

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)所訂明的罪行。
- 調查任何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

執行處是廉政公署(廉署)最大的部門,由執行處首長掌管,並在兩位執行處處長協助下,領導公營部門和私營機構的貪污及相關罪行的調查工作。執行處首長同時兼任副廉政專員,並直接向廉政專員負責。執行處共設有四個調查科,各由一位助理處長監督。

權力

執行處人員獲賦予權力進行調查,並根據情況,向法庭申請或依法行使包括逮捕、扣留、搜查、查閱帳目、要求交出旅行證件和限制處理嫌疑人的資產等權力。

審查貪污舉報諮詢委員會

審查貪污舉報諮詢委員會成員由行政長官委任。該委員會獨立運作,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。報告包括:

- 重大案件的最新調查進度;
- 歷時超過一年的調查;
- 獲廉署保釋達六個月以上的個案;
- 檢控個案的最新情況;及
- 已完成調查的案件。

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 (ICACO) (Cap 204) and the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) (Cap 554).
- Investigate any 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), which is the largest department of the Independent Commission Against Corruption (ICAC), undertakes investigation of corruption and related offences in the public and private sectors under the command of the Head of Operations with assistance from two Directors of Investigation. The Head of Operations, who is also the Deputy Commissioner, reports to the Commissioner. OPS is organised into four investigation branches, each overseen by an Assistant Director.

POWERS

OPS officers are empowered to conduct investigations, and exercise powers including arrest, detention, search operations, access to accounts, requests for surrender of travel documents, restraints on suspects' possession or control of assets, in accordance with law or, where appropriate, with court authorisation.

OPERATIONS REVIEW COMMITTEE

Appointed by the Chief Executive, the Operations Review Committee (ORC) operates independently in overseeing the investigative work of the ICAC. ORC members meet regularly to review reports prepared by OPS and give recommendations. These reports include:

- updates on the progress of major investigations;
- cases investigated for over a year;
- cases where ICAC bail has been granted for over six months;
- updates on prosecutions; and
- completed investigations.

對於已完成調查的案件, 廉署會向委員會提 交報告建議結束調查, 並在有需要的情況下, 將案件調查過程中揭露的事宜, 轉介予相關 政府決策局、部門和公共機構考慮作紀律處 分或採取相應行動。

檢控

廉署負責調查貪污案件,搜集並分析證據,再轉交律政司考慮是否提出刑事檢控。《防止賄賂條例》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。



For completed investigations, the ICAC will make reports to ORC on recommendation to curtail those investigations, and where necessary, refer matters disclosed during the course of investigations to relevant government bureaux/departments (B/Ds) or public bodies for consideration of disciplinary or corresponding actions.

PROSECUTION

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

一名時任社區疫苗接種中心護士假裝為六名市民接種 2019 冠狀病毒病疫苗,以助他們獲取疫苗接種紀錄。該護士及一名市民承認串謀詐騙,另外兩名市民在審訊後被裁定罪名成立,在觀塘裁判法院分別被判囚兩個月至六個月。裁判官判刑時表示各被告所犯罪行嚴重,破壞市民對醫療人員及醫療制度的信任,影響政府抗疫的努力,導致公共衞生產生嚴重問題,法庭須判處阻嚇性刑罰

A nurse formerly working at a Community Vaccination Centre made false representations about COVID-19 vaccine inoculation of six persons and assisted them in obtaining vaccination records. The nurse and a citizen pleaded guilty to conspiracy to defraud while two other citizens were found guilty after trial. The defendants received jail terms ranging from two to six months at Kwun Tong Magistrates' Courts. In sentencing, the magistrate said the offences were serious for the defendants had breached the public trust placed on medical professionals and the medical system, jeopardised the Government's anti-epidemic efforts and caused adverse effect to public health, warranting deterrent custodial sentences

貪污案件的來源

貪污投訴

市民如懷疑有任何貪污行為,無論是否掌握充分證據亦可向廉署舉報。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決策局、部門和公共機構處理。

SOURCES OF CORRUPTION CASES

Corruption Complaints

Members of the public may report any suspected corruption to the ICAC regardless of whether or not substantial evidence is available. They are encouraged to report corruption in person at the ICAC Report Centre or any of the seven Regional Offices. Alternatively, they may report corruption via the Complaint Hotline (25 266 366) or by letter (GPO Box 1000). Directorate officers of OPS consider all complaints on each working day to decide whether to investigate or, where appropriate, refer them to other government B/Ds or public bodies for action.

在鼓勵市民舉報貪污的同時,廉署亦需要防止相關機制被濫用。《廉政公署條例》第13B條列明,任何人士如故意向廉署人員作虛假報告,即屬違法。另外,《防止賄賂條例》第30條亦保障貪污調查的任何細節或受調查人士的身分不會在無合法權限或合理辯解情況下被披露。

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,保障公眾利益。

貪污投訴的統計數字

執行處在二零二二年接獲 1 835 項貪污投訴 (不包括選舉投訴 1),較上年減少 429 宗,下跌 19%。可追查投訴 1 438 宗,較上年減少 300 宗,下跌 17%。二零二一年及二零二二年貪污投訴依機構分類數字詳列於圖表 4-1。

While the public is encouraged to report corruption, it is necessary to ensure that the report mechanism will not be abused. Under section 13B of the ICACO, any person who intentionally makes a false report to an ICAC officer shall be guilty of an offence. Besides, the details of a corruption investigation or the identity of the subject person are protected from being disclosed without lawful authority or reasonable excuse under section 30 of the POBO.

Proactive Approach

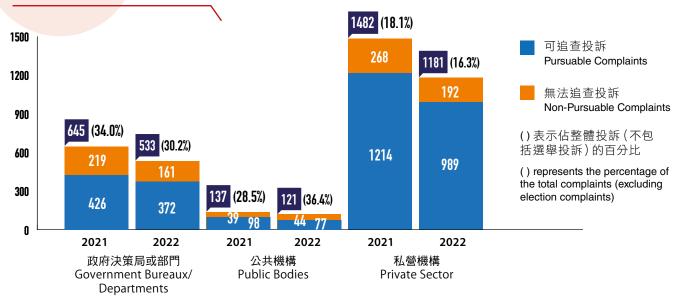
OPS adopts a proactive strategy to detect unreported corruption and identify corruption prone areas or sectors. This approach demonstrates the ICAC's determination to seek out and eradicate corruption wherever it may be, and is proven effective in uncovering serious cases of corruption in order to safeguard public interests.

STATISTICS ON CORRUPTION COMPLAINTS

In 2022, OPS received a total of 1 835 corruption complaints (excluding election complaints¹), representing a decrease of 429 complaints (or 19%) when compared to the same period in 2021, while pursuable complaints decreased by 300 (or 17%) to 1 438. A breakdown of the corruption complaints in 2021 and 2022 by sector is shown in Figure 4-1.

圖表 4-1: 二零二一年及二零二二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 2021 and 2022



至於選舉投訴,二零二二年,廉署共接獲 179 宗選舉投訴(當中 176 宗屬可追查投訴),當中 96 宗(全屬可追查投訴)涉及二零二一年立法會換屆選舉。

In 2022, the ICAC received a total of 179 election complaints. Of the 176 pursuable complaints, 96 were related to the 2021 Legislative Council General Election.

調查及檢控

調查

二零二二年,執行處對 1 408 宗新增個案展開調查 (不包括選舉案件),較上年減少 17%。年內 1 582 宗個案已完成調查,另有 109 宗正等待律政司的法律意見。二零二一年及二零二二年未完成及已完成調查的個案數目詳列於圖表 4-2。此外,執行處在二零二二年共對175 宗新增的選舉個案展開調查。二零二二年仍在調查案件已用時間見附錄三。

INVESTIGATIONS AND PROSECUTIONS

Investigations

In 2022, OPS initiated investigation on 1 408 new cases (excluding election cases), representing a 17% drop when compared to the same period of 2021. During the year, 1 582 cases were completed and 109 pending legal advice. The numbers of cases carried forward and completed in 2021 and 2022 are set out in Figure 4-2. Separately, investigation of a total of 175 new election cases were initiated in 2022. The time spent on outstanding investigations is shown in Appendix 3.

上年未完成調查但已於 年內完成調查的個案數目 Cases completed

(from those brought forward)

圖表 4-2: 二零二一年及二零二二年的調查個案總數(不包括選舉的案件) Figure 4-2: Statistics on Caseload in 2021 and 2022 (Excluding Election Cases)



檢控及警誡

二零二二年,廉署共檢控 215 人,當中包括 20 名政府人員、三名公共機構僱員、166 名私營機構人員、15 名涉及政府決策局、部門和公共機構貪污調查的個別人士以及 11 名干犯選舉罪行的人士。

Prosecutions and Cautions

Among the 215 persons prosecuted in 2022, 20 were government servants, three from public bodies and 166 from the private sector, while 15 private individuals were involved in corruption investigations concerning government B/Ds or public bodies and 11 involved in election offences.



一名中小企業董事及該公司一名前會計文員, 串謀詐騙四間銀行83筆貸款共逾1億200萬元,以及銀行融資共3,100萬元,在區域法院分別被判入獄33個月零24日及36個月。法官判刑時表示案情嚴重,涉及以假文件向銀行騙取巨額貸款, 法庭須判處阻嚇性刑罰

A director and a former accounting clerk of a small and medium enterprise respectively received jail terms of 33 months and 24 days and 36 months at the District Court for conspiracy to defraud four banks of 83 loans totalling over \$102 million and banking facilities totalling \$31 million. In sentencing, the judge said the defendants warranted deterrent custodial sentences for committing serious crimes of using false documents to defraud banks of substantial amounts of loans

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,廉署在取得律 政司的法律意見後,可對犯罪者施行警誡。 二零二二年,17人接受警誡,其中一人涉及選 舉個案。過去十年被廉署檢控或警誡的人數 詳見附錄四。 The guidelines issued by DoJ provide that upon legal advice, a caution may be administered by the ICAC for minor offences when it is not in the public interest to prosecute. In 2022, among the 17 persons who were formally cautioned, one was involved in an election case. A breakdown of the number of persons prosecuted or cautioned by the ICAC over the last decade is provided in Appendix 4.

一名服裝配飾貿易公司董事及一名製衣公司前採購員,於七年間行賄及受賄共約840萬元,致使兩間製衣公司向該貿易公司發出採購訂單,總值逾3,600萬元,在區域法院分別被判囚22及17個月。法官判刑時表示,貪污屬嚴重罪行,須判處阻嚇性刑罰。行賄者和受賄者罪責相等,法庭須打擊業界同類陋習

A director of a garment accessories trading company and a former purchaser of a garment manufacturer were respectively sentenced to 22 and 17 months' imprisonment at the District Court for offering and accepting bribes totalling about \$8.4 million in relation to purchase orders worth over \$36 million placed with the trading company by two garment manufacturers in seven years. In sentencing, the judge said bribery was a serious offence warranting a deterrent sentence. Given the equal culpability of the bribe offeror and acceptor, the court had to combat such corrupt practices in the industry



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,會建議廉署向違例者發出警告信。二零二二年,共22人因干犯輕微的選舉罪行而接受警告,分別涉及沒有按照《選舉(舞弊及非法行為)條例》(第554章)第19條、第23(3)條、第26條及第37條的規定提交選舉申報書。

For relatively minor electoral breaches, on DoJ's advice, the ICAC will issue warning letters to the offenders if it is considered not in the public interest to prosecute or caution the offenders. In 2022, a total of 22 persons were given warnings by the ICAC for minor election offences concerning failure to lodge election returns in accordance with the requirements set out in sections 19, 23(3), 26 and 37 of the ECICO (Cap 554).



一名保險公司前區域經理,提交虛假入息證明,誇 大入息總額逾 150 萬元以詐騙該保險公司向她提 供"握手費"逾 86 萬元,在區域法院被判入獄 14 個月

A former district manager of an insurance company was sentenced to 14 months' imprisonment at the District Court for deceiving the insurer into offering her a signing fee of over \$860,000 by submitting false income proof which exaggerated her total income by over \$1.5 million

兩名高等院校前高層人員串謀為獲取一個美容業組織的聘書而濫用職權,在區域法院分別被判囚 15 個月及 10 個月。 法官判刑時斥責兩名被告利用職權謀取個人利益,影響該高等院校的聲譽。法官又指二人所犯罪行性質嚴重,法庭必須 判處阻嚇性刑罰

Two former senior staff members of a post-secondary institution were respectively sentenced to 15 and 10 months' imprisonment at the District Court for conspiracy to solicit an employment from an organisation in the beauty industry with abuse of office. In sentencing, the judge reprimanded the defendants for abusing their official capacities for personal gains, which undermined the reputation of the institution. The judge added that the offence committed by the duo was serious in nature, warranting a deterrent sentence





一名關愛基金申請人,在申請津貼時行賄基金秘書處職員,在裁判法院被判入獄五個星期。裁判官判刑時指,相關計劃為低收入家庭而設,被告以貪污手段申請津貼,會對其他申請人造成不公,罪行性質嚴重,必須判處監禁

An applicant of the Community Care Fund (CCF) was sentenced to five weeks' imprisonment at the Magistrates' Courts for bribing staff members of the CCF Secretariat in relation to his application for an allowance. In sentencing, the magistrate said the CCF programme was set up for low-income families. The defendant's resorting to bribery when applying for the allowance caused unfairness to other applicants. Given the seriousness of the offence, a custodial sentence was warranted



一名女警被控未經許可向一名盜竊案報案人索取貸款100萬元,並收受一宗打鬥案被捕人的60,000元貸款,在裁判法院被判入獄九個月。裁判官判刑時斥責被告向刑事案件的疑犯及證人索取及接受利益,不能秉公辦案,行為令警隊聲譽蒙羞,案件性質嚴重

A Woman Police Constable was sentenced to nine months' imprisonment at the Magistrates' Courts for soliciting an unauthorised loan of \$1 million from a complainant of a theft case and accepting a loan of \$60,000 from an arrestee of a fighting case. In sentencing, the magistrate reprimanded the defendant for soliciting and accepting advantages respectively from a suspect and a witness of criminal cases which affected her impartiality when carrying out her official duties and undermined the reputation of the Police, adding that the case was serious in nature



一名衞生防護中心前顧問醫生被控公職人員行為失當及欺詐,在該中心為三個國際及海外衞生組織提供結核藥物測試及其他服務時,濫用公職以謀取私利,涉及資助和服務費逾420萬港元,在區域法院被判入獄31個月。法官判刑時稱,被告犯案時間長而且涉案金額龐大,嚴重破壞誠信

A former consultant of the Centre for Health Protection (CHP) was sentenced to 31 months' imprisonment at the District Court for misconduct in public office and fraud by abusing his official capacity for personal gain in tuberculosis drug testing and other services worth over \$4.2 million provided by CHP to three international and overseas health organisations. In sentencing, the judge said the offence which covered a long period and involved a substantial amount of money was a serious breach of trust

二零二二年檢控、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 340 宗非貪污投訴轉交相關政府決策局、部門和公共機構處理,詳情見附錄八。

對政府人員所作的紀律處分和行政處理

二零二二年,經委員會審議後,廉署將涉及 116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83名政府人 員的個案已完結(包括二零二二年轉介的34 名政府人員),其中62人須接受紀律處分(包括二零二二年轉介的29名政府人員)。 The numbers of prosecutions, cautions and warnings in 2022 recorded by types are shown in Appendices 5 to 7.

Referrals

During the year, the ICAC referred 340 complaints of noncorruption nature to relevant government B/Ds or public bodies, details of which are provided at Appendix 8.

DISCIPLINARY AND/OR ADMINISTRATIVE ACTION AGAINST GOVERNMENT SERVANTS

On the recommendation of ORC, reports on alleged misconduct of 116 government servants were forwarded to the heads of government B/Ds concerned for consideration of disciplinary and/or administrative action in 2022. Cases involving 83 government servants (including 34 in referrals made in 2022) were completed in the year, resulting in disciplinary action taken against 62 government servants (including 29 in referred cases in 2022).

舉報中心及扣留中心

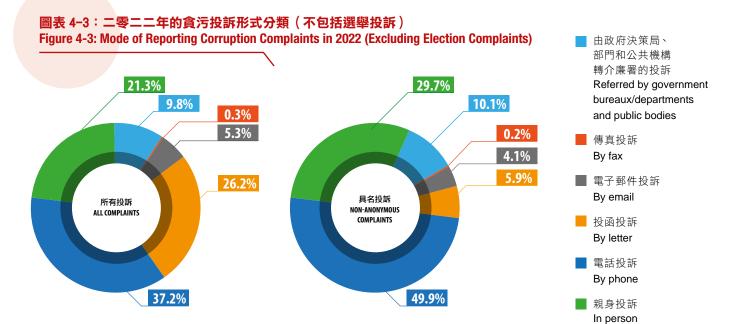
舉報中心

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。二零二二年, 共有 71% 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 receives reports and handles enquiries from the public on a 24-hour basis. Reports and enquiries made to the Regional Offices are also referred to the Report Centre for handling. In 2022, 71% of the complainants identified themselves when reporting corruption.



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 204A 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。

執行處在二零二二年共逮捕 495人,當中包括 32 名政府人員。二零二一年則有 507人被逮捕,當中包括 18 名政府人員。

二零二二年,太平紳士曾到廉署的扣留中心 巡視24次,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,均向太平紳士 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。這些巡視確保 廉署的扣留設施受外界監察。

Detention Centre

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

In 2022, OPS arrested 495 persons, 32 of whom were government servants, as compared to 507 arrested (including 18 government servants) in 2021.

Justices of the Peace visited the Detention Centre on 24 occasions in 2022 and received requests or complaints from detainees. Every visit is reported to the Justices of the Peace Secretariat, detailing the requests or complaints made by detainees and the follow-up actions taken accordingly. These visits ensure that the detention facilities of the ICAC are subject to external monitoring.

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委員會審議。快速反應隊在二零二二年對 180 宗新增個案展開調查,佔執行處接獲可追查案件總數(不包括選舉案件)的 13%。

法證會計

法證會計組於二零一一年成立,成員均具備專業資格及豐富法證會計經驗。該組就日趨複雜的案件,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。另外,法證會計組人員亦為執行處、本地以及海外執法和監管人員舉辦培訓課程,以加強他們的財務調查技巧及知識。

來自本港及海外執法機構的 30 名代表出席由廉署主辦為期九天的"財務調查專業課程"

Thirty representatives from local and overseas law enforcement agencies attending a nine-day Financial Investigation Specialist Training organised by the ICAC

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, the investigation reports concerned are submitted to ORC for scrutiny. In 2022, investigation on 180 new cases were initiated by the Quick Response Team, representing 13% 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. FAG officers also conduct training courses for OPS officers as well as law enforcers and regulators from local and overseas agencies to enhance their skills and knowledge in financial investigation.



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。截至二零二二年十二月底,總值達 14.76 億元的資產繼續受到限制,其中包括根據年內取得的八份法庭命令而限制的 4.287 億元資產。

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處理嫌疑人管有或控制的資產。截至二零二二年十二月底,總值達6,638萬元的資產按該條例繼續受到限制。

PROCEEDS OF CRIME

To intensively combat corruption and related crimes, the 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 December 2022, assets valued at \$1.476 billion continued to remain restrained, of which assets amounting to \$428.7 million were restrained following the making of eight restraint orders during the year.

In accordance with section 14C of the POBO (Cap 201), applications may be made to court by the ICAC to restrain assets in the possession or under the control of suspects.

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、了解及消減各自面對的洗錢及恐怖分子資金籌集風險。為應對這些風險,香港參照財務行動特別組織公布的標準,訂立了穩健有效的打擊洗錢和恐怖分子資金籌集制度,並定期進行全面風險評估,審視香港及不同工商行業所面對的洗錢及恐怖分子資金籌集威脅,及探討應對這些威脅的最佳方案。

香港已完成第二次洗錢及恐怖分子資金籌集 風險評估,並於二零二二年七月發表報告。廉 署作為這次風險評估的其中一個持份者,積 極提供有關資訊及數據,以評估與貪污活動 有關的洗錢威脅。

證人保護

證人是否能夠於安全及不受干擾情況下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

廉署一直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保持恆常聯繫和良好溝通。於二零二二年,執行處高層人員繼續與各紀律部隊及個別政門舉行聯絡會議,商討共同關注的議題。內學工年八月,執行處首長向本屆特廉潔政府和公務員講解維持廉潔政府和公務員工作,而執行處助理處長在十月,應香港海關邀請,執行處首長與該高值領導計劃"中向公務員推廣誠信文化。同年十一月,應香港海關邀請,執行處首長與政務員內方為的個案。而在十二月,執行處首長於公務員學院為首長級及高級公務員舉辦的"高層領導培訓課程"中為學員提供誠信培訓。

As at the end of December 2022, assets valued at \$66.38 million continued to remain restrained under the POBO.

Being an inter-governmental body dedicated to preventing global money laundering and terrorist financing, the Financial Action Task Force (FATF) recommends jurisdictions to identify, assess, understand and mitigate money laundering and terrorist financing risks specific to them. To address the risks, Hong Kong has put in place a robust and effective regime conforming to the international standards set by the FATF. While a comprehensive risk assessment is conducted periodically to examine money laundering and terrorist financing threats facing the territory and its business community, continued efforts are made to explore optimised initiatives to address these threats by individual sectors.

Hong Kong published a risk assessment report in July 2022 on completion of the second money laundering and terrorist financing risk assessment. The ICAC, being one of the key stakeholders in the assessment, proactively provided information and data for assessment of the corruption-related money laundering threats.

WITNESS PROTECTION

The success in criminal investigation and prosecution always hinges on whether the witnesses can testify in a safe and uninterrupted manner 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 the ICAC. The Commission has a dedicated section and specially trained officers to deal with matters concerning witness protection.

OPERATIONAL LIAISON

The ICAC is committed to forging partnership with various sectors in its fight against corruption. To this end, regular operational liaison is maintained with government departments and public bodies to facilitate effective communication. In 2022, senior officers of OPS continued to hold liaison meetings with the disciplined services and individual government departments to discuss matters of mutual interest. In August, the Head of Operations briefed the politically appointed officials of the current-term Government on the importance of maintaining a clean government and civil service, while an Assistant Director of OPS promoted the probity culture to civil servants



執行處及律政司刑事檢 控科的首長級人員於二零 二年六月舉行年度會議

Directorate officers of OPS and the Prosecutions Division of DoJ holding an annual meeting in June 2022



的個案

The Head of Operations sharing ICAC's experience in integrity management and corruption cases concerning civil servants with senior officers of the Customs and **Excise Department**



廉署於"誠信領導計劃"專題工作坊向政府決策局/部 門的誠信事務主任推廣公務員誠信管理,講解最新刑事 及紀律處分個案,並説明公務員審慎理財的重要

At a thematic workshop on integrity management under the Ethical Leadership Programme, the ICAC briefed Ethics Officers of government bureaux/departments on recent criminal and disciplinary cases and elaborated on the importance of prudent financial management for civil servants

under the Ethical Leadership Programme in October. The Head of Operations also shared the ICAC's experience in integrity management and corruption cases concerning civil servants with the senior officers of the Customs and Excise Department upon invitation in November, and delivered integrity training to directorate and senior officers participating in the Advanced Leadership Enhancement Programme at the Civil Service College in December.

Directorate officers of OPS and the Prosecutions Division of DoJ meet regularly to exchange views on legal and enforcement issues warranting concern. The meeting held in June 2022 was co-chaired by the Head of Operations and the Director of Public Prosecutions.

此外,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。二零二二年六月舉行的 會議,由執行處首長與刑事檢控專員聯合主 持。

另一方面,執行處亦繼續加強與不同公共機構的溝通。年內,執行處與各公共機構管理層,包括醫院管理局、香港賽馬會、香港科技大學及香港機場管理局舉行會議或講座,藉此增強雙方合作,透過優化防貪管理系統及提升員工的防貪意識,鞏固機構誠信管理文化。

物業管理依然是私營機構中錄得貪污投訴最 多的行業。廉署與物業管理業監管局及市區 重建局等持分者一直保持緊密聯繫,透過執 法、預防及教育加強業界的防貪能力。廉署會 密切留意各項樓宇維修資助計劃的貪污風險, 並繼續透過雙管齊下策略,大力打擊涉及樓 宇管理的貪污及不法行為,一方面以調查和 搜證將違法人士繩之於法;另一方面採取及 早干預行動適時提醒業主潛在的貪污風險。 廉署於二零二三年一月初進行了一個有關樓 宇管理及維修的大型執法行動,成功瓦解一 個組織嚴密的貪污集團。調查涉及十個樓宇 維修工程項目,合約金額總值超過五億元,而 個別項目涉及過百萬元的賄款。樓宇管理與 市民生活息息相關,上述執法行動充分顯示 廉署保障市民利益的決心。

Meanwhile, sustained efforts are also made to enhance communication with public bodies. During the year, OPS stepped up collaboration with the management of a number of public bodies including the Hospital Authority, the Hong Kong Jockey Club, the Hong Kong University of Science and Technology and the Airport Authority Hong Kong through meetings or seminars to consolidate their probity culture by optimising their integrity management systems and enhancing staff awareness of corruption.

Concerning the private sector, OPS strives to maintain constant liaison with the finance and insurance industry. and collaborative efforts have been made in conjunction with the financial regulators including the Securities and Futures Commission (SFC), the Accounting and Financial Reporting Council (AFRC), the Hong Kong Monetary Authority and the Insurance Authority to combat corruption concerning the industry. The ICAC signed a Memorandum of Understanding separately with the SFC and the AFRC years ago to strengthen cooperation in areas such as law enforcement and internal training. In a joint operation mounted by the ICAC and the SFC in late 2022, a number of core members of a sophisticated syndicate suspected of operating ramp-and-dump schemes were arrested. Besides, in view of the large number of corruption complaints concerning the building management and the construction industries, OPS has maintained regular liaison with the related stakeholders including the Property Management Services Authority (PMSA), the Urban Renewal Authority (URA) and the Construction Industry Council to strengthen enforcement efficacy.

As building management remained top of the list of corruption complaints in the private sector, the ICAC maintains close liaison with the industry's stakeholders, including the PMSA and the URA, to strengthen corruption resistance through law enforcement, prevention and education. The ICAC also stays alert to the corruption risks in the building renovation subsidy schemes, and continues to take vigorous enforcement action against corruption and related offences concerning building management by adopting a two-pronged strategy through investigation and evidence gathering to bring the corrupt to justice, as well as early intervention action to alert property owners to the potential risks. In early January 2023, the ICAC mounted a large-scale operation concerning property management and building renovation, which successfully neutralised a sophisticated corrupt syndicate. The investigation concerned 10 building renovation projects involving contract sums totalling over \$500 million, with some of the projects involving over \$1 million in bribes. As building

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。新型冠狀病 毒病肆虐期間,執行處善用資訊科技舉行聯絡 會議。隨著疫情漸趨緩和,執行處便派員親身 參與國際會議和個案協查。年內小組成功安 排廉署人員往澳門進行調查工作及協助內地 執法機關人員來港會見證人。

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。二零二二年,廉署共接獲13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。廉署亦一直以中國香港的名義或以中國代表團成員身分,代表中國香港參與不同國際組織的事務。這些國際組織包括聯合國全球反腐敗執法機構業務網絡²、亞太經濟合作組織反貪腐倡透明專家工作小組、



二零二二年十一月,執行處首次派員親身出席聯合國 全球反腐敗執法機構業務網絡舉行的會議

In November 2022, OPS first sent officers to attend a meeting of the Global Operational Network of Anti-Corruption Law Enforcement Authorities under the auspices of the United Nations

management is closely related to the people's livelihood, the enforcement action well demonstrated the ICAC's resolute determination in protecting the interests of the public.

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 anticorruption and law enforcement agencies. During the coronavirus pandemic, OPS made effective use of technology in conducting liaison meetings. While the pandemic situation has gradually subsided, OPS sent officers to attend international conferences and provided mutual case assistance in person. During the year, the Section successfully arranged for ICAC officers to carry out investigations in Macao and assisted law enforcement officers from the Mainland to interview witnesses in Hong Kong.

Pursuant to the Mutual Legal Assistance in Criminal Matters Ordinance (Cap 525), the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime, authorised ICAC officers may assist in conducting enquiries into corruption-related matters in response to requests from overseas law enforcement agencies and judicial authorities. In 2022, the ICAC handled 13 such requests, while assistance was received from overseas counterparts to handle two requests from the ICAC.

The Commission attaches great importance to collaboration with its counterparts from other jurisdictions as well as international and regional organisations in preventing and eradicating corruption. In particular, the ICAC, in the name of Hong Kong, China or as a member of the Chinese delegation, has been participating in various international organisations, including the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network)² under the auspices of the United Nations, the Asia-Pacific Economic Cooperation Anti-Corruption and Transparency Experts Working

註 Notes | ² 聯合國全球反腐敗執法機構業務網絡於二零二一年六月成立,提供平台讓各地反貪及執法機構交流及研究國際合作,確保《聯合國反腐敗公約》的締約國能夠更快、更有效地打擊貪污腐敗。

The GlobE Network, established in June 2021, offers a platform to facilitate information exchange and transnational cooperation among the anti-corruption and law enforcement authorities around the world to ensure that the States Parties to the UNCAC are equipped with a quick, agile and efficient tool for combatting corruption.

經濟罪行調查機構網絡,以及亞洲開發銀行 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

電腦鑑證

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重 作用,支援前線人員處理及分析電子數據 的證據。二零二二年,該小組曾參與多項, 動,並處理約1000個檢獲的電子裝置, 中所儲存的數據達到300兆位元組(約4 中所儲存的數據達到300兆位元組(約4 中所儲存的數據達到300兆位元組(約4 中所儲存的數據達到300兆位元組(約4 時 於3億個電腦文件檔案)。此外,該小組亦 其他執法機關及資訊科技界保持緊密聯繫, 以便掌握資訊科技和電腦鑑證的最新技術與 發展趨勢。

電腦鑑證小組支援前線人員處理及分析檢獲的 電子裝置

The Computer Forensics Section supporting frontline investigators in retrieving and analysing data contained in seized digital device



科技發展日新月異,廉署亦緊貼步伐,在部分 系統中加入人工智能技術,以不斷提升調查 及工作效率。 Group, the Economic Crime Agencies Network and the Anti-Corruption Initiative for Asia Pacific jointly managed by the Asian Development Bank and the Organisation for Economic Co-operation and Development.

INFORMATION TECHNOLOGY

Computer Forensics

The advancement and penetration of information technology (IT) has made it an integral part of people's daily lives and in the delivery of commercial activities and public services. Criminals are no exception. They exploit IT or electronic devices, such as smartphones, to communicate and even carry out illicit activities. The Computer Forensics Section hence plays a pivotal role in providing support to frontline investigators in retrieving, securing and analysing electronic data to identify valuable information for investigation and producing admissible evidence in court. In 2022, the Section took part in operations and processed about 300 terabytes of data (equivalent to about 300 million computer files) contained in about 1 000 seized digital devices. 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.



The ICAC has incorporated artificial intelligence in the operational systems to keep pace with the cutting-edge technology for continuous enhancement of investigation and work efficiency.

資訊科技支援

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,包括制訂資訊科技事 略及資訊保安政策。該組致力確保廉署的 訊科技設施安全可靠及穩定妥當,從而保 廉署的日常運作暢順;並持續研發及改善 用系統,務求精簡廉署的行政和調查程序, 是 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病投 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。

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。

如廉署人員被投訴涉及貪污及相關刑事罪行, 廉署均須徵詢律政司的意見,審視每項指控 是否具備足夠理據展開刑事調查及應否由 L 組調查。如屬 L 組調查,L 組須向審查貪污舉 報諮詢委員會匯報所有已完成調查的刑事個 案。其他個案則會轉交適當機關調查。

年內並沒有廉署人員涉及貪污及相關刑事罪 行的投訴需要推行調查。

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。當中四宗投訴在二零二一年接 獲,其餘 13 宗在二零二二年接獲。

二零二一年接獲的四宗中,三宗被裁定為不成立。餘下一宗在年底時仍在調查中。

Information Technology Support

The Information Technology Management Unit provides professional IT advice and support including the formulation of IT strategy and information security policy for the ICAC. The Unit is committed to maintaining a secure, reliable and stable IT infrastructure to facilitate the daily operation of the Commission. Meanwhile, constant development and enhancement of the application systems are conducted to streamline the ICAC's administrative and investigative processes and to enhance work efficiency in meeting the evolving IT and operational needs. To address the new operational requirements arising from the coronavirus pandemic, the Unit has also equipped the ICAC with suitable facilities to help officers organise and attend online meetings and events.

STAFF DISCIPLINE

Internal Investigation and Monitoring

The ICAC's Internal Investigation and Monitoring Group (L Group) is responsible for investigating breaches of discipline and allegations of corruption against ICAC staff, as well as non-criminal complaints against the ICAC or its staff. Operationally, L Group 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 all non-criminal complaints against the ICAC or its staff, and advises on optimisation of the ICAC's operational procedures.

All complaints of corruption and related criminal offences against the ICAC staff are referred to DoJ for advice. Every allegation is examined and considered to decide whether there is sufficient basis to warrant a criminal investigation and whether the investigation should be carried out by L Group. All criminal investigations completed by L Group are reported to ORC, while other cases are referred to the appropriate authorities for investigation.

During the year, there was no complaint of corruption and related criminal offences concerning ICAC officers that required investigation.

Non-Criminal Complaints Against ICAC or its Staff

During the year, 17 non-criminal complaints made against the ICAC or its staff were processed. Four of the

二零二二年接獲對廉署或廉署人員的 13 宗 投訴均無事實根據,並被裁定為不成立。

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:

- 招聘執行處部門職系人員;
- 培訓廉署人員的調查技巧及法律知識等;
- 制訂廉署人員的事業發展政策,包括 為年輕調查人員而設的"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。二零二二年四月,共有28位新入職助理調查主任參加了為期16周的入職訓練課程。培訓內容廣泛全面,涵蓋法律應用、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範疇。

新入職的助理調查主任接受為期十六周的入職課 程訓練

A 16-week induction course provided for the newly appointed Assistant Investigators



complaints were received in 2021 and the remaining 13 in 2022.

Of the four complaints received in 2021, three were found unsubstantiated, and the remaining one was still under investigation by the end of the year.

All 13 complaints made against the ICAC or its staff received in 2022 were found unsubstantiated.

TRAINING AND DEVELOPMENT

In order to meet the 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.

T&D Group is responsible for:

- recruitment of departmental grades staff in OPS;
- provision of training in investigative skills and legal knowledge, etc., for officers of various grades;
- formulation of career development policies, including the Mentoring Programme 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 16-week induction course commencing in April 2022 provided 28 recently appointed Assistant Investigators with comprehensive training covering a wide range of subjects, including the application of laws, rules of evidence, investigative skills, computer forensics, financial investigation, interviewing techniques, physical fitness and team building.



"師友計劃"踏入第十年,提供機會予友師分享智慧及傳承知識,以達致教學相長及「薪火相傳」的效果

The Mentoring Programme, which has entered its first decade, aims to pass on the torch through wisdom sharing and knowledge transfer where both mentors and mentees can benefit from mutual learning



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二零二二年調查主任指揮課程。

《中華人民共和國香港特別行政區維護國家安全法》(《香港國安法》)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,《香港國安法》已被納入入職課程、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《香港國安法》的條文及其立法背後的重大意義。

資深大律師為廉署人員講解《中華人民共和國香港特別行政區維護國家安全法》

A Senior Counsel delivering a talk to ICAC officers on the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region

To enhance leadership and professional capabilities of serving investigating officers, T&D Group organised Investigators' Command Course 2022 for newly promoted investigators.

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



二零二二年十月至十一月期間,執行處首次聯同香港大學、香港中文大學及香港城市大學, 為法學專業證書學生舉辦反貪教室,解説共同維護法治的重要和合力推動廉潔的意義, 加強法律界未來棟樑對香港反貪制度及廉署 執法工作的認識。 OPS held the first-ever joint anti-corruption workshop for Postgraduate Certificate in Laws (PCLL) programme students from the University of Hong Kong, the Chinese University of Hong Kong and the City University of Hong Kong between October and November 2022. Targeting the future pillars of the legal profession, the workshop, highlighting the importance of the rule of law and the joint efforts for combatting graft, reinforced the students' understanding of Hong Kong's anti-corruption regime and the ICAC's law enforcement work.



執行處為香港大學、香港 中文大學及香港城市大學 法學專業證書學生舉辦反 貪教室

OPS conducting an anticorruption workshop for Postgraduate Certificate in Laws students from the University of Hong Kong, the Chinese University of Hong Kong and the City University of Hong Kong



訓練及發展組更聯同執行處法證會計組於二零二二年十二月為 30 名人員舉辦「財務調查專業課程」。除了執行處人員及本地執法或監管機構人員外,多個東南亞國家專責調查貪污或財務犯罪的機構代表亦一同參與為期九天的專案培訓,涵蓋財務證據分析和追查犯

In December 2022, T&D Group and FAG of OPS jointly conducted Financial Investigation Specialist Training for 30 representatives from OPS, other local law enforcement agencies and regulators, as well as its Southeast Asian counterparts specialising in the fight against corruption and financial crime. Through the nine-day specialist training course focusing on financial data analysis and the trend

罪得益的趨勢。課程讓學員更加了解財務調查 的工作和最新發展,亦促進彼此交流,有助加 強各機構之間的伙伴合作關係。

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 2 774人。培訓內容涵蓋反洗黑錢的金融監管及合規科技、公務員紀律機制、電子裝置搜證、網絡安全、科技罪案及法理鑑證和維護國家安全等不同主題。

此外,共有 100 名執行處人員在本地修讀其他機構舉辦的課程。由於在疫情期間,出入境受到限制,48 名執行處人員在網上參加由海外學院和執法機關舉辦的課程。隨著疫情漸趨緩和,三名執行處人員獲派參加由海外執法機關舉辦的培訓。

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 練營則設有完善的教室設備及戶外高繩網訓 練場,以及多個模擬訓練室,用以進行拘捕及 搜查行動的實況訓練。 of illicit fund tracing, participants gained knowledge of financial investigation and its latest development, and had exchanges essential to fostering closer partnership among the agencies.

During the year, a number of in-house courses, seminars and professional knowledge workshops with an accumulated attendance of 2 774 officers were conducted. The training covered a diverse array of subjects including regulatory technology in anti-money laundering, the civil service disciplinary mechanism, obtaining evidence from mobile devices, cyber security, technology crime and forensic investigation as well as safeguarding national security.

Furthermore, 100 officers from OPS benefited from local external courses organised by other institutions. As travel restrictions were in place amid the pandemic, 48 OPS officers attended online training courses provided by overseas institutions and law enforcement agencies. While the pandemic situation has gradually subsided, three OPS officers participated in training organised by overseas law enforcement agencies.

Training Facilities

The ICAC Building is equipped with modern training facilities, including a shooting range complex, a multipurpose 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.