

Survey on the Effectiveness of Anticorruption Authorities

Background Information

1. Please enter country name in the space below

Hong Kong

2. Name of the agency

Independent Commission Against Corruption (ICAC)

3. Date of establishment

February 15, 1974

4. Contact Information

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5. Website

<http://www.icac.org.hk>

Legal Framework

6. What are the main anti-corruption laws in your country?(please include year of entry into force)

In Hong Kong, the main anti-corruption law is the Prevention of Bribery Ordinance (POBO), which governs corruption in both the public and private sectors. Law enforcement powers, including the power of arrest, detention, search and seizure, are vested in the ICAC Ordinance. Apart from the POBO, the ICAC also enforces the Elections (Corruption and Illegal Conduct) Ordinance, which deals with corrupt and illegal conduct in various public elections, including the Chief Executive election, the Legislative Council election and District Councils elections.

7. Does your Government have a single or primary anti-corruption strategy?

Since its inception in 1974, the ICAC has been a unique anti-corruption agency, which is directly answerable to the Chief Executive of the Hong Kong Special Administrative Region (HKSAR), People's Republic of China, who is the head of the HKSAR government. The ICAC adopts a three-pronged strategy of effective law enforcement, prevention and education in the fight against corruption, respectively undertaken by the Operations Department, the Corruption Prevention Department and the Community Relations Department.

8. Does your country have freedom of information legislation?

Yes No

(Note: Despite the lack of a piece of legislation as such, Hong Kong SAR Government has put in place a Code on Access to Information. The Code, which was introduced in March 1995, provides a formal framework for access to information held by government bureaux/departments in Hong Kong.)

9. Does your country have conflict of interest legislation?

- Yes No

(Note: Despite the lack of a specific statutory law targeting conflict of interest, civil servants and staff of public bodies in Hong Kong may face the Common Law offence of misconduct in public office if they are involved in a conflict of interest of a serious nature.)

10. Does your country have a financial disclosure system to help prevent conflicts of interest?

- Yes No

(Note: The HKSAR Government requires its employees to make an annual declaration of investment. Principal Officials who are politically appointed and Legislative Councilors (law makers) who are elected have to make similar declarations.)

11. Does your country have immunity protection legislation?

- Yes No

(Note: The Legislative Council (Powers & Privileges) Ordinance provides immunity to law makers for words spoken before, or written in a report to, the Council or a committee, or by reason of any matter brought by him therein by petition, Bill, resolution, motion or otherwise.)

12. Is your agency protected from political interference by law?

- Yes No

(Note: Despite the absence of legislative protection per se, there is a strong institutional framework in addition to an independent oversight body to ensure the ICAC is free from political interference.)

Institutional Framework

13. What are the main functions and operations of your agency? Please check all that apply

- Research Prevention Investigation Prosecution Forensics Accounting Policy

14. Is there one agency in charge of coordinating AC efforts across agencies?

- Yes No

If yes, please specify: The ICAC is the dedicated anti-corruption agency. We coordinate with other government departments, regulatory bodies and public bodies on anti-corruption initiatives.

15. Does your agency have the ability to share information or data with

(a) Other agencies within your Government, and

- Yes No

(b) Government partners from other countries?

- Yes No

16. Please enter the current size of permanent staff in the space below.

Establishment: 1,415 Strength: 1335 (as at 31.12.2013)

17. Number of prosecutors (if applicable)

In Hong Kong, the prosecution is the responsibility of a separate department – Department of Justice.

18. Number of investigators (if applicable)

Currently there are 986 staff members in the Operations Department

19. Number of support staff (if applicable)

Not applicable

20. Number of cases handled annually (if applicable)

(a) Number of complaints received

2,652 complaints received in 2013

(b) Number of investigations conducted

In 2013, 1,732 investigations were commenced while 2,145 cases were completed

(c) Number of cases handled in court

In 2013, 215 persons in 113 cases were prosecuted

(d) Other please specify

Nil

21. Please state the number of complaints received for which your agency did a follow up

1,732 complaints were followed up in 2013

22. Please state the prosecution to conviction ratio of your agency (if applicable)

The person-based conviction rate is 78% and 81% case-based in 2013

23. Please state the number of learning activities and outreach events organized by your agency (if applicable)

In 2013, the ICAC organized a seminar on the anti-corruption systems in Hong Kong and mainland China attended by practitioners, academia and experts of both places. The Corruption Prevention Department and Community Relations Department organized numerous talks, workshops, published practical guides for various primary, secondary and tertiary education institutes, businesses and industries. These activities aimed at educating the audiences the evil of corruption, enlisting their support in fighting corruption and assisting them in minimizing corruption opportunities in their business operations.

24. Please state the amount of assets recovered by your agency (if applicable)

In 2013, HK\$472.1 million was successfully restrained under court orders, HK\$0.8 million was confiscated under court orders and paid into the HKSAR Government coffer.

25. Please enter the names of other agencies with similar functions as this ACA

None

26. Does your agency have a system to monitor performance of staff?

- Yes No

27. Are human resource management actions, i.e. recruitment, promotion, and termination based primarily on staff integrity and professionalism?

- Yes No

28. Are new vacancies for your own agency announced publicly?

- Yes No

29. Are the results of these recruitment processes announced publicly by your agency?

- Yes No

30. Who appoints the head of your agency?

The Commissioner of the Independent Commission Against Corruption is appointed by the State Council of the Peoples' Republic of China, on recommendation of the Chief Executive of HKSAR Government.

31. Who has the authority to remove the head of the ACA?

The same process and mechanism apply as in the appointment.

32. To whom does the head of your agency report to?

The Chief Executive of HKSAR

33. Is there any term limit for the head of the ACA?

- Yes No

If yes, please specify: A term of five years

34. Is the agency subject to judicial review?

- Yes No

35. Is the agency subject to expenditure reviews?

- Yes No

36. Does your agency measure "performance"?

- Yes No

If yes, against which indicators?

- Number of investigations conducted
- Number of investigations concluded

- Ratio of number of investigations/staff
- Percentage of total budget allocated to outreach activities and communication.
- Number of outreach activities delivered:

Other performance indicators include:

- (i) **On the law enforcement front, the number of corruption reports, investigations completed, persons prosecuted and convicted.**
- (ii) **On corruption prevention, studies on corruption prone areas and monitoring of the implementation of corruption prevention advice; and corruption prevention advice given to private and public organizations.**
- (iii) **On community relations, corruption prevention service and training given to various trades and industries, public organizations, the civil service and young people, as well as election briefings and education for candidates/agents during public elections, etc.**

37. In practice is your agency protected from political interference?

- Yes
- No

38. Does your agency keep a comprehensive skill list of its staff?

- Yes
- No

39. Is the staff provided with regular training and refresher training to ensure that their skills are up-to-date?

- Yes
- No

40. Are employees protected by law from recrimination or other negative consequences when reporting corruption (i.e. whistle blowing)?

- Yes
- No

(Note: Hong Kong does not have any whistle-blowing legislation, but there is a Witness Protection Ordinance which is a legislation to safeguard the safety of witnesses.)

41. Does your agency have a communication strategy?

- Yes
- No

42. Does your agency have a comprehensive corporate plan?

- Yes
- No

43. Is there a strategy for formulating a partnership with outside agencies to fight corruption?

- Yes
- No

44. Is there a strategy for dealing with the media?

- Yes
- No

45. In practice does your agency has sufficient powers to carry out its mandate?

- Yes No

Resource Mobilization

46. Does your agency have budgetary autonomy?

- Yes No

(Note: The ICAC’s annual budget is subject to fund allocation of the HKSAR Government and the relevant government regulations. Meanwhile, the government’s overall budget is subject to the scrutiny and approval of the Legislative Council.)

47. What is the annual budget of your agency?

The estimated budget for the financial year 2013/14 which begins on 1 April is HK\$ 920 million

48. The annual budget is determined by (please choose the answer(s) that best fit(s) your agency)

<input checked="" type="radio"/>	Number of staff
<input type="radio"/>	Number of investigations
<input type="radio"/>	Budget is constitutionally mandated
<input checked="" type="radio"/>	Other, please specify The annual budget of ICAC is also determined by resources required by its departments – Operations, Corruption Prevention and Community Relations to carry out their statutory duties. The amount required depends on the various anti-corruption initiatives to be carried out in the financial year ahead by individual departments in response to the public needs.

49. How much does it roughly cost to (please enter the dollar amount per stated activity)?

\$	File a case	\$	Manage a paper case	\$	Analyze a case
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(Note: The ICAC does not keep statistics of this kind and it is neither practicable nor appropriate to measure the dollar cost of investigations.)

50. Is there any donor involvement in your agency in term of budget?

- Yes No

51. Does your agency use a computerized system to handle cases?

- Yes No

Social Framework

52. Does your agency provide a mechanism for citizens to report complaints anonymously or provide information on corrupt activities?

- Yes No

53. Does your agency or government provide a hotline to report corruption?

- Yes No

54. Does your agency produce regular and annual public reports of its activities?

- Yes No

Innovation

55. Does your agency use any IT tools to

- a. Facilitate reporting of corruption and fraud by citizens (like www.Ipaidabribe.org)
- b. Share information with citizens about its own activities
- c. Share and/or obtain information for its own investigations
- d. Other – please explain

(Note: The ICAC Hong Kong does not encourage members of the public to report corruption on-line due to the fact that the insecure cyber world may compromise an investigation right from the beginning. The corporate website is the platform where the Commission shares information of its activities, news, and publication etc with the public. We do not share sensitive information through the internet for reasons stated above.)

56. Does your agency use social media to raise awareness on corruption among the public?

- Yes No

(Note: In addition to corporate website, the ICAC uses thematic websites, social media including smart phone applications to promote the work of the Commission as well as raising the awareness on corruption in all walks of life.)

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