

第四章
CHAPTER 04

執行處
Operations
Department



堅決反貪 從未改變
Stand Firm against Corruption.
Our Mission Continues.

法定職責

- 接受及考慮有關指稱貪污行為的投訴，並在切實可行範圍內進行調查。
- 調查任何涉嫌或被指稱觸犯《防止賄賂條例》(第201章)、《廉政公署條例》(第204章)及《選舉(舞弊及非法行為)條例》(第554章)所訂的罪行。
- 調查涉嫌或被指稱由訂明人員藉着或通過不當使用職權而觸犯的勒索罪。
- 調查訂明人員任何與貪污有關連或助長貪污的行為，並向行政長官報告。

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

執行處人員獲賦予權力進行調查工作，包括逮捕、扣留、搜查、查閱銀行帳目、要求交出旅行證件、限制嫌疑人管有或控制的資產等。大部分權力需在法庭批准下使用。

審查貪污舉報諮詢委員會

行政長官委任及獨立運作的審查貪污舉報諮詢委員會負責監察廉署的調查工作。委員會定期舉行會議，審議由執行處擬備的報告，並提供意見。這些報告包括：

- 正在調查的重大案件的最新情況；
- 歷時超過一年的調查；
- 獲廉署保釋六個月以上人士的個案；
- 檢控個案的最新情況；及
- 已完成調查的案件報告。

STATUTORY DUTIES

- Receive and consider allegations of corrupt practices, and conduct investigations as far as practicable.
- Investigate any suspected or alleged offences under the *Prevention of Bribery Ordinance* (POBO) (Cap 201), the *Independent Commission Against Corruption Ordinance* (Cap 204) and the *Elections (Corrupt and Illegal Conduct) Ordinance* (ECICO) (Cap 554).
- Investigate suspected or alleged offences of blackmail committed by a prescribed officer by or 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.

POWERS

OPS officers are empowered to conduct investigations, including arrests, detention, search operations, access to bank accounts, requests for surrender of travel documents and restraints on suspects' possession or control of assets, etc. Authorisation from court is required for exercise of most of the powers.

OPERATIONS REVIEW COMMITTEE

The investigative work of ICAC is overseen by the independent Operations Review Committee (ORC) appointed by the Chief Executive. ORC meets regularly to review reports prepared by OPS and gives corresponding recommendations. These reports include –

- updates on on-going major investigations;
- cases investigated for over a year;
- cases with persons on ICAC bail for over six months;
- updates on prosecutions; and
- reports on completed investigations.

對於已完成調查的案件，廉署會向審查貪污舉報諮詢委員會提交報告建議結束調查，並就調查所揭露的非刑事事項建議跟進行動，例如轉介相關政府決策局／部門考慮作紀律處分或其他監管機構以採取適當行動。

For completed investigations, reports are made to ORC on recommendation to curtail those investigations and follow-up action to deal with non-criminal issues disclosed, such as referrals to relevant government bureaux/departments (B/Ds) for consideration of disciplinary actions or other regulatory bodies for appropriate actions.

一名時任警司被控詐騙政府及一間銀行向他批出購屋貸款及按揭貸款共約 600 萬元，他隱瞞將一個購入的單位出租，並訛稱該單位供家人自住，在區域法院被判入獄 18 個月。法官判刑時稱，被告透過欺騙手段取得有關貸款及作出虛假聲明，都是嚴重的刑事行為，被告身為執法者，更應明白不應違法

A then Superintendent of Police was sentenced to 18 months' imprisonment at the District Court for deceiving the Government and a bank into granting him housing and mortgage loans totalling about \$6 million by falsely representing that a flat he purchased was used by his family while in fact it was let to others. In sentencing, the judge said the defendant had obtained the loans by deceit and made false declarations, which were criminal offences of a serious nature. The defendant, as a law enforcement officer himself, should know clearly that he should not break the law



檢控

廉署負責調查工作，而律政司則主管刑事檢控工作。廉署會搜集並分析證據，再轉交律政司考慮是否提出檢控。《防止賄賂條例》（第 201 章）訂明，該條例第 II 部所列罪行，包括索取或接受利益、賄賂、代理人的貪污交易及管有來歷不明的財產等，須經律政司司長同意，方能提出檢控。

PROSECUTION

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 POBO (Cap 201).

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。市民亦可致電廉署舉報熱線（25 266 366）或致函香港郵政信箱 1000 號舉報。執行處首長級人員每個工作天均會審閱所有新接獲的舉報，以決定是否展開調查，或在適當情況下將資料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 in person to the ICAC Report Centre or any of the seven Regional Offices. Alternatively, a complainant may contact 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, refer them to other government departments or public bodies for action.

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。

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 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.

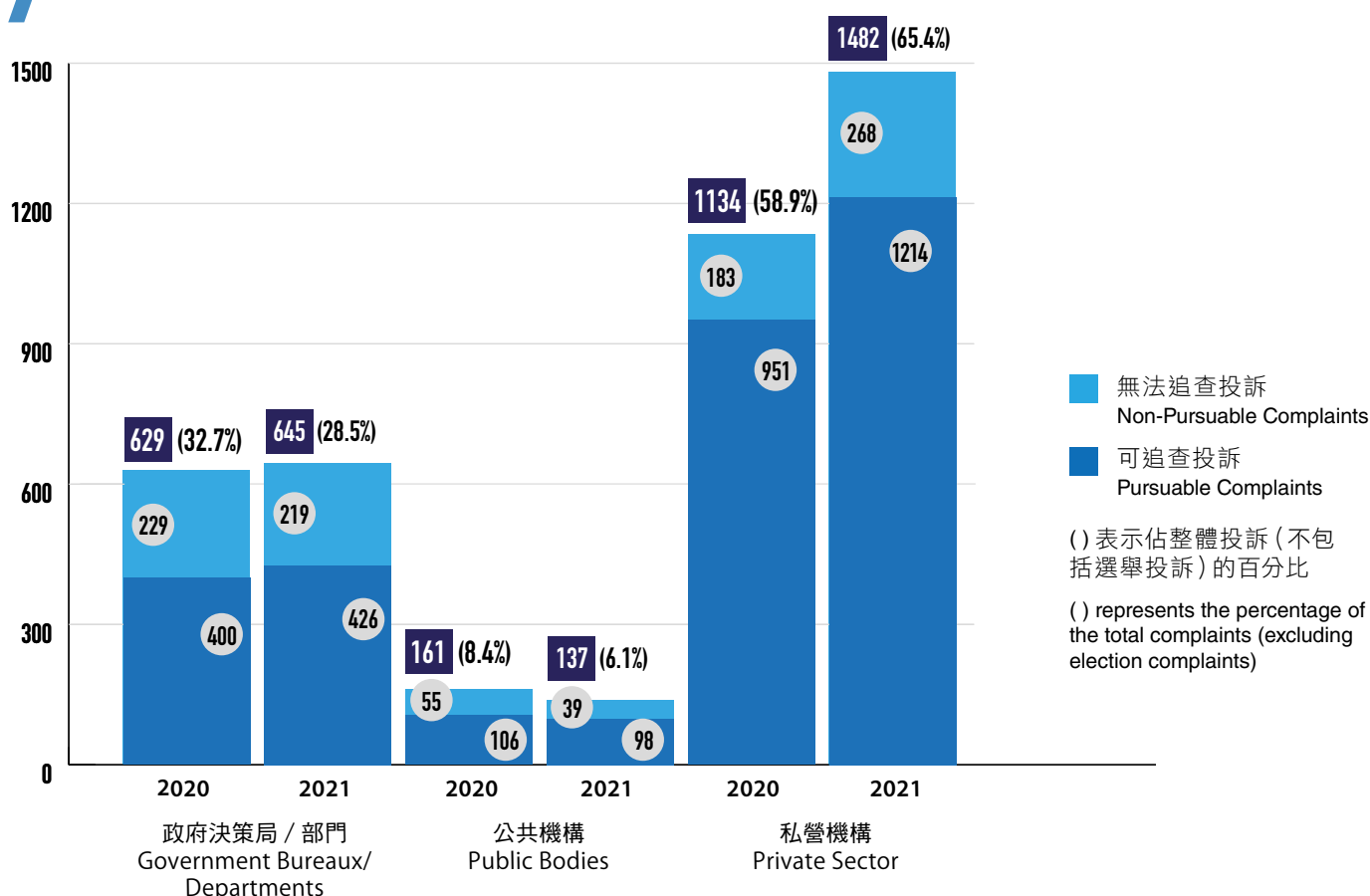
貪污投訴的統計數字

執行處在二零二一年接獲 2 264 項貪污投訴（不包括選舉投訴¹），較二零二零年增加 340 宗或 18%。可追查投訴 1 738 宗，較二零二零年增加 281 宗或 19%。二零二零年及二零二一年貪污投訴依機構分類數字詳列於圖表 4-1。

STATISTICS ON CORRUPTION COMPLAINTS

In 2021, OPS received a total of 2 264 corruption complaints (excluding election complaints¹), representing an increase of 340 complaints (or 18%) over 2020, while pursuable complaints increased by 281 (19%) to 1 738. A breakdown of the corruption complaints of 2020 and 2021 by sector is shown in Figure 4-1.

圖表 4-1：二零二零年及二零二一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 Sector in 2020 and 2021



註 Notes | ¹ 選舉投訴指涉嫌違反《選舉（舞弊及非法行為）條例》（第 554 章）的投訴。
Election complaints refer to complaints alleging breaches of the ECICO (Cap 554).

至於選舉投訴，截至二零二一年年底，廉署共接獲 164 宗選舉投訴（當中 159 宗屬可追查投訴）。其中，就年內舉行的選舉委員會界別分組一般選舉以及立法會換屆選舉兩場重要的公共選舉，廉署分別接獲八宗（七宗屬可追查投訴）及 52 宗（48 宗屬可追查投訴）投訴。

調查及檢控

調查

執行處在二零二一年對 1 692 宗新增個案展開調查（不包括選舉案件），較二零二零年增加 19%。年內 1 741 宗個案已完成調查，另有 82 宗正等待律政司的法律意見。二零二零年及二零二一年未完成及已完成調查的個案數目詳列於圖表 4-2。此外，執行處在二零二一年共對 159 宗新增的選舉個案展開調查。二零二一年仍在調查案件已用時間見附錄三。

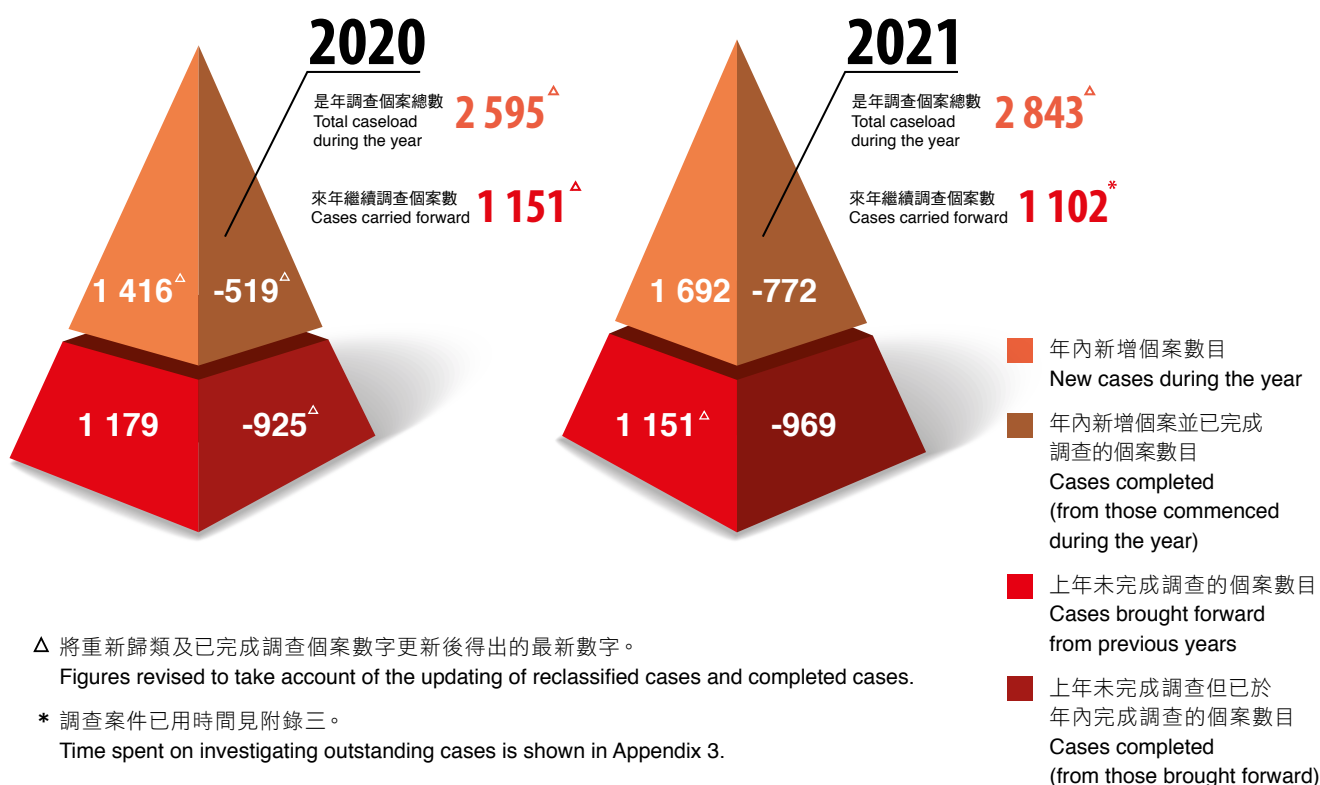
As regards election complaints, ICAC received a total of 164 complaints (159 pursuable) as at the end of 2021. The two public elections held during the year, namely, the Election Committee (EC) Subsector Ordinary Elections and the Legislative Council (LegCo) General Election, attracted eight complaints (seven pursuable) and 52 complaints (48 pursuable) respectively.

INVESTIGATIONS AND PROSECUTIONS

Investigations

In 2021, OPS initiated investigation on 1 692 new cases (excluding election cases), representing a 19% rise when compared to 2020. During the year, 1 741 cases were completed and 82 were pending legal advice. The numbers of cases carried forward and completed in 2020 and 2021 are set out in Figure 4-2. Separately, investigation on a total of 159 new election cases were initiated in 2021. The time spent on outstanding investigations is shown in Appendix 3.

圖表 4-2：二零二零年及二零二一年的調查個案總數（不包括選舉案件）
Figure 4-2: Statistics on Caseload in 2020 and 2021 (Excluding Election Cases)



檢控及警誡

二零二一年，廉署共檢控 200 人，當中包括 14 名政府人員、一名公共機構僱員、160 名私營機構人員、15 名涉及政府決策局／部門或公共機構貪污調查的個別人士以及 10 名干犯選舉罪行的人士。

Prosecutions and Cautions

Among the 200 persons prosecuted in 2021, 14 were government servants, one from a public body and 160 from the private sector, while 15 private individuals were involved in corruption investigations concerning government B/Ds or public bodies, and 10 involved in election offences.

十一人被控參與賄選及種票勾當，當中包括四名與一個的士協會有關的人士，致使 118 人以虛假資歷登記專業團體會員，並成為 2016 年立法會換屆選舉資訊科技界功能界別選民，以便他們在選舉中投票予某候選人，在區域法院被判囚最高 12 個月。法官判刑時表示被告所犯罪行影響選舉廉潔，須判處阻嚇性監禁刑罰

Eleven persons, including four associated with a taxi association, were sentenced to jail terms up to 12 months at the District Court for their roles in a bribery and vote-rigging scam for 118 persons to register as members of a professional organisation with false qualifications and to become electors of the Information Technology Functional Constituency of the 2016 Legislative Council General Election, facilitating them to vote for a particular candidate at the election. In sentencing, the judge said the offences committed by the defendants warranted deterrent custodial sentences for undermining the integrity of the election



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，廉署在索取律政司的法律意見後，可對犯罪者施行警誡。年內，32 人接受警誡，其中三人涉及選舉個案。過去十年被廉署檢控或警誡的人數詳見附錄四。

此外，對於性質較輕微的選舉違例個案，如律政司認為對違例者提出檢控或施行警誡並不符合公眾利益，會建議向違例者發出警告信。二零二一年，191² 人因干犯輕微的選舉罪行而

The guidelines issued by DoJ provide that upon legal advice, a caution may be administered by ICAC for minor offences when it is not in the public interest to prosecute. During the year, among the 32 persons who were formally cautioned, three were involved in election cases. A breakdown of the number of persons prosecuted or cautioned by ICAC over the last decade is provided in Appendix 4.

Additionally, in respect of relatively minor electoral breaches, 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 2021, 191² persons were given warnings by ICAC for minor election offences mainly concerning failure to lodge election returns in



一名政府資助中學前教師，被控貪污、盜竊及使用虛假文書副本等多項罪名，就 14 個學校設施改善項目詐騙該校款項共 530 萬元，在區域法院承認所有控罪，被判囚 46 個月

A former teacher of a government-aided secondary school was sentenced to 46 months' imprisonment at the District Court after pleading guilty to multiple offences of corruption, theft and using copies of false instruments in deceiving the school of payments totalling \$5.3 million in relation to 14 school facility renovation projects

註 Notes | ² 有一人曾接受兩次警告。換言之，廉署共發出 192 次警告。
A person has received warnings twice. In other words, a total of 192 warnings were issued by ICAC.



一名女子被控向一名地產發展商招聘主任提供賄款共 5,000 元，以求對方協助她獲聘為保安員，被判處須履行 240 小時社會服務

A woman was ordered by court to perform 240 hours of community service for offering bribes of \$5,000 in total to a recruitment officer of a property developer for assisting her to secure a job as security guard

一名照明產品公司前經理詐騙其時任僱主，在處理該公司與一間貿易公司多項交易時，隱瞞其妻子於該貿易公司的權益，而交易涉及折扣及補貼金額共約 1,200 萬元，被告在區域法院被判囚 56 個月

A former manager of a lighting product company was sentenced to 56 months' imprisonment at the District Court for defrauding his then employer by concealing his wife's interest in a trading company when handling transactions between the two companies involving sums of discount and subsidy totalling about \$12 million



四人包括兩名上市公司前高層人員，被控涉嫌在該上市公司發行債券期間，串謀詐騙公司、其董事局和股東，以及香港聯合交易所有限公司，四人在區域法院被判囚。這宗成功的檢控源於廉署與證券及期貨事務監察委員會採取的聯合行動

Four persons, including two former senior executives of a listed company, were sentenced to imprisonment at the District Court for conspiracy to defraud the company, its board of directors and shareholders as well as the Stock Exchange of Hong Kong Limited over the placement of bonds issued by the listed company. The successful prosecution came after a joint investigation conducted by ICAC and the Securities and Futures Commission



接受警告，主要涉及沒有按照《選舉（舞弊及非法行為）條例》（第 554 章）第 37 條及／或第 23(3) 條的規定提交選舉申報書。

二零二一年檢控、警誡和警告數字依不同分類見附錄五至七。

轉介

廉署在年內將 329 宗非貪污舉報轉交相關政府決策局和部門或公共機構處理，詳情見附錄八。

accordance with the requirements set out in section 37 and/or section 23(3) of ECICO (Cap 554).

The numbers of prosecutions, cautions and warnings recorded by type in 2021 are shown in Appendices 5 to 7.

Referrals

During the year, ICAC made 329 referrals of non-corruption nature to relevant government B/Ds or public bodies, details of which are provided at Appendix 8.

對政府人員所作的紀律處分和行政處理

二零二一年，經審查貪污舉報諮詢委員會審議後，廉署將涉及 65 名政府人員被指行為不當的調查報告，送交相關政府決策局局長和部門首長考慮作紀律處分和行政處理。年內，涉及 86 名政府人員的個案已完結（包括二零二一年轉介的 17 名政府人員），其中 52 人須接受紀律處分（包括二零二一年轉介的 11 名政府人員）。

DISCIPLINARY AND/OR ADMINISTRATIVE ACTION AGAINST GOVERNMENT SERVANTS

On the recommendation of ORC, reports on alleged misconduct of 65 government servants were forwarded to the heads of B/Ds concerned for consideration of disciplinary and/or administrative action in 2021. Cases involving 86 government servants (including 17 in referrals made in 2021) were completed in the year, resulting in disciplinary action taken against 52 government servants (including 11 in referred cases in 2021).

舉報中心及扣留中心

舉報中心

執行處的舉報中心 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。二零二一年，共有 70% 的投訴人在舉報貪污時願意表明身分。

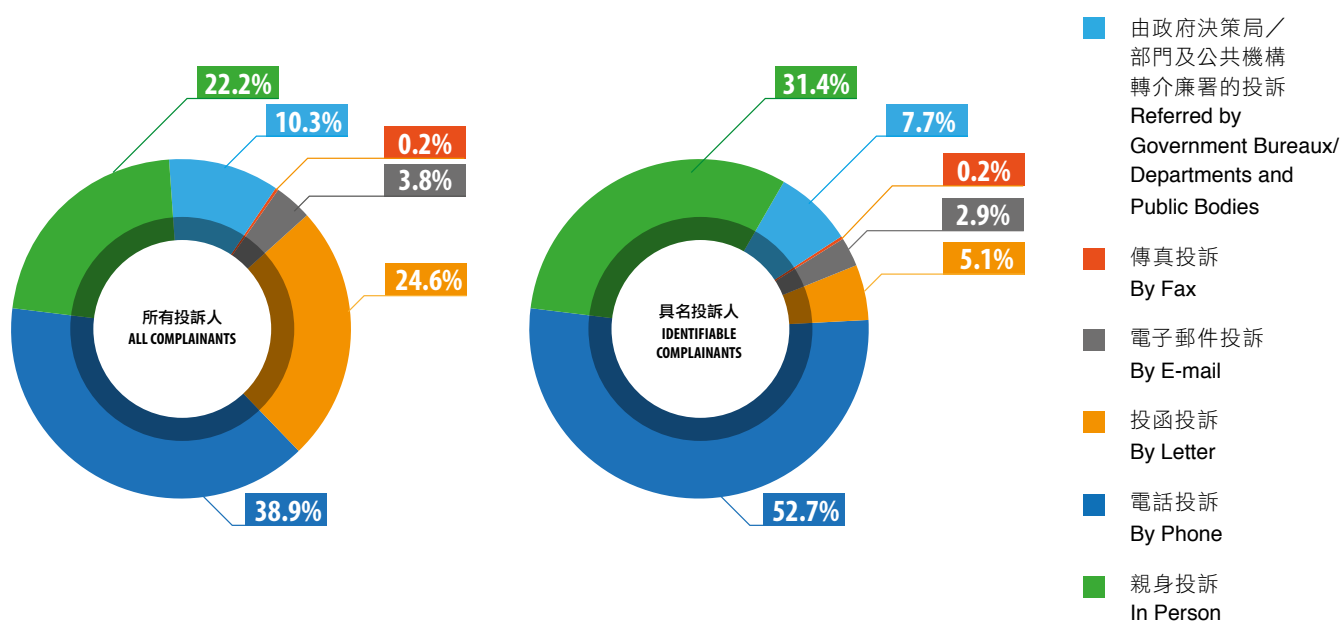
REPORT CENTRE AND DETENTION CENTRE

Report Centre

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 2021, 70% of complainants identified themselves when reporting corruption.

圖表 4-3：二零二一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 2021 (Excluding Election Complaints)



扣留中心

根據《廉政公署條例》(第 204 章)第 10A(2) 條,廉署有權扣留被捕人士,為此執行處設有周全的扣留設施。被扣留者會收到一份《致被扣押人士的通告》,列明按《廉政公署(被扣留者的處理)令》(第 204(A) 章)被扣留人士所享有的權利。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。

執行處在二零二一年共逮捕 507 人,當中包括 18 名政府人員。二零二零年則有 283 人被逮捕,當中包括 19 名政府人員。

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恰當,並聽取被扣留者的訴求或投訴。廉署就太平紳士每次的巡視,向太平紳士秘書處提交報告,闡述被扣留者提出的訴求或投訴及所作出的跟進行動,亦確保廉署的扣留設施受到外界監察。

快速反應隊

快速反應隊專責處理較簡單的案件,以便執行處其他調查小組專注調查相對重大和複雜的案件。雖然案件性質較為簡單,但廉署亦同樣會將相關調查報告提交予審查貪污舉報諮詢委員會審議。快速反應隊在二零二一年對 211 宗新增個案展開調查,佔執行處全年接獲可追查案件總數(不包括選舉案件)的 12%。

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。二零二一年,法證會計組在多宗案件中提供專業支援。

Detention Centre

OPS provides comprehensive detention facilities as the power to detain arrested persons is provided for in section 10A (2) of the ICAC Ordinance (Cap 204). Persons under detention will receive a *Notice to Persons Detained* containing the rights and entitlements of persons detained as set out in the *ICAC (Treatment of Detained Persons) Order* (Cap 204(A)). This Notice is also displayed in detention cells, interview rooms and various conspicuous places in the Detention Centre.

In 2021, OPS arrested 507 persons, 18 of whom were government servants, as compared to 283 arrested (19 government servants) in 2020.

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 Justices of the Peace Secretariat, detailing the requests or complaints made by the detainees and follow-up actions taken accordingly, and ensuring that ICAC's detention facilities are subject to external monitoring.

QUICK RESPONSE TEAM

The Quick Response Team deals with minor cases, enabling other investigation teams in OPS to focus on cases of substance and complexity. Notwithstanding the minor nature of the cases, their investigation reports will also be submitted to ORC for scrutiny. During 2021, investigation on 211 new cases were initiated by the Quick Response Team, representing 12% of the pursuable cases received (excluding election cases) in the year.

FORENSIC ACCOUNTING

Established in 2011, the Forensic Accounting Group (FAG) comprises dedicated Forensic Accountant Grade officers with professional qualifications and extensive forensic accounting experience. It provides support to investigating officers in dealing with cases of increasing complexity 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, and assisting in search operations and interviews. Training courses are also provided by FAG

犯罪得益

廉署為加強打擊貪污及相關罪行，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，以剝奪罪犯的犯罪得益。截至二零二一年年底，總值達 10.62 億元的資產繼續受到限制，其中包括根據年內取得的五份法庭命令而限制的 3,504 萬元資產。另外，犯罪得益小組亦成功向高等法院原訟法庭申請兩份命令，沒收總值 1,200 萬元的資產。

此外，根據《防止賄賂條例》（第 201 章）第 14C 條，廉署可向法庭申請限制嫌疑人管有或控制的資產。截至二零二一年年底，總值達 3,611 萬元的資產按該條例繼續受到限制，而 448 萬元的資產則被法庭頒令復還。

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、了解及消滅各自面對的洗錢及恐怖分子資金籌集風險。

香港現正進行第二次洗錢及恐怖分子資金籌集風險評估，廉署作為這次風險評估的其中一個持份者，會繼續提供數據，以評估與貪污活動有關的洗錢威脅。



officers to investigating officers to enhance their skills and knowledge in financial investigation. During 2021, professional assistance was provided by FAG in a number of cases.

PROCEEDS OF CRIME

To intensively combat corruption and related crimes, ICAC established the Proceeds of Crime Section in 2010 to deal with restraint, disclosure and confiscation of assets under the *Organized and Serious Crimes Ordinance* (Cap 455) in order to deprive criminals of their crime proceeds. As at the end of 2021, assets valued at \$1.062 billion continued to remain restrained, of which assets amounting to \$35.04 million were restrained following the making of five Restraint Orders. In addition, the Proceeds of Crime Section successfully applied to the Court of First Instance for the granting of two Confiscation Orders, resulting in the confiscation of \$12 million worth of assets.

In accordance with section 14C of POBO (Cap 201), applications may be made to the court by ICAC to restrain the assets in the possession or under the control of suspects. As at the end of 2021, assets valued at \$36.11 million continued to remain restrained under the POBO, while \$4.48 million worth of assets were ordered to be restituted pursuant to court orders.

Being an inter-governmental body dedicated to preventing global money laundering and terrorist financing, the Financial Action Task Force recommends jurisdictions to identify, assess, understand and mitigate money laundering and terrorist financing risks specific to them.

Hong Kong is currently conducting its second money laundering and terrorist financing risk assessment. ICAC, being one of the key stakeholders, would continue to provide inputs for assessment of the corruption-related money laundering threats.

一名中小企業董事，被控使用虛假的公司審計報告及銀行戶口結單副本，向兩間銀行申請銀行融資共 1,900 萬元，在區域法院被判囚六年

A director of a small and medium enterprise was sentenced to six years' imprisonment at the District Court for using copies of false audited reports and bank statements of the company to support its applications for banking facilities totalling \$19 million made with two banks

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。

行動聯繫

執行處的策略是致力與社會不同界別合力打擊貪污。其中執行處與各政府部門及公共機構建立恆常聯繫，保持良好溝通。二零二一年，執行處高層人員繼續與各紀律部隊及個別政府部門舉行聯絡會議，商討共同關注的議題。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交換意見。二零二一年五月舉行的會議，由執行處首長與副刑事檢控專員聯合主持。另一方面，執行處亦繼續加強與公共機構的溝通。二零二一年六月，執行處首長與醫院管理局行政總裁舉行會議，雙方同意增強合作，進一步優化醫院管理局防貪管理系統及提升員工的防貪意識，藉此深化機構誠信管理文化。

執行處與懲教署的高級人員於二零二一年十二月舉行聯絡會議

Liaison meeting between senior officers of Operations Department and Correctional Services Department in December 2021

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 acting as witnesses for ICAC. The Commission has a dedicated section and specially trained officers to deal with matters concerning witness protection.

OPERATIONAL LIAISON

It is the strategy of OPS to forge partnership with various sectors in its fight against corruption, which includes regular operational liaison with various government departments and public bodies to facilitate better communication. In 2021, senior officers of OPS continued to hold liaison meetings with the disciplined services and individual government departments for discussing matters of mutual interest. Directorate officers of OPS and the Prosecutions Division of DoJ also met regularly to exchange views on legal and enforcement issues warranting concern. The meeting held in May 2021 was co-chaired by the Head of Operations and the Deputy Director of Public Prosecutions. On the other hand, sustained efforts were made to enhance communication with public bodies. In a meeting held between the Head of Operations and the Chief Executive of the Hospital Authority (HA) in June 2021, both parties agreed to collaborate to consolidate the integrity management culture of HA by adopting a comprehensive





廉署與財務匯報局於二零二一年九月簽訂諒解備忘錄，標誌廉署持續與金融監管機構加強合作，共同打擊貪污罪行、非法活動及違規行為

The Memorandum of Understanding signed between ICAC and the Financial Reporting Council in September 2021 signifying ICAC's continual efforts to enhance collaboration with financial regulators in the fight against corruption, illicit activities and malpractices

在私營機構方面，執行處的各個調查組別恆常與業界保持聯繫。為鞏固香港的國際金融中心地位，廉署繼續與證券及期貨事務監察委員會（證監會）、財務匯報局（財匯局）、香港金融管理局及保險業監管局等金融監管機構攜手合作，致力打擊金融業的貪污和其他市場失當或違規行為。廉署與證監會於二零一九年簽訂諒解備忘錄，提高了兩所機構對打擊貪污和其他市場失當行為的執法能力。廉署為了繼續推動有關工作，亦與財匯局於二零二一年九月二十九日簽訂類似的諒解備忘錄。過去一年，廉署分別與證監會和財匯局進行聯合執法行動，均取得滿意成果。

國際及內地聯絡與協查

執行處轄下設有國際及內地（行動）聯絡小組，負責與國際、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。由於新冠病毒病疫情持續，各地實施旅遊限制，部分工作受到一定影響。儘管如此，年內小組仍成

strategy to further strengthen its anti-bribery management system and staff awareness of corruption.

Investigation groups of OPS have been maintaining constant liaison with the private sector. In order to solidify Hong Kong's status as an international financial centre, ICAC continues to make collaborative efforts to combat corruption and other market malpractices or irregularities concerning the financial sector in conjunction with various financial regulators, including the Securities and Futures Commission (SFC), the Financial Reporting Council (FRC), the Hong Kong Monetary Authority and the Insurance Authority. The Memorandum of Understanding (MOU) signed between ICAC and SFC in 2019 has enhanced the enforcement capabilities of the two agencies in fighting corruption and market malpractices. To continue the momentum, ICAC entered into a similar MOU with FRC on 29 September 2021. During the year, joint investigations conducted respectively with SFC and FRC have yielded good results.

INTERNATIONAL AND MAINLAND LIAISON AND MUTUAL ASSISTANCE

The International and Mainland (Operational) Liaison Section of OPS is responsible for maintaining effective operational liaison and cooperation with international, the Mainland of China (the Mainland) and Macao anti-corruption and law enforcement agencies. Though such work was partially affected by the lingering coronavirus pandemic and international travel restrictions, the

功安排了一名證人從內地來港，就一宗廉署案件出庭作證，亦有身在海外的證人透過視像方式在其他審訊作供。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。

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，協助調查貪污相關事宜。二零二一年，廉署共接獲15個相關要求，而海外機構亦就廉署提出的兩個要求提供協助。

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不同國際組織的事務。這些國際組織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。

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，提升工作效率，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，於署內配置了合適的設施，讓廉署人員舉辦和參與各項網上會議和活動。

資訊科技日益發展與普及，在個人日常生活、商業活動及公共服務中已成為不可或缺的一環；犯罪分子亦不例外，他們亦會利用資訊科技或電子裝置（如智能電話）溝通，甚至進行非法活動。電腦鑑證小組在這方面發揮重要作用，支援前線人員處理及分析電子數據，並協助他們從電子裝置中提取可獲法庭接納的證據。二零二一年，該小組曾參與多項行動，並處理檢獲電子裝置所儲存的325兆位元組數據。此外，該小組亦與其他執法機關及資訊科

Section had arranged one witness from the Mainland to travel to Hong Kong to testify in court in an ICAC case and individuals residing overseas to stand as witnesses in another trial through video conferencing during the year. OPS had also fully utilised the use of information technology in conducting liaison meetings and attending international conferences in order to overcome the difficulties caused by the restrictions.

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 Organized Crime*, authorised ICAC investigating officers may assist in conducting enquiries into corruption-related matters in response to requests from overseas law enforcement agencies and judicial authorities. In 2021, ICAC handled 15 such requests, while assistance was received from overseas counterparts to handle two requests from ICAC.

ICAC recognises the importance of collaboration with anti-corruption counterparts from other jurisdictions as well as international and regional organisations in preventing and eradicating corruption. In particular, ICAC represents Hong Kong, China to participate in various international organisations, 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 Pacific.

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 ICAC. The Unit is committed to maintaining a secure, reliable and stable IT infrastructure to facilitate the daily operation of ICAC. Constant development and enhancement of application systems are conducted to streamline ICAC's administrative and investigative processes and to enhance work efficiency in meeting the evolving IT and operational needs. To address the new operational needs arising from the coronavirus pandemic, the Unit had equipped ICAC with suitable facilities to enable officers' organisation of and attendance in various online meetings and events.

技界保持緊密聯繫，以便掌握資訊科技和電腦鑑證的最新技術與發展趨勢。

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，向廉政專員匯報。

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，並於過程中提供優化廉署工作程序的意見。

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 17 宗涉及廉署或其職員的非刑事投訴。當中四宗投訴在二零二零年接獲，其餘 13 宗在二零二一年接獲。

二零二零年接獲的四宗投訴均被裁定為不成立。

二零二一年接獲的 13 宗投訴中，三宗有實據支持，六宗並無事實根據，餘下四宗在年底時仍在調查中。首宗有實據支持的個案涉及一宗貪污調查的案件主管，因忙於其他調查工作及因病休假而未能儘早將調查結果通知投訴人。第二宗個案涉及一宗貪污調查的新舊案件主管，在交接工作期間因疏忽未有儘早通知投訴人轉換了案件主管。第三宗個案涉及兩名舉報中心的廉署人員，他們不小心向一名市民提供了一個不準確的廉署電子郵件地址。上述人員已被上司勸誡，廉署亦已檢討相關程序避免同類事件發生。

With its increasing advancement and penetration, IT has become an integral part of people's daily lives and in the delivery of commercial activities and public services. Criminals are quick to exploit IT or electronic devices, such as smartphones, to communicate and even facilitate their illicit activities. The Computer Forensics Section plays a pivotal role in providing support to frontline investigators in retrieving, securing and analysing electronic data for identifying valuable information for investigation and producing admissible evidence in court. In 2021, the Section took part in operations and processed 325 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 technological development and trend in IT and computer forensics.

STAFF DISCIPLINE

Internal Investigation and Monitoring

ICAC's Internal Investigation and Monitoring Group, the L Group, is responsible for investigating breaches of staff discipline, non-criminal complaints against 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 to the Commissioner.

Appointed by the Chief Executive, the ICAC Complaints Committee monitors and reviews the handling by ICAC of non-criminal complaints against ICAC or its staff, and conducts timely reviews to identify loopholes 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 DoJ for advice, and all completed investigations are reported to ORC. Criminal complaints not relating to corruption are referred to the appropriate authority for investigation.

Non-Criminal Complaints Against ICAC or its Staff

During the year, 17 non-criminal complaints made against ICAC or its staff were processed. Four of the complaints were received in 2020 and the remaining 13 in 2021.

All four complaints received in 2020 were found unsubstantiated.

涉及廉署職員的貪污指控

二零二一年，L 組調查一宗廉署職員懷疑涉及貪污和相關刑事罪行的個案。該宗個案經調查及徵詢法律意見後，發現並無任何貪污或其他罪行的證據。審查貪污舉報諮詢委員會同意廉署無須再進行調查。

培訓及發展

訓練及發展組致力培訓和激勵職員，務求培訓出最具誠信及專業質素的反貪專才，滿足社會對肅貪倡廉的要求。

訓練及發展組負責：

- 招聘執行處的部門職系人員；
- 為廉署各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。

新入職助理調查主任會接受為期兩年半，分為三個階段合共 24 周的入職課程以及在職培訓。二零二一年有 28 位初受聘的助理調查主任於同年十月開始接受為期 15 周的入職課程訓練。培訓內容廣泛全面，涵蓋法律條文、證

Of the 13 complaints received in 2021, three 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, the case officer of a corruption investigation had failed to inform the complainant of the investigation outcome at the earliest opportunity due to other investigation engagements and absence on sick leave. In the second case, the outgoing and incoming case officers of a corruption investigation had negligently failed to inform the complainant of the change of case officer as soon as practicable during the handover period. In the third case, two ICAC officers of the Report Centre had carelessly provided a citizen with an inaccurate email address of ICAC. The officers in the above cases were given advice by senior officers. ICAC also reviewed the related procedures to prevent recurrence of similar incidents.

Allegations of Corruption Against ICAC Staff

In 2021, L Group conducted an investigation into one case of suspected corruption and related criminal offences concerning ICAC staff. Investigation and legal advice on the case confirmed that there was no evidence of corruption or other offences. With the endorsement of ORC, no further investigative action was required from ICAC.

TRAINING AND DEVELOPMENT

In order to meet public demand for a clean society, the Training and Development (T&D) Group is committed to providing training and impetus for the development of anti-corruption professionals with the highest level of integrity and competence.

執行處人員與首長級人員對話

Officers of Operations Department participating in Dialogue with Directorate Officers





已經進入第八年的“師友計劃”，在二零二一年五月舉行師友之夜

Mentoring Night held in May 2021 under the Mentorship Programme entering its eighth year

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範疇。

年內，執行處舉辦多個內部課程、研討會及專業知識工作坊，累計參加人次為 3 253 人。內容涵蓋反貪法例、“完善選舉制度”及其法例修訂、反貪工作最新發展和個案分享等不同主題。

《中華人民共和國香港特別行政區維護國家安全法》（《港區國安法》）於二零二零年六月三十日開始實施，廉署全面配合履行維護國家安全的責任，《港區國安法》因而被納入入職課程、各種常規內部課程及內部晉升的考試範圍。廉署職員務必熟習《港區國安法》的條文及其立法背後的重重大意義。

T&D Group is responsible for:

- recruitment of departmental grades staff in OPS;
- provision of professional development, including investigation and legal training for officers of various grades;
- formulation of policies on career development and administration of a Mentoring Programme in OPS for young investigating officers; and
- development and maintenance of the Information and Knowledge Management System in OPS.

Training provided for newly recruited Assistant Investigators spans a two-and-a-half year period which is split into three induction courses totalling 24 weeks interspersed with on-the-job training. A 15-week induction course was commenced in October 2021 to provide the 28 recently appointed Assistant Investigators with comprehensive 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.

During the year, a number of in-house courses and seminars with an accumulated attendance of 3 253 officers were conducted. Professional knowledge workshops on a diverse array of subjects, including the anti-corruption law, the “Improving Electoral System” and relevant legislative amendments, recent development in anti-graft work and cases sharing, were also conducted.

With the implementation of the *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (NSL) on 30 June 2020, ICAC bears the responsibility and shall



二零二一年立法會換屆選舉投票於十二月十九日舉行。由於《選舉（舞弊及非法行為）條例》（第 554 章）的法例修訂及是次選舉規模龐大，執行處先後為同事舉辦了多場簡介會，確保他們充份了解新增的法例要求及投票當日的執法部署

Given the legal amendments made to the *Elections (Corrupt and Illegal Conduct) Ordinance* (Cap 554) and the great scale of the 2021 Legislative Council General Election, the Operations Department arranged a number of internal briefing sessions to fully familiarise officers with the new provisions and the operational deployment on the polling day before the election date on 19 December

此外，共有 85 名執行處人員在本地修讀其他機構舉辦的課程。在疫情的出入境限制下，有 19 名執行處人員參與由海外學院和執法機關舉辦的網上培訓。

為提升在職調查人員的領導及專業才能，訓練及發展組亦舉辦了專為新晉升調查主任而設的二零二一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，並設有多個模擬訓練室，用以進行拘捕及搜查行動的實況訓練。

perform its duties in safeguarding national security. In this regard, NSL has been included in the syllabuses of induction courses, and for examinations in respect of internal regular training programmes and promotion exercises. ICAC officers are required to have a full understanding of the provisions of NSL and the great significance behind enactment of the law.

Furthermore, 85 officers from OPS benefited from local external courses offered by other institutions. With travel restrictions still in place amid the pandemic, 19 OPS officers attended online training courses provided by overseas institutions and law enforcement agencies.

To enhance leadership and professional capabilities of serving investigating officers, T&D Group organised Investigators' Command Course 2021 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.