第一章 CHAPTER 1

緒言

INTRODUCTION

《廉政公署條例》(第 204 章)於一九七四年二月十五日生效,廉政公署(廉署)亦於同日正式成立。

廉署自成立以來,一直以"三管齊下"的策略,透過執法、預防和教育三方面的工作,全面有效打擊貪污。在香港特區政府的全力支持下,廉署將一如以往,與全體市民共同堅守反貪使命,並推動國際合作,與各地反貪機構一同邁向肅貪倡廉的新里程。

體制

廉署依據《廉政公署條例》成立,並獲得所賦權力。廉署的獨立性受《基本法》第 57 條保障,亦體現於廉政專員須直接向行政長官負責。就政府體制而言,廉署在執行職務上乃一獨立機構。

組織

廉署的組織包括廉政專員辦公室及四個專責部門(詳見附錄一):

The Independent Commission Against Corruption (ICAC) was established on 15 February 1974 with the enactment of the *Independent Commission Against Corruption Ordinance* (Cap 204).

Since its establishment, the ICAC has been adopting a "three-pronged" strategy in fighting corruption effectively through law enforcement, prevention and education. With the unwavering support of the Government of the Hong Kong Special Administrative Region, the ICAC will persist in its anti-corruption mission with the community, and foster international cooperation among anti-corruption agencies worldwide to advance towards another new milestone in promoting probity.

CONSTITUTION

The ICAC derives its charter from the *ICAC Ordinance*. Its independence is guaranteed in Article 57 of the *Basic Law* and established by the Commissioner being formally and directly responsible to the Chief Executive. In carrying out its work, the ICAC functions as an independent organ of the public service.

ORGANISATION

The ICAC comprises the office of the Commissioner and four functional departments (details are shown in Appendix 1):

諮詢委員會

行政長官委任各界賢達，組成四個獨立的諮詢委員會，專責審查廉署的工作：

ADVISORY COMMITTEES

The work of the ICAC comes under the scrutiny of four independent committees comprising prominent citizens drawn from different sectors of the community and appointed by the Chief Executive.

各個諮詢委員會的委員名錄及工作報告詳載於另一刊物。

Membership lists and reports on the work of the advisory committees are contained in a separate publication.

廉政專員的職責

廉政專員須就《廉政公署條例》第 12 條所列職責，直接向行政長官負責。廉政專員的職責是：

（a）接受及考慮有關指稱貪污行為的投訴，並在其認為切實可行範圍內就該等投訴進行調查；

（b）調查－

(i) 任何涉嫌或被指稱是犯《廉政公署條例》所訂的罪行；

(ii) 任何涉嫌或被指稱是犯《防止賄賂條例》（第 201 章）所訂的罪行；

(iii) 任何涉嫌或被指稱是犯《選舉（舞弊及非法行為）條例》（第 554 章）所訂的罪行；

RESPONSIBILITIES OF THE COMMISSIONER

The Commissioner is directly responsible to the Chief Executive for the following duties set out in section 12 of the *ICAC Ordinance*:

(a) to receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable:

(b) to investigate -

(i) any alleged or suspected offence under this Ordinance;

(ii) any alleged or suspected offence under the *Prevention of Bribery Ordinance* (Cap 201);

(iii) any alleged or suspected offence under the *Elections (Corrupt and Illegal Conduct) Ordinance* (Cap 554);

(iv) 任何涉嫌或被指稱是由訂明人員藉著或通過不當使用職權而犯的勒索罪；

(v) 任何涉嫌或被指稱是串謀犯《防止賄賂條例》所訂的罪行；

(vi) 任何涉嫌或被指稱是串謀犯《選舉（舞弊及非法行為）條例》所訂的罪行；及

(vii) 對任何涉嫌或被指稱是（由2人或多於2人，其中包括訂明人員）串謀藉著或通過該名訂明人員不當使用職權而犯的勒索罪；

(c) 對廉政專員認為與貪污有關連或助長貪污的訂明人員行為進行調查，並就此事向行政長官報告；

(d) 審查各政府部門及公共機構的工作常規及程序，以利便揭露貪污行為，並確保廉政專員認為可能助長貪污的工作方法或程序得以修正；

(e) 應任何人的要求，就有關消除貪污的方法向該人給予指導、意見及協助；

(f) 向各政府部門或公共機構首長建議，在符合政府部門或公共機構有效執行職責的原則下，就其工作常規或程序作出廉政專員認為需要的修改，以減少發生貪污行為的可能性；

(g) 教育公眾認識貪污的害處；以及

(h) 爭取和促進公眾支持打擊貪污。

(iv) any alleged or suspected offence of blackmail committed by a prescribed officer by or through the misuse of his office;

(v) any alleged or suspected conspiracy to commit an offence under the *Prevention of Bribery Ordinance*;

(vi) any alleged or suspected conspiracy to commit an offence under the *Elections (Corrupt and Illegal Conduct) Ordinance*; and

(vii) any alleged or suspected conspiracy (by two or more persons including a prescribed officer) to commit an offence of blackmail by or through the misuse of the office of that prescribed officer;

(c) to investigate any conduct of a prescribed officer which, in the opinion of the Commissioner, is connected with or conducive to corrupt practices and to report thereon to the Chief Executive;

(d) to examine the practices and procedures of government departments and public bodies, in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Commissioner, may be conducive to corrupt practices;

(e) to instruct, advise and assist any person, on the latter's request, on ways in which corrupt practices may be eliminated by such person;

(f) to advise heads of government departments or of public bodies of changes in practices or procedures compatible with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;

(g) to educate the public against the evils of corruption; and

(h) to enlist and foster public support in combatting corruption.