

The Birth of the ICAC

廉政公署的誕生

During the 1960s and early 1970s, corruption was endemic, permeating almost every aspect of people's lives. Citizens in rising number were agitating for change. To answer the public outcry, the Independent Commission Against Corruption (ICAC) was established in 1974 to spearhead the battle against corruption.

六、七十年代的香港，貪污滲入社會各階層，覆蓋香港市民的日常生活。市民飽受煎熬，不滿情緒日熾。為回應民眾訴求，政府遂於1974年成立廉政公署(廉署)，全力打擊貪污。



Photo: Mingpao
圖片：明報



Three-pronged Approach

三管齊下 打擊貪污

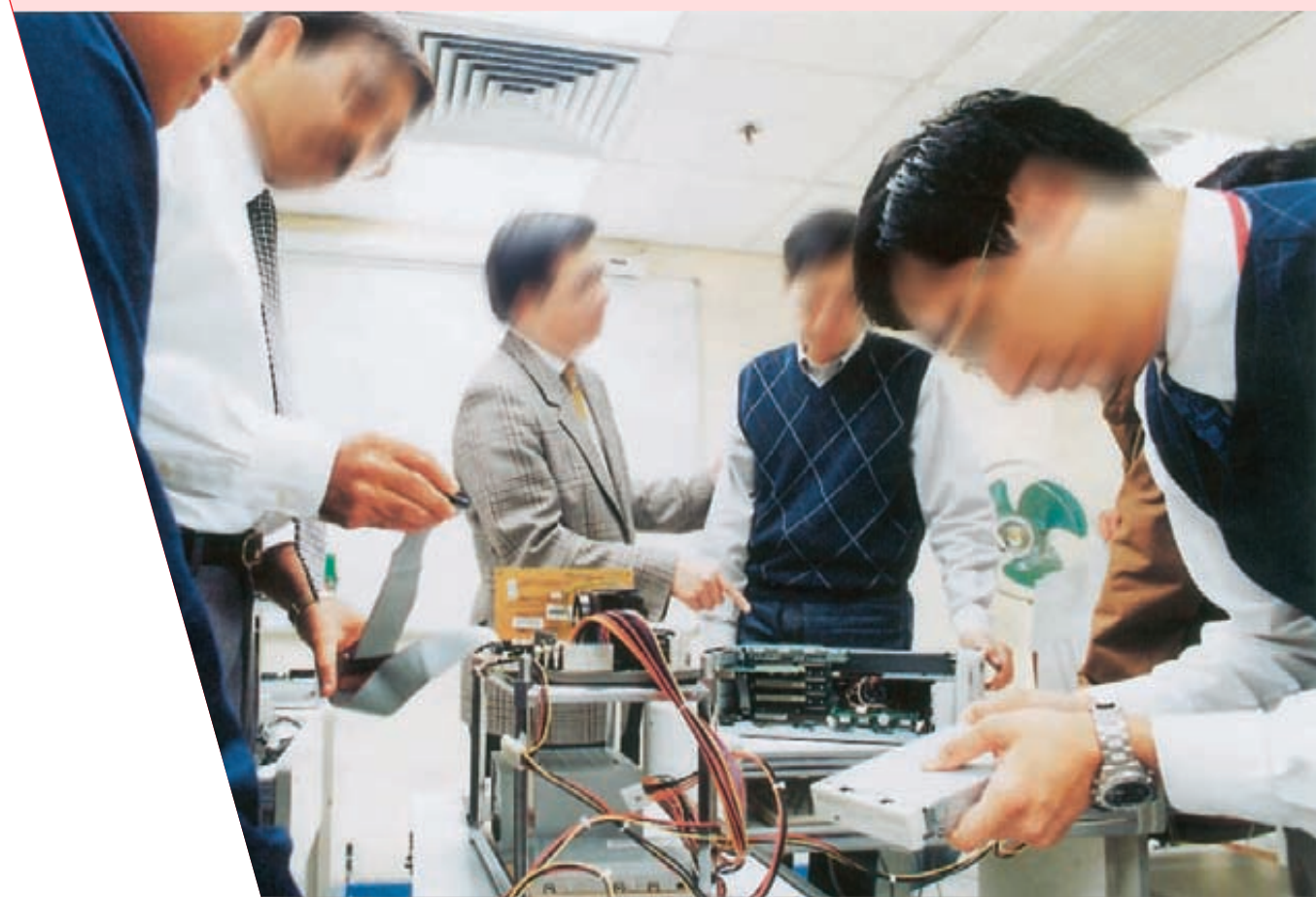
The ICAC is entrusted with the statutory duty to tackle corruption on three fronts – law enforcement, prevention and education. The success of this three-pronged approach helps transform Hong Kong into a clean metropolitan city.

法例賦予廉署權責，透過執法、預防及教育「三管齊下」打擊貪污。這「三管齊下」策略成效顯著，令香港蛻變為「廉潔之都」。



Operations Department

執行處



The Operations Department (Ops) is the investigative arm of the ICAC responsible for investigating allegations of corruption and related crimes in both the public and the private sectors. The Department, equipped with expertise in computer forensics, financial investigation, witness protection, undercover operations, and surveillance, etc., combats corruption in any form or complexity, without fear or favour.

執行處專責調查工作，偵查公營和私營機構的貪污及相關指控。執行處配備電腦資料鑑證、財務分析、證人保護、臥底行動及跟蹤監視等專業知識及技能，用以偵破任何貪污手法，不懼不偏地將不法份子繩之於法。



Corruption Prevention Department

防止貪污處

The Corruption Prevention Department (CPD) identifies corruption loopholes in work procedures of government departments and public organisations, and makes improvement recommendations with a view to reducing the risk of corruption. The Department also provides free and tailor-made service to private organisations to assist them in enhancing governance and internal control.



防止貪污處致力查察政府部門和公營機構工作程序上的貪污漏洞，並建議改善方法，以減少貪污舞弊的機會。防貪處亦為私營機構提供免費及度身訂造的防貪諮詢服務，加強其管治和內部監控。



Community Relations Department 社區關係處



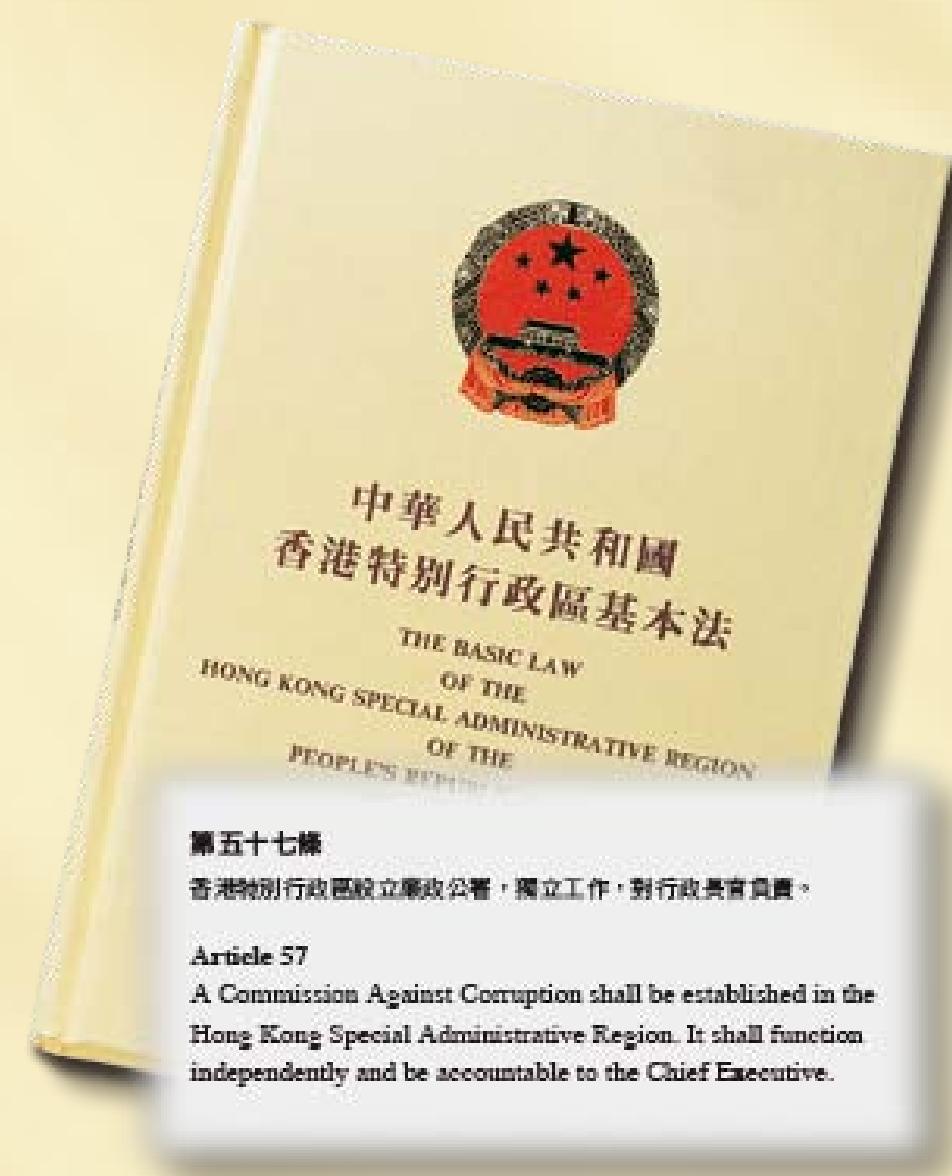
The Community Relations Department (CRD) carries out its statutory duty to educate the public against the evils of corruption and to enlist public support in the fight against corruption through face-to-face contact, extensive use of mass media and the Internet. It aims to entrench a culture of integrity in the society, foster business ethics among corporations and inculcate positive values in youth.

社區關係處的法定職責是教育公眾認識貪污的禍害，並透過面對面接觸、大眾傳媒和互聯網爭取市民支持，共同打擊貪污，並致力在社會上鞏固廉潔文化，在企業內推廣商業道德，以及向年青一代灌輸正確的價值觀。



The Mission Continues

肅貪倡廉 邁步向前



The partnership between the people of Hong Kong and the ICAC has achieved wonders in fighting corruption over the past 35 years. The independence of the ICAC is enshrined in the Basic Law of the Hong Kong Special Administrative Region, empowering the ICAC to continue to discharge its duties without fear or favour. With unfailing support from the public, it has seen corruption remain under control and the integrity culture of Hong Kong being upheld.

In the World Bank report released in June 2009, Hong Kong has gained its highest score on the "Control of Corruption" indicator in 10 years. The Corruption Perceptions Index 2009, conducted by the Transparency International, also ranked Hong Kong as the 12th least corrupt place among 180 countries/regions in the world.

香港市民和廉署並肩走過35年，締造斐然的反貪成績。廉署的獨立地位受到香港特別行政區《基本法》保障，而廉署繼續大公無私、不懼不偏地依法執行肅貪倡廉的職責。在市民的大力支持下，貪污罪行繼續受到控制，香港的廉潔風尚得以維持。

世界銀行在二零零九年六月發表的報告顯示，香港的廉潔程度獲得十年來最高的評級。而「透明國際」二零零九年全球清廉指數亦將香港評為全球180國家/地區中第12個最廉潔的地區。

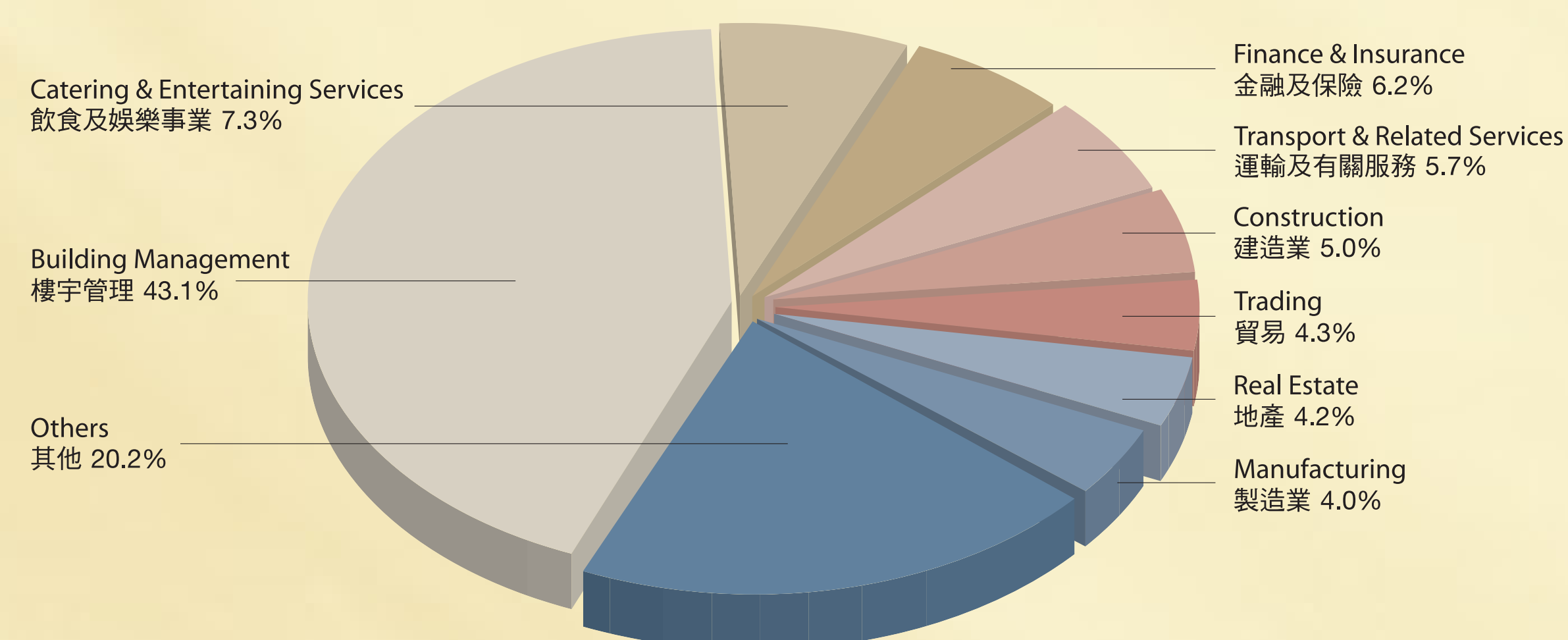


Private Sector Corruption

私營機構的貪污

The ICAC attaches great importance to the maintenance of a level playing field for businesses in Hong Kong. Section 9 of the Prevention of Bribery Ordinance is the legislation that helps uphold market integrity by safeguarding the interests of principals from unscrupulous agents who abuse their power or position for personal gain. The provision makes it an offence for an agent (usually an employee) to solicit or accept any advantage without the permission of his principal when conducting his principal's affairs or business. The provision also ensures fair play by penalising the individuals who offer the advantages.

廉署致力確保香港享有公平競爭的營商環境。防止賄賂條例第9條禁止代理人不法地濫用職權，以權謀私，從而保障主事人的利益，有助保持商界廉潔。條文訂明，若代理人（通常為僱員）在與其主事人的事務或業務有關的事務上，未得其主事人許可而索取或收受任何利益，即屬犯罪。此外，為貫徹公平公正的原則，條文亦訂明，提供利益者同樣違法並會予以懲處。



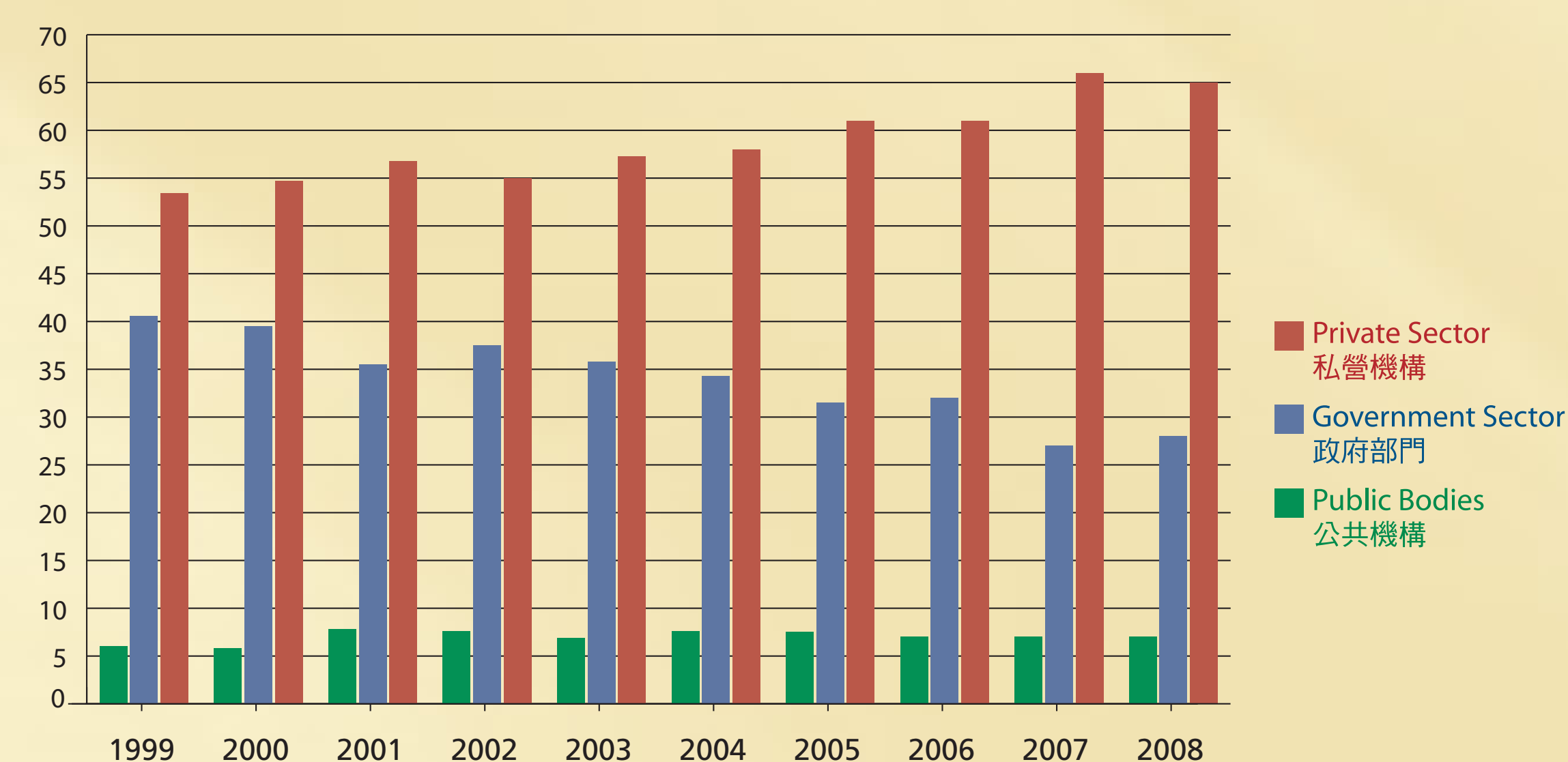
Breakdown of Corruption Reports Concerning Private Sector in 2008 (by Trade)

Corruption reports in the private sector relate to a diversity of trades, with building management, catering, entertaining services, finance and insurance topping the list in 2008.

2008年接獲的貪污舉報(依行業分類)

私營機構的貪污舉報涉及不同行業。在2008年，以有關樓宇管理、飲食、娛樂事業、金融及保險的舉報為最多。

Number of Reports in Percentage
舉報數字的百分比



In recent years, corruption reports in the private sector continue to account for over 50% of the total reports received by ICAC. In 2008, its share soared to 65%.

廉政公署近年接獲的舉報，過半數涉及私營機構的貪污。2008年，有關舉報所佔比例更上升至65%。

Corruption and Related Crimes in the Private Sector

私營機構的貪污及相關罪行

Corruption seldom occurs in isolation. In the business sector, corruption is poisonous to good governance, and is invariably connected with or facilitates other crimes. The following selected cases dealt with by the ICAC illustrate the typical nature of corruption in the private sector.

Case No. 1 Self-mutilations in Corruption Facilitated Insurance Fraud

Greed can drive people to extreme lengths to make money. By staging false accidents after taking out insurance policies in the names of people that had either lost or sold their Hong Kong identity cards to a criminal syndicate, several Mainland residents were recruited and deliberately blinded in one eye in return for a share of the insurance payout. Seven persons, including two former managers of an insurance company and an insurance agent, received jail sentences ranging from 21 months to 5.5 years for their roles in bribery and making false insurance claims totalling over HK\$23 million (approx. US\$2.95 million).

In passing sentence, the Judge described the case as spine-chilling and the defendants' act as a misery of mankind.



貪污罪行甚少單獨出現。就商界而言，貪污不但危害企業的良好管治，而且往往會牽涉或助長其他罪行。以下數宗由廉署偵破的案件，清楚揭示了私營機構貪污的特性。

個案一 由貪污引起的自殘保險 索償騙案

貪婪可驅使人為求得到金錢而無所不用其極。犯罪集團利用他人遺失或出售的香港身份證向保險公司投保，然後虛構意外，騙取保險賠償。數名被招攬冒充投保人的內地居民，竟不惜刺盲一隻眼睛，以求分得部分保金。案中七名被告，包括兩名前保險公司經理和一名保險代理，因行賄及提出共逾港幣2,300萬元（約為295萬美元）的虛假保險申索，而被判入獄21個月至5年半不等。



法官在判刑時形容此案令人毛骨悚然，而被告人的所作所為更是人類的悲哀。

Case No. 2 **Jewellery Company Bribery Case**

Keen competition in the jewellery retail industry leads to great temptation to dishonesty and corruption. A chairman, a former chairman, and three other senior executives of a listed jewellery company were convicted of conspiracies to offer illegal rebates totalling HK\$170 million (approx. US\$21.9 million) over a 9-year period to employees of travel agencies for arranging tour groups to patronise the showrooms of the jewellery company. The conspirators received jail sentences ranging from 39 months to 5 years for bribery and related offences. *(Pending appeal)*

In sentencing, the Judge said custodial sentences were imposed on the defendants as the offences committed by them were serious and lasted a lengthy period of time. The Judge added that the case, which was extremely difficult to detect, demanded tremendous efforts from ICAC officers in bringing the corrupt to justice.

個案二 **珠寶公司行賄案**

珠寶零售業競爭激烈，容易衍生不誠實行為及貪污勾當。一家上市珠寶公司的主席、前主席和三名高級行政人員被控串謀向旅行社職員提供非法回佣，作為他們安排旅行團光顧其陳列室的報酬。該非法勾當歷時九年，涉及非法回佣金額高達港幣1億7千萬元（約為2,190萬美元）。各人分別因串謀行賄及有關罪行而被判入獄，刑期由39個月至5年不等。（等候上訴）

法官判刑時表示，由於各被告所犯罪行嚴重，犯案時間亦長達數年之久，故必須判處監禁之刑罰。此外，法官亦指出，此案屬甚難偵破的案件，全賴廉署人員傾力以赴，才得以將不法之徒繩之於法。

Case No. 3

Bribery Over Corn Purchase Orders

A managing director of a multi-national fast food restaurant chain received over HK\$2.33 million (approx. US\$300,000) in illegal rebates from a Thailand-based corn supplier between 2005 and 2007. The former took the kickbacks in return for placing corn purchase orders with the Thai supplier for the restaurant's 200 outlets in Hong Kong. The managing director was also convicted of conspiracy to pervert the course of public justice by asking the Thai supplier to lie to the law enforcement agents while under investigation. This gross breach of trust led not only to the loss of his career, but also to a sentence of imprisonment for four years and five months. The court further ordered restitution of the bribe money to be paid to his principal. (Pending appeal)

In sentencing, the Judge said it was a serious breach of trust for the defendant to commit the offences over a period of 18 months. The Judge also reprimanded the defendant for setting a bad example to the restaurant's employees, many of whom were young people.

Case No. 4

Corruption Facilitated Loan Fraud

A branch manager of a finance company was arrested in the USA and extradited back to Hong Kong to face trial for accepting about HK\$10 million (approx. US\$1.28 million) in bribes from a land developer over a 9-year period. He was sentenced to 4.5 years in prison and ordered to pay HK\$1.45 million (approx. US\$186,000) in restitution to his employer. The manager had accepted bribes in return for granting the developer various loans totalling over HK\$22 million (approx. US\$2.83 million). As part of the conspiracy he provided false particulars of the properties in question and, with the help of an inspector in the Lands Department, provided forged documents. The developer and Lands Department officer were also jailed for 45 months and 39 months respectively in a separate trial.

In passing sentence, the Judge said a custodial sentence was meted out to the defendant in view of his breach of trust.

個案三

粟米採購訂單貪污案

一家跨國連鎖快餐店的董事總經理，於2005至2007年期間，收取一家泰國粟米供應商超過港幣233萬元（約為30萬美元）的非法回佣，作為把該快餐店在港200家分店的粟米訂單發給該泰國供應商的報酬。此外，他更在接受調查期間，要求該泰國供應商向執法人員撒謊，結果被裁定串謀妨礙司法公正罪名成立。上述嚴重違反誠信的行為，最終不但令該名董事總經理前程盡毀，更為他帶來4年5個月的監禁刑期。同時，法庭亦勒令他向僱主歸還有關賄款。（等候上訴）

法官判刑時表示，被告干犯有關罪行長達18個月之久，嚴重違反誠信。此外，由於快餐店的僱員大部分都是年輕人，法官斥責被告的行為對他們來說，實在是一個壞榜樣。

個案四

由貪污引起的貸款騙案

一家財務公司的分行經理，於九年內收受了一家地產發展商所提供的賄款約共港幣1,000萬元（約為128萬美元），其後在美國落網，被引渡回港受審，最終被判監禁4年半，並被勒令向僱主歸還港幣145萬元（約為18.6萬美元）。該名經理收受賄款，作為批出多項貸款予有關發展商的報酬，涉及金額共逾港幣2,200萬元（約為283萬美元）。他在案中串謀提供有關物業的虛假資料，又在地政總署一名督察的協助下提供偽造文件。涉案的發展商和地政總署人員亦在另一次審訊中，分別被判入獄45個月和39個月。

法官判刑時指出，被告行為違反誠信，故有必要施以監禁之刑罰。



Case No. 5

Listing and Letter of Credit Fraud

Allegations of bribery and corruption in listed companies, especially where senior management are involved, are particularly difficult to investigate due to the complicated accounting and paperwork trails that need to be examined. Arising from a corruption investigation, nine persons, including a certified public accountant and three former chairmen of three listed companies, received jail sentences ranging from 4.5 years to 10 years for their involvement in listing fraud and fraudulent applications for Letters of Credit facilities based on bogus business transactions. The trial in relation to one of these listed companies lasted for 219 days, being one of the longest trials in the history of Hong Kong. *(Pending appeal)*

When sentencing, the court stressed that the credibility of the Stock Exchange of Hong Kong depended on the honesty of the players, and any use of fraudulent accounting to achieve a listing would bring disaster to the public.

個案五

上市及信用證詐騙案

涉及上市公司，尤其是牽涉公司高層管理人員的貪污案件，由於必須仔細翻閱複雜的賬目和文件才能從中找到有關罪行的蛛絲馬跡，因此調查工作會倍加困難。廉署在調查一宗貪污案件時，揭發9名人士曾參與上市詐騙活動，以及利用虛假商業交易申請信用證貸款，當中包括一名執業會計師和三家上市公司的三名前主席，他們最終被判入獄4年半至10年不等。有關其中一家上市公司的審訊，更長達219日，為香港有史以來歷時最長的審訊之一。（等候上訴）

法庭判刑時強調，香港聯合交易所的公信力有賴於參與者的誠實。任何人使用虛假帳目以達致上市的目的，都會對公眾造成莫大的損害。

Case No. 6 Acquisition Scam

The viability of commercial enterprise depends to a great extent on the integrity of the management of the company and their professional advisers. When that integrity is compromised by the pursuit of unjust wealth, interests of the investors and shareholders are put at risk. Following a corruption investigation, seven persons, including three lawyers and two former senior executives of a listed company, received jail sentences of up to 33 months for conspiracy to defraud the Stock Exchange of Hong Kong, the Securities and Futures Commission and shareholders in the acquisition of the listed company. Two of the lawyers, being directors of the company, were also convicted of publishing a false statement in the directors' report. *(Pending appeal)*

In passing sentence, the Judge said the offences committed by the defendants were serious and constituted a breach of trust. The Judge also reprimanded the defendants for putting the integrity of the stock market at risk.

個案六 收購詐騙案

商業機構穩健與否，很大程度上取決於公司管理層及其專業顧問的操守。倘若他們為求不義之財而違反操守，投資者和股東的利益便可能受到損害。一宗貪污調查發現，七名人士在收購一家上市公司時，串謀詐騙香港聯合交易所、證券及期貨事務監察委員會和公司股東。涉案者包括三名律師和該上市公司的兩名前高級行政人員，他們最終被判入獄，刑期最長為33個月。其中兩名律師為該公司的董事，他們同時被裁定在董事報告中發布虛假陳述罪名成立。（等候上訴）

法官判刑時說，各被告所犯罪行嚴重，違反誠信。法官又斥責他們的行為，可能影響公眾對證券市場的信心。



United Front against Corruption

共建全球反貪陣線

Corruption knows no boundaries. To combat corruption and related crimes, which nowadays are increasingly complex and transnational in nature, the ICAC has established and maintained a close link with overseas anti-corruption and law enforcement agencies as well as its counterparts in Mainland China and Macao. Through reciprocal visits, joint command courses and international symposia, mutual legal and case assistance, a united front against corruption has taken shape on a global scale. In the past 5 years, ICAC has successfully extradited 9 fugitives from 4 jurisdictions to face criminal prosecutions in Hong Kong, epitomising the importance of international cooperation in serving the cause of justice.



貪污無分國界。現今的貪污及相關罪行不但日趨複雜，並往往跨越疆界。廉署與海外、內地和澳門的反貪和執法機構已建立緊密聯繫，攜手打擊貪污罪行，透過互訪、聯合指揮課程、國際會議、司法協助和個案協查等，建立了無分國界的全球反貪陣線。過去五年，廉署成功從四個司法管轄區將九名逃犯引渡回港接受刑事檢控，顯示出國際合作對維護法紀極為重要。



Fostering Good Corporate Governance

推廣良好企業管治



Good corporate governance is the linchpin to business growth and market prosperity. The ICAC advocates good governance as the first line of defence against corruption. It works closely with market regulators, professional bodies and chambers of commerce, and helps promote good governance and ethical practices among company directors, business executives, and professional advisers.

The ICAC's "Conference on Corporate Governance in the Financial Sector" held in late 2008 could hardly come at a more appropriate time in the midst of the global economic turmoil. In addition to the launch of two ICAC publications, i.e. "Good Governance and Internal Control - A Corruption Prevention Guide for Listed Companies" and the "Toolkit on Directors' Ethics", the Conference provided a forum for listed companies, corporate leaders and market practitioners to share their views and experience in the corporate governance arena, and encouraged them to aspire to good governance and ethical practices.



良好企業管治對企業的業務增長和市場繁榮至為關鍵。廉署倡導良好管治為預防貪污的首道防線，故一直與市場監管機構、專業團體和商會緊密合作，協助向公司董事、商界行政人員及專業顧問推廣良好管治及誠信操守。

廉署於二零零八年底全球金融經濟動盪期間適時舉辦「金融管治 誠信建設」三地專題研討會。研討會除了推出《良好管治與內部監控 — 上市公司防貪指引》及《董事誠信實務指南》兩套刊物外，更提供了一個平台讓上市公司、企業領袖及市場從業員分享他們在企業管治方面的經驗和真知灼見，並同時鼓勵他們繼續實踐良好管治及誠信操守。



Corruption Prevention Advisory Services for Business Sector

商界防貪諮詢服務



Hong Kong is an international financial centre. The Advisory Services Group (ASG) of the Corruption Prevention Department gives priority to review on the work procedures of market regulators with a view to enhancing the regulatory framework and fostering best practices in their respective operations.

ASG also assists individual private companies to formulate codes of conduct for their staff and to improve business operations by strengthening internal control and overall governance. ASG seeks to partner with trade bodies to help promote a level playing field for business and good industry practices through the promulgation of Best Practice Modules and Corruption Prevention Guides.

香港是一個國際金融中心。防止貪污處私營機構顧問組對審視市場監管機構的工作程序高度重視，以強化其監察機制及促進其營運程序的最佳工作常規。

私營機構顧問組除協助個別私營機構制訂員工紀律守則、加強內部監控與整體管治以改善營運外，亦致力與各行業團體合作，透過編製防貪錦囊及防貪指引，推廣公平競爭的營商環境及良好作業操守。



Good Governance and Internal Control – A Corruption Prevention Guide for Listed Companies

《良好管治與內部監控 - 上市公司防貪指引》

Good Governance

Corruption prevention is part and parcel to good governance. The Advisory Services Group produced the Guide from the corruption prevention perspective to assist listed company executives, board directors and their professional advisers in practising good governance and effective internal control.

Internal Control

A key component of good governance is an effective internal control mechanism which helps a company detect early signs of corruption, fraud and irregularities. Each level of operation in a listed company has its own distinct responsibilities in maintaining sound internal control.

The Board Level

- Set policies on internal control according to the nature and size of the company
- Monitor the effective implementation of the control system

The Management Level

- Identify and evaluate the risks for the Board's consideration
- Design and operate an effective internal control system

The Employee Level

- Implement the internal control system
- Be adequately equipped to perform the duty effectively

良好管治

預防貪污對良好管治十分重要。私營機構顧問組編製這套指引，希望從防貪角度協助上市公司行政人員、董事及其專業顧問實施良好管治和有效的內部監控。

內部監控

要達致良好管治，其中一個要素是設立一套有效的內部監控機制，以協助公司偵察貪污、詐騙、違規行為的早期跡象。上市公司中的各個工作層面均有其獨特職能，以便維持完善的內部監控。

董事會層面

- 按照公司性質和規模制訂內部監控政策
- 監察管控措施的有效推行

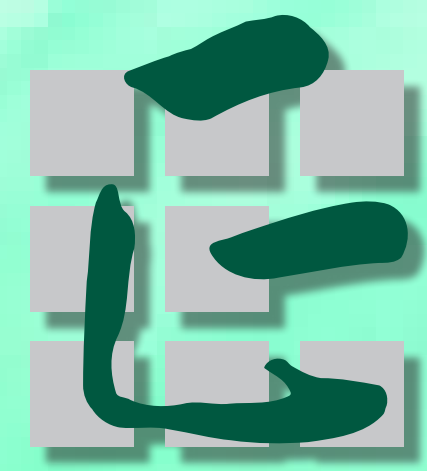
管理層層面

- 找出並評估風險供董事會考慮
- 設計和推行有效的內部監控系統

僱員層面

- 落實執行內部監控系統
- 充分裝備自己，以便有效履行職務





The Hong Kong Ethics Development Centre

香港道德發展中心

“Having a government agency directly involved in the dissemination of business ethics is quite exceptional worldwide and reflects the very strong policy of prevention implanted in Hong Kong” – From the World Bank’s publication, *Fighting Corruption in East Asia – Solution from the Private Sector* (2003)

The Centre closely collaborates with various chambers of commerce, trade and professional associations to organise a wide range of activities to promote ethical leadership and governance, including:

- Conferences, seminars and workshops
- Continuous professional development courses
- Practical guides and e-learning packages

The Centre exchanges experience in promoting business ethics with its counterparts around the world through:

- Overseas conferences
- Duty visits
- Overseas visitors to the Centre
- E-newsletter on the Centre’s website



「由官方機構直接參與商業道德推廣工作，於國際社會中實屬難能可貴，亦正正反映香港致力以強而有效的防貪政策打擊貪污。」—— 摘自東南亞反貪實錄：私營機構的策略（2003）世界銀行刊物

中心與各商會及專業團體保持緊密合作，籌辦各類型的道德推廣活動：

- 會議，研討會及工作坊
- 持續專業進修課程
- 實務指引及網上學習教材



中心透過下列活動與外國夥伴交流推廣商業道德的經驗：

- 參與國際會議
- 業務互訪
- 接待外國訪客
- 於網上推出電子通訊



Toolkit on Directors' Ethics

《董事誠信實務指南》

The Hong Kong Ethics Development Centre together with the relevant regulators, professional associations and leading chambers of commerce jointly launched the “Ethics – The Core Value of Leadership” Training Programme for Directors in 2007. In addition to the 2007 Directors' Forum which inaugurated the training programme, a series of thematic workshops were conducted and a Toolkit was produced. With a case study approach, the Toolkit aims to assist company directors to master changing ethical challenges and nurture a culture of ethical practices.

The Toolkit focuses on ethical governance at the personal, corporate and board levels:

Personal: embrace personal ethics to steer the corporations in an ethical manner;

Corporate: assess ethics-related risks and challenges faced by the corporation through constant monitoring and supervision; and

Board: cultivate an ethical board culture to turn challenges into opportunities.

香港道德發展中心聯同監管機構、專業團體及商會於2007年攜手推出「卓越領導 誠信為綱」董事誠信培訓計劃。除了舉辦2007年董事誠信論壇為培訓計劃揭開序幕外，中心還舉辦專題工作坊及編製這套指南，引用不同個案，協助公司董事面對不斷轉變的道德挑戰及推廣誠信的企業文化。



實務指南協助提升個人、企業及董事會的誠信：

個人：恪守個人道德操守，為企業的誠信營運領航；

企業：持續監察，評估企業面對的誠信危機和風險；及

董事會：在董事會內推行誠信文化，轉危為機。