Operations Review Committee (ORC) appointed by the Chief Executive. 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.

For completed investigations, the ORC scrutinises the reports before endorsing the recommendations of taking no further actions by the ICAC and the disposal of residual non-criminal issues such as referral to other government departments for consideration of disciplinary actions or other regulatory bodies for appropriate actions.

## 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 analyses and forwards the evidence gathered in investigations to the Department of Justice (DoJ) for consideration of instituting prosecution.



一名會籍顧問公司經營者串謀多名香港賽馬會（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，在區域法院被判入獄 16 個月

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



一名補習學校前導師及香港考試及評核局兩名時任口試主考員，泄露兩個年度的香港中學文憑考試中國語文科考試的保密資料，觸犯公職人員行為失當罪，被判監最高 14 個月

A former tutor of a tutorial school and two then Oral Examiners of the Hong Kong Examinations and Assessment Authority were sentenced to jail terms of up to 14 months for misconduct in public office by disclosing confidential information of two Chinese Language Examinations of the Hong Kong Diploma of Secondary Education

## 貪污案件的來源

### 貪污投訴

廉署鼓勵市民親臨廉署舉報中心或七間廉署分區辦事處舉報貪污。市民亦可致電廉署投訴熱線 (25 266 366) 或致函香港郵政信箱 1000 號作出投訴。執行處首長級人員每個工作天均會審閱所有新接獲的投訴，以決定是否進行調查，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。

### 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，並找出社會上各範疇可能出現的貪污情況。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。

## SOURCES OF CORRUPTION CASES

### Corruption Complaints

Members of the public are encouraged to report 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.

### 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

執行處在二零二零年共接獲 1 924 宗貪污投訴（不包括選舉投訴<sup>1</sup>），較二零一九年下降 16%。可追查的貪污投訴有 1 454 宗，佔整體貪污投訴 76%，較上年的 1 739 宗<sup>2</sup> 同樣下跌 16%。二零一九年及二零二零年接獲貪污投訴依機構分類的分項數字，詳見圖表 4-1。

至於選舉投訴，執行處在二零二零年共接獲 361 宗<sup>3</sup> 與公共選舉有關的投訴（其中 353 宗屬可追查投訴），當中大部分涉及二零一九年十一月舉行的區議會選舉和原訂於二零二零年九月舉行的立法會選舉。截至二零二零年年底，廉署就二零一九年區議會選舉及已押後的二零二零年立法會選舉分別共錄得 850 宗及 18 宗選舉投訴。在該 850 宗涉及區議會選舉的投訴當中，182 宗涉及發布關於候選人的虛假或具誤導性陳述、115 宗有關對候選人施用或威脅施用武力或脅迫手段，另有 112 宗關於在選舉中賄賂選民或其他人。

## STATISTICS ON CORRUPTION COMPLAINTS

Excluding election complaints<sup>1</sup>, OPS received a total of 1 924 corruption complaints in 2020, representing a decrease of 16 per cent from that in 2019. The number of pursuable complaints was 1 454, or 76 per cent of the total, representing a decrease of 16 per cent when compared with 1 739 complaints<sup>2</sup> recorded in 2019. A breakdown of the corruption complaints received in 2019 and 2020 by sector is shown in Figure 4-1.

As regards election complaints, a total of 361 complaints<sup>3</sup> (353 pursuable) were received in 2020 relating to public elections, of which most concerned the District Council (DC) Election held in November 2019 and the Legislative Council (LegCo) Election originally scheduled for September 2020. Up to the end of 2020, the ICAC registered a total of 850 election complaints for the 2019 DC Election and 18 election complaints for the 2020 LegCo Election (postponed). Among the 850 election complaints concerning the DC Election, 182 concerned the publishing of false or misleading statements about candidates, 115 concerned the use of or threatening to use force or duress against candidates and 112 concerned the bribing of electors and others at elections.

<sup>1</sup> 選舉投訴指涉嫌違反《選舉（舞弊及非法行為）條例》的投訴。

<sup>2</sup> 將重新歸類調查個案數字更新後得出的最新數字。

<sup>3</sup> 有八宗不涉及《選舉（舞弊及非法行為）條例》的貪污投訴與多項公共選舉有關，當中五宗關於二零一九年區議會選舉。有關數字已包括在圖表 4-1 所載的貪污投訴統計數字內。

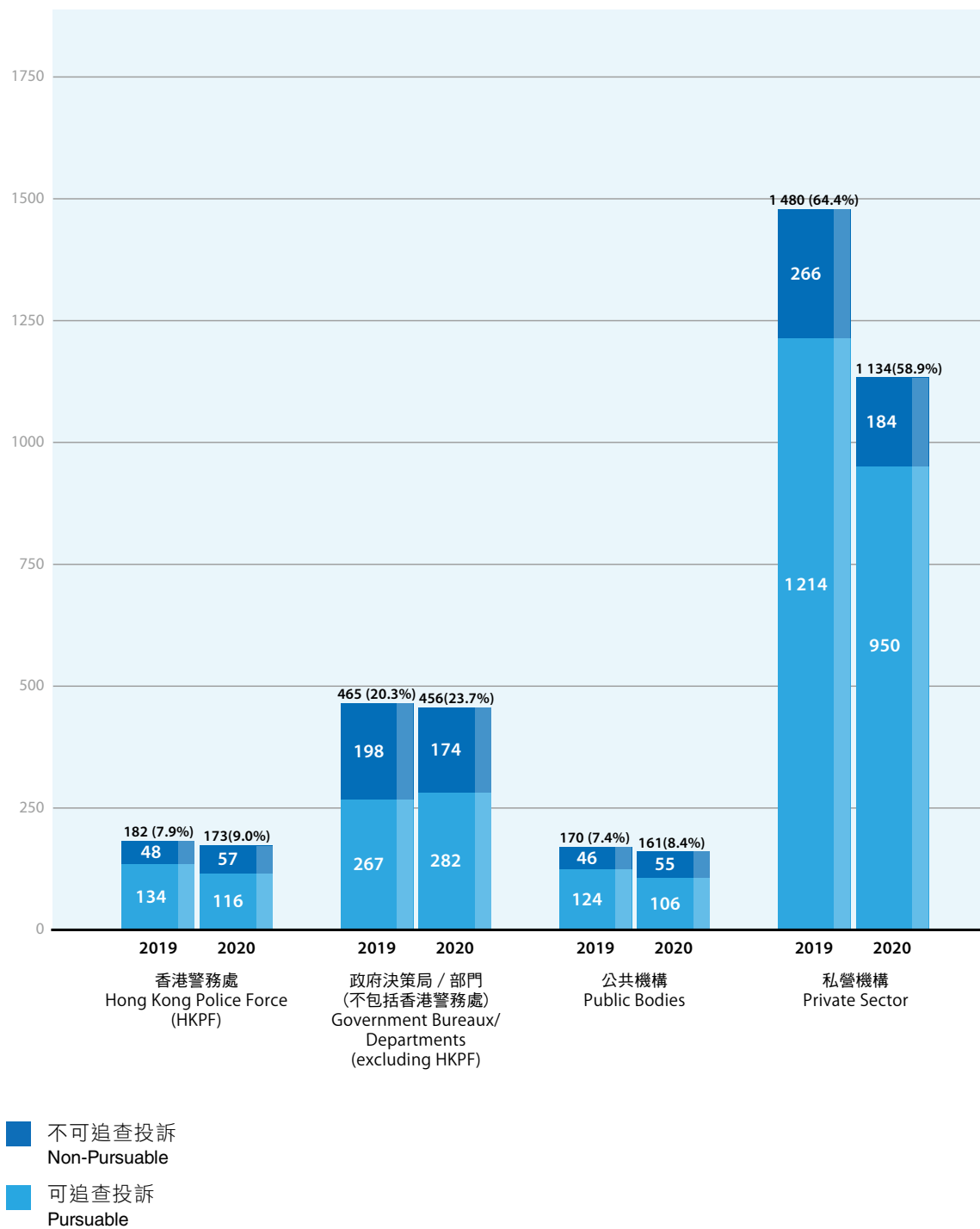
<sup>1</sup> Election complaints refer to complaints alleging breaches of the ECICO.

<sup>2</sup> Figures revised to take account of the updating of reclassified cases.

<sup>3</sup> There were eight non-ECICO corruption complaints related to various public elections of which five concerned the 2019 District Council Election. These have been included in the statistics on corruption complaints provided in Figure 4-1.

圖表 4-1：二零一九年及二零二零年接獲的貪污投訴依機構分類（不包括選舉投訴）

Figure 4-1 : Corruption Complaints (Excluding Election Complaints) Recorded by Sectors in 2019 and 2020



( ) 表示佔整體投訴（不包括選舉投訴）的百分比

( ) represents percentage to total corruption complaints (excluding election complaints)

## 調查及檢控

### 調查

執行處在二零二零年共處理 1 413 宗新增個案（不包括涉及選舉的案件），較二零一九年的 1 704 宗<sup>△</sup>（不包括涉及選舉的案件）減少 17%。截至二零二零年十二月三十一日，已完成調查的個案共 1 395 宗，有待律政司給予法律意見的有 79 宗。二零一九年及二零二零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，執行處在二零二零年共處理 348 宗涉及選舉的新增個案。

## INVESTIGATIONS AND PROSECUTIONS

### Investigations

In 2020, OPS handled 1 413 new cases (excluding election cases), a decrease of 17 per cent as compared to 1 704 cases<sup>△</sup> (excluding election cases) in 2019. As at 31 December 2020, 1 395 cases were completed and 79 were pending legal advice. A comparison of the number of cases carried forward and completed in 2019 and 2020 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 348 new election cases in 2020.

圖表 4-2：二零一九年及二零二零年的調查個案總數（不包括涉及選舉的案件）  
Figure 4-2 : Statistics on Caseload in 2019 and 2020 (Excluding Election 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。二零二零年，共有 154 人於廉署調查的案件中被檢控，30 人被施行警誡。自一九七四年以來被檢控或警誡的人數詳見附錄六。

被檢控人士當中，有五名政府人員；七名公共機構僱員；136 名私營機構人員；其餘六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。二零二零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 142 人，其中 40 人因涉及《防止賄賂條例》第 9 條所指的貪污交易而被檢控；五人因向公職人員提供利益而被控觸犯上述條例第 4(1) 及 8(2) 條；一人因觸犯《選舉（舞弊及非法行為）條例》所訂罪行而被檢控；95 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；另外一人因披露受調查人士的身分而被控觸犯《防止賄賂條例》第 30 條。

二零二零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。二零二零年，廉署共發出 17 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。

## 轉介

廉署在年內分別將 239 宗屬非貪污性質的個案，轉交相關政府決策局／部門及公共機構處理，詳情見附錄十。

## Prosecutions and Cautions

Not all offenders are prosecuted. The guidelines issued by the DoJ provide that a caution may be administered for minor offences when it is considered not in the public interest to prosecute. In 2020, 154 persons were prosecuted and 30 formally cautioned. A breakdown of the number of persons prosecuted or cautioned since 1974 is shown at Appendix 6.

Of those prosecuted, five were government servants, seven from public bodies and 136 from the private sector. The remaining six 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 (B/Ds), public bodies and the private sector prosecuted in 2020 for corruption and related offences.

Among the 142 private individuals prosecuted, 40 persons were charged for their involvement in corrupt transactions in the private sector contrary to section 9 of the POBO, five persons for offering advantages to public servants contrary to section 4(1) and section 8(2) of the POBO, one person with offences under the ECICO, 95 persons with offences connected with or facilitated by corruption or other related offences, and one person for having disclosed the identity of a person being investigated, contrary to section 30 of the POBO.

Appendix 8 shows the types of corruption and related offences prosecuted in 2020. 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 DoJ 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 2020, 17 such warnings were issued by the ICAC mainly concerning failure to lodge election returns in accordance with the requirements set out in section 37 and/or section 23(3) of the ECICO.

## Referrals

During the year, the ICAC made 239 referrals of non-corruption nature to relevant B/Ds 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

二零二零年，就涉及 107 名政府人員被指行為不當的調查報告，經審查貪污舉報諮詢委員會審議後，已送交有關政府決策局局長／部門首長考慮作紀律處分及／或行政處理。有關人數較二零一九年的 91 名為多。其中涉及三名人員的個案在年底時已有決定。另外，多宗涉及共 55 名政府人員的往年個案已於本年內完結，其中 26 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 107 government servants, compared to 91 in 2019, were forwarded to the heads of B/Ds concerned for consideration of disciplinary and/or administrative action in 2020. Cases involving three officers were resolved by the end of the year. Cases involving 55 officers carried forward from preceding years were completed in the year, resulting in disciplinary action taken against 26 officers.



一名懲教署工藝教導員接受兩名囚犯四筆合共九萬元的貸款，作為優待他們的報酬，被裁定罪名成立，被判入獄 15 個月

An Instructor of the Correctional Services Department was sentenced to 15 months' imprisonment after being convicted of accepting four loans totalling \$90,000 from two inmates for remaining favourably disposed to them

一名房屋署前產業測量師及其丈夫作出虛假聲明，在過去逾 17 年間欺騙政府共約 490 萬元的自行租屋津貼，觸犯欺詐罪，被判監最高 25 個月

A former Estate Surveyor of the Housing Department and her husband were sentenced to jail terms of up to 25 months for fraud by making false declarations to deceive the Government into approving applications for Private Tenancy Allowance totalling about \$4.9 million for over 17 years



## 舉報中心及扣留中心

### 舉報中心

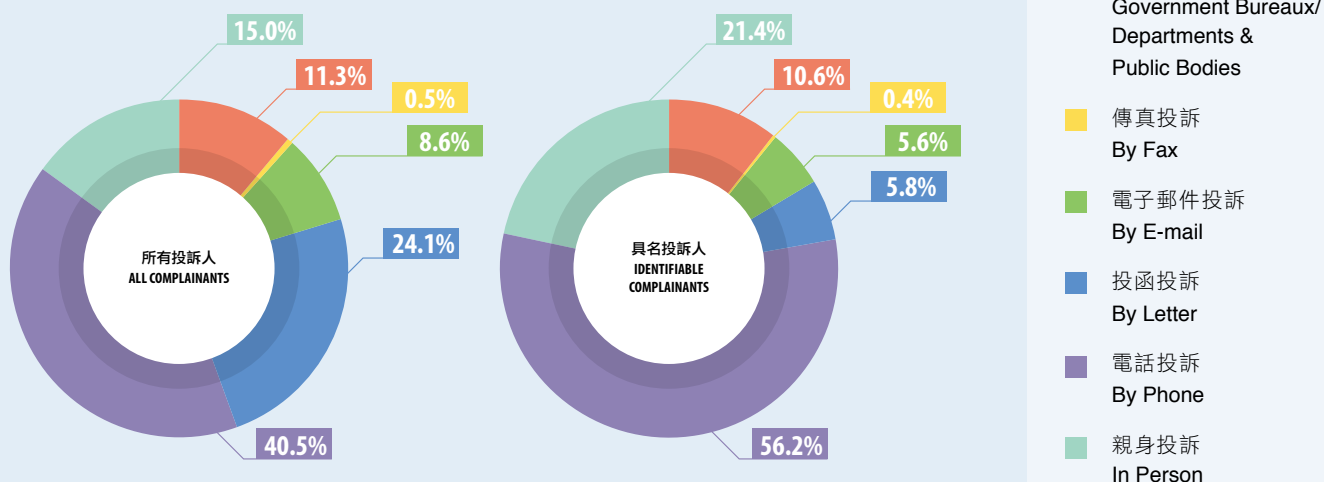
舉報中心 24 小時運作，接受市民舉報及查詢。廉署各分區辦事處接獲的舉報及查詢，亦會轉交舉報中心處理。二零二零年，共有 70% 的投訴人在舉報貪污時願意表明身分。

## ICAC REPORT CENTRE AND DETENTION CENTRE

### ICAC Report Centre

The ICAC 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 ICAC Report Centre for handling. In 2020, 70 per cent of complainants identified themselves when reporting corruption.

圖表 4-3：二零二零年的貪污投訴形式分類（不包括選舉投訴）  
Figure 4-3: Mode of Reporting Corruption Complaints in 2020 (Excluding Election Complaints)



## 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《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。

執行處在二零二零年共逮捕 283 人，當中包括 19 名政府人員。二零一九年則共有 564 人被逮捕，當中 31 名屬政府人員。

年內，太平紳士曾到廉署的扣留中心巡視 23 次，從而確保扣留設施妥善恰當，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 ICAC Ordinance. 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* containing details of the Order. This Notice is also displayed in cells, interview rooms and various conspicuous places in the Detention Centre.

In 2020, OPS arrested 283 persons, 19 of whom were government servants, as compared to 564 arrested (31 government servants) in 2019.

During the year, Justices of the Peace visited the Detention Centre on 23 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.

## 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，但同樣亦須提交予審查貪污舉報諮詢委員會審查。快速反應隊在二零二零年共處理 159 宗案件，佔執行處全年接獲可追查案件總數（不包括涉及選舉的案件）的 11%，而二零一九年的相關數字則分別為 202 宗及 12%。

## 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 2020, 159 minor corruption cases were handled by the Quick Response Team, representing 11 per cent of the pursuable cases received (excluding election cases), as compared to 202 cases or 12 per cent in 2019.



一名建築公司前電工承認接受另外兩名電工提供共逾 10 萬元非法回佣，使他們獲得一間受香港機場管理局委聘參與香港國際機場一項基建工程的公司聘用，被判入獄九個月

A former electrician of a construction company was sentenced to nine months' imprisonment after admitting that he had accepted illegal rebates totalling over \$100,000 from two fellow electricians for securing their employment with the company engaged by the Airport Authority Hong Kong in a foundation construction project at the Hong Kong International Airport

## 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，該組為調查人員提供財務專業方面的支援，包括就財務會計事宜在法庭提供專家意見、進行財務分析及調查，以及在搜查行動和會面中提供協助。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。二零二零年，法證會計組在多宗案件中提供專業支援，當中涉及的交易總額達 61 億元。

## 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 court in relation to financial and accounting matters, conducting financial analysis and investigation, assisting in search operations and interviews. Training courses are also provided by FA Group officers to investigating officers to enhance their skills and knowledge in financial investigation. During 2020, the FA Group provided assistance to cases involving an aggregate sum of approximately \$6.1 billion.





一名中小企業董事詐騙五間銀行 33 筆共約 2,500 萬元貸款和合共 2,250 萬元信貸額，以及欺騙一個政府部門和一間公共機構就該等銀行批出的貸款及貿易信貸擔保，款額共逾 1,580 萬元，在區域法院被判入獄 44 個月

A director of a small and medium enterprise was sentenced to 44 months' imprisonment at the District Court for her role in defrauding five banks of 33 loans totalling about \$25 million and banking facilities totalling \$22.5 million, as well as deceiving a government department and a public body into acting as guarantors for loans and trade facilities totalling over \$15.8 million granted by banks

一名上市公司前財務總監串謀接受約 59 萬元非法回佣，以委聘一間會計師事務所提供服務，並將該上市公司的其他工作外判予一間由他擁有的顧問公司，詐騙該上市公司逾 200 萬元，在區域法院被判入獄三年零七個月。法官在判刑時表示，案件已損害涉案上市公司的管治，並影響香港作為金融中心的聲譽

A former financial controller of a listed company was sentenced to three years and seven months' imprisonment at the District Court for conspiracy to accept an illegal rebate of about \$590,000 for engaging an accounting firm to provide services, and defrauding the listed company of over \$2 million by outsourcing other services to a consultant firm owned by him. In sentencing, the judge remarked that the case had damaged the governance of the listed company involved, and tarnished Hong Kong's reputation as a financial centre



## 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。截至二零二零年十二月，總值達 10.408 億元的資產繼續受到限制。高等法院原訟法庭就兩項涉及總額 1,200 萬元的沒收令的申請押後宣判。另外，法庭亦正處理兩宗個案中有關充公總值 8,516 萬元可變現資產的申請。

財務行動特別組織是一個跨政府組織，專責防止國際間洗錢及恐怖分子資金籌集活動。該組織建議各司法管轄區辨識、評估、了解及消滅各自所面對的洗錢及恐怖分子資金籌集風險。廉署作為其中的主要持份者，亦向香港警務處轄下洗錢及恐怖分子資金籌集風險評估小組提供數據，以評估香港特別行政區在打擊洗錢方面的能力及不足之處，並就貪污的上游罪行評估洗錢威脅。

## 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 Organized and Serious Crimes Ordinance (Cap 455). As at December 2020, assets valued at \$1,040.8 million continued to remain restrained. The Court of First Instance reserved judgment in respect of applications for two Confiscation Orders amounting to \$12 million. In addition, applications for confiscating \$85.16 million worth of realisable assets, in relation to two cases, were being dealt with by the courts.

Being the inter-governmental body dedicated to preventing global money laundering (ML) and terrorist financing, the Financial Action Task Force recommends that jurisdictions identify, assess, understand and mitigate ML and terrorist financing risks specific to them. The ICAC, being one of the key stakeholders, provided inputs to the Risk Assessment Unit of the Hong Kong Police Force in assessing ability and vulnerability of the Hong Kong Special Administrative Region in combating ML, and the ML threat in respect of the predicate offence of corruption.

## 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。

## 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.



執行處首長級人員與刑事檢控專員於二零二零年六月舉行年度會議

The annual meeting between directorate officers of the Operations Department and the Director of Public Prosecutions was held in June 2020

## 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和保持良好溝通。二零二零年，執行處繼續與有關部門（包括其他紀律部隊）舉行聯絡會議，商討共同關注的議題。此外，一如以往，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。執行處及律政司刑事檢控科的首長級人員亦定期舉行會議，就共同關注的法律及執法事宜彼此交換意見。二零二零年六月舉行的會議，由執行處首長與刑事檢控專員聯合主持。

## OPERATIONAL LIAISON

The ICAC works in partnership with various sectors in its fight against corruption. In particular, OPS has established and maintained operational liaison channels with various government departments and public bodies. In 2020, liaison meetings were held with these counterparts, including those from the 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. Directorate officers of OPS and the Prosecutions Division of the DoJ meet regularly to exchange their views on legal and enforcement issues of mutual concern. In June 2020, the meeting was held and co-chaired by the Head of Operations and the Director of Public Prosecutions.

執行處首長與廉署人員黎偉楠先生進行網上會面。黎先生是首批獲推薦參與聯合國“初級專業人員計劃”的年輕公務人員之一，於二零二零年二月派往奧地利維也納的聯合國毒品及犯罪問題辦公室工作兩年

Head of Operations having an online meeting with Mr. Wilson LAI who has been posted to the United Nations Office on Drugs and Crime in Vienna, Austria in February 2020 for a tenure of two years under the first batch of young public officers to the United Nations Junior Professional Programme



## 國際及內地聯絡與協查

二零二零年，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，但亦難免因新型冠狀病毒病疫情而受到間歇中斷。儘管各地實施旅遊限制，年內執行處轄下的國際及內地（行動）聯絡小組仍成功安排廉署人員前往另一司法管轄區會見一名證人，及安排一名證人從德國和另一名證人從內地來港，分別就兩宗廉署案件出庭作證。此外，執行處亦善用資訊科技舉行聯絡會議及參與國際會議，以克服旅遊限制所造成的障礙。

## INTERNATIONAL AND MAINLAND LIAISON AND MUTUAL ASSISTANCE

In 2020, while operational liaison and cooperation with international, Mainland China and Macao anti-corruption and law enforcement agencies were maintained, the coronavirus pandemic did bring intermittent interruptions. Notwithstanding the restrictions to travel, during the year, the International and Mainland (Operational) Liaison Section of OPS had on one occasion arranged ICAC officers to interview a witness in a jurisdiction outside Hong Kong, and one witness from Germany and another one from Mainland China travelling to Hong Kong to testify in court in two ICAC cases. OPS had also fully utilised technology in conducting liaison meetings and attending international conferences in order to overcome the difficulties caused by the restrictions.



廉署人員參與由聯合國毒品及犯罪問題辦公室舉辦的網上研討會，探討東南亞地區的實益所有權透明度

Officers joining a webinar on Beneficial Ownership Transparency in Southeast Asia organised by the United Nations Office on Drugs and Crime





新加坡貪污調查局代表團於二零二零年一月到訪廉署

Delegation from the Corrupt Practices Investigation Bureau of Singapore visited the ICAC in January 2020

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。二零二零年，廉署共處理 76 次相關要求（包括二零二零年接獲的 10 次要求），而多個海外相關機構亦就廉署根據相關條例提出的 10 次要求（包括二零二零年提出的兩次要求），提供國際性協助以進行調查。

廉署認為，與其他司法管轄區的反貪機構、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。廉署亦一直代表中國香港參與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等組織的事務。

為加強相互合作，執行處高層人員年內接待來自新加坡貪污調查局的代表團。廉署亦安排廉署人員與印尼肅貪委員會人員進行兩次視像會議，交流反貪工作經驗。此外，廉署人員亦參與多國駐港領事館及法律參事所舉辦合共 12 項的聯絡活動及會議。

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 2020, the ICAC handled 76 incoming requests, including 10 requests received in 2020. During the year, our overseas counterparts handled 10 requests from the ICAC under the relevant legislations for international investigative assistance, including two requests made in 2020.

The ICAC recognises the importance of collaboration with anti-corruption counterparts from other jurisdictions, as well as international and regional organisations, in preventing and fighting corruption. In particular, the ICAC represents Hong Kong, China in 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 a delegation from the Corrupt Practices Investigation Bureau of Singapore in 2020. Two video conference meetings were arranged between officers of the ICAC and the Corruption Eradication Commission of the Republic of Indonesia for experience exchange. Furthermore, ICAC officers attended 12 liaison functions and meetings with the Consulate Generals and their legal attachés in Hong Kong.



## 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專業意見和支援，包括制訂資訊科技策略及資訊保安政策。該組致力確保廉署的資訊科技設施安全可靠及穩定妥當，從而保持廉署的日常運作暢順；並持續研發及改善應用系統，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。該組特別因應新型冠狀病毒疫情對運作上的新需求，適時於署內配置合適的網上會議設施，讓廉署人員舉辦和參與各項網上活動。

現時無論在個人日常生活、商業活動或公共服務中，資訊科技已經成為不可或缺的一環；犯罪分子亦不例外，他們往往利用資訊科技（如智能電話）作為溝通和進行非法活動的工具。電腦鑑證小組在處理及分析電子數據方面為前線人員提供支援，協助他們從電子裝置中提取可獲法庭接納的證據。二零二零年，該小組曾參與 38 項行動，並處理檢獲電子裝置所儲存的 310 兆位元組數據。此外，該小組亦與其他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發展與技術。

## 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反紀律行為和貪污指控，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由行政長官委任，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。

## 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. In particular, the Unit timely equipped ICAC with suitable online meeting facilities to organise and attend various online events to address the new operational needs arising from the coronavirus pandemic.

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, such as smartphones, to communicate and 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 2020, the Section took part in 38 operations and processed 310 terabytes of data contained in the digital devices seized. The Section also maintains close liaison with other law enforcement agencies and the IT industry to keep abreast of the latest trend and development in this area.

## STAFF DISCIPLINE

### Internal Investigation and Monitoring

The ICAC's internal investigation and monitoring group, the 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.

Appointed by the Chief Executive, the 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.

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 15 宗涉及廉署或其職員的非刑事投訴。當中三宗投訴在二零一九年接獲，其餘 12 宗在二零二零年接獲。

二零一九年接獲的三宗投訴中，一宗有實據支持，兩宗並無事實根據。首宗有實據支持的個案涉及一宗貪污調查個案的案件主管，因忙於其他調查工作而未能盡早將調查結果通知投訴人。該人員已接受上司勸誡。

二零二零年接獲的 12 宗投訴中，兩宗有實據支持，六宗並無事實根據，餘下四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訪另一政府部門時行為無禮及冒犯該部門的一名職員。該名人員已遭書面警告。第二宗個案涉及一名廉署初級人員在另一名人員監督下點算行動中檢獲的人民幣鈔票時出錯，以及在相關記錄中錯誤填報相差少於 100 元人民幣的金額數目。該兩名人員已就其疏忽行為接受口頭警告。

### 涉及廉署職員的貪污指控

二零二零年，L 組經徵詢律政司意見後，就一宗廉署職員懷疑涉及貪污和相關刑事罪行的個案展開調查。該宗個案在年底時仍在調查。

All investigations into allegations of corruption and related criminal offences against ICAC staff are referred to the DoJ 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, 15 non-criminal complaints made against the ICAC or its staff were processed. Three of the complaints were received in 2019 and the remaining 12 in 2020.

Of the three complaints received in 2019, one was found substantiated and two were unsubstantiated. In the substantiated case, the case officer of a corruption investigation, while engaged in other investigative commitments, had failed to inform the complainant of the investigation outcome at the earliest opportunity. The officer was given advice by a senior officer.

Of the 12 complaints received in 2020, two were found substantiated, six were unsubstantiated and the remaining four were still under investigation by the end of the year. In the first substantiated case, when the concerned officer visited another government department, he had behaved impolitely and offended a staff member of the other department. The officer was given a written warning. In the second substantiated case, a junior officer under the supervision of another officer had wrongly counted some Renminbi banknotes seized during an operation and recorded an incorrect sum with a discrepancy of less than a hundred Renminbi in the relevant records. Both officers were given a verbal warning for their negligence in the matter.

### Allegations of Corruption Against ICAC Staff

In 2020, upon advice of the DoJ, L Group commenced an investigation into one case of suspected corruption and related criminal offences concerning ICAC officers. The case was still under investigation by the end of the year.

## 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技巧及法律知識等專業培訓；
- 為廉署人員的事業發展制訂政策，並管理執行處為年輕的調查人員而設的“師友計劃”；以及
- 發展及維護執行處的知識管理系統。

培育廉署人員成為最具誠信及專業質素的調查貪污專才，以肅貪倡廉，正是訓練及發展組的工作目標。

## 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 and maintenance of the Information and Knowledge Management System in OPS.

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.



二零二零年十月，執行處處長（私營機構）主持課程委員會會議，以檢討和更新培訓課程內容

Director of Investigation (Private Sector) chairing a Curriculum Committee Meeting in October 2020 with a view to reviewing and updating the training curricula



受訓中的助理調查主任與執行處首長在分享會中交流意見

Assistant Investigators (Training) exchanging views in a sharing session with Head of Operations



總調查主任與首長級人員進行每半年一度的會議  
Chief Investigators participating in a half-year meeting with the senior directorate officers

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 周的入職課程及在職培訓。最近一批受聘的助理調查主任於二零二零年十二月開始，接受為期四個月的入職課程訓練，進行多元化的密集培訓。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。新一輪招聘工作已於二零二一年年初展開，可望於二零二一年年底聘任新一批助理調查主任。

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 early 2020, a recruitment exercise for Assistant Investigators was conducted and the successful candidates attended an induction course stage I between December 2020 and April 2021. 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 early 2021 which aims to recruit another batch of Assistant Investigators in late 2021.



廉署人員參加二零二零年十月舉行的高級調查主任專業考試，實施了嚴格的社交距離措施

Officers taking the Senior Investigator Professional Examination in October 2020 with strict social distancing measures imposed



由於前線調查人員執行職務時常會遇到對抗的情況，訓練及發展組年內繼續安排培訓班提供訓練以應對相關情形。

年內，廉署共舉辦 20 個內部課程、研討會及多個專業知識工作坊，累計參加人次為 1 476 人。內容涵蓋反貪法例及選舉法例的最新發展和個案分享等不同主題。年內共有 33 名執行處人員在本地修讀其他機構舉辦的課程。另外，兩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多個指揮課程，包括專為新晉升調查主任而設的“二零二零年調查主任指揮課程”。

### 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。

All frontline investigating officers were also provided with confrontation management refresher trainings which were held throughout the year.

During the year, 20 in-house courses and seminars with an accumulated attendance of 1 476 officers were conducted. Professional knowledge workshops on a diverse array of subjects, including recent development in the bribery law in private sector and election law and cases sharing, were also conducted. Thirty-three officers from OPS benefited from local external courses in both the public and private sectors. Separately, two 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, including the Investigators' Command Course 2020 specially designed for newly promoted Investigators.

### 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.