

# Survey on the effectiveness of Anticorruption Authorities

## **Background Information**

**1. Please enter country name in the space below**

Hong Kong

**2. The name of the agency**

Independent Commission Against Corruption (ICAC)

**3. The date of establishment**

February 15, 1974

**4. Contact Information**

Mr SO Ping-hung, Daniel, Executive Director/Centre of Anti-Corruption Studies, ICAC  
Tel: (852)2826 3356 Fax: (852) 2186 8589 Email: kkh Wong@adm.icac.org.hk

**5. Webpage**

http://www.icac.org.hk

## **Legal Environment**

**6. What are the main anticorruption laws of your country?**

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, the Legislative Council and District Councils.

**7. Does your government have a single or primary anticorruption strategy?**

The Hong Kong Government set up the ICAC in 1974. The ICAC is a dedicated anti-corruption agency, which is directly accountable to the head of the government, i.e. Chief Executive. Since its inception, the ICAC adopts a three-pronged strategy of effective law enforcement, prevention and education to fight corruption, respectively undertaken by the Operations Department, Corruption Prevention Department and Community Relations Department.

**8. Does your country have freedom of information legislation?**

Yes  No

(Note: Despite the lack of a legislation, Hong Kong has in place a Code on Access to Information. The Code, which was introduced in March 1995, serves as a formal framework for the provision of information held by government bureaus/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

## **Institutional Environment**

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

- Research    Prevention    Investigation    Prosecution    Forensic    Accounting    Policy

(Note: Apart from investigation and prevention, the ICAC's function also includes education.)

### **12. 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.

### **13. 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

### **14. Please enter current size of permanent staff in the space below**

About 1,300

### **15. Number of prosecutors (if applicable)**

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

### **16. Number of investigators (if applicable)**

Out of the 1,300 staff, more than 900 are under the Operations Department.

### **17. Number of cases handled annually (if applicable)**

4,010 corruption complaints and 608 election-related complaints received in 2011.

(Note: They are corruption complaints which require investigation to ascertain if the allegations are substantiated.)

### **18. Please enter the name of other agencies with similar functions.**

Nil

### **19. Does your agency have a system to monitor performance of staff?**

- Yes    No

### **20. Are the human resource management, i.e. recruitment, promotion, termination built on the emphasis of staff integrity and professionalism?**

- Yes    No

### **21. Who appoints the head of your agency?**

Article 48(5) of the Basic Law empowers the Chief Executive of the Hong Kong Special Administrative Region to nominate and report to the Central People's Government for appointment of the ICAC Commissioner.

**22. Who has the authority to remove the head of the ACA?**

According to Article 48(5) of the Basic Law, the Chief Executive of the Hong Kong Special Administrative Region is empowered to recommend to the Central People's Government the removal of the ICAC Commissioner.

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

- Yes       No

If Yes, Please specify:

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**24. Is the agency subject to judicial review?**

- Yes       No

**25. Is the agency subject to expenditure reviews?**

- Yes       No

**26. Does your agency publish an annual report of activities?**

- Yes       No

**27. Does your agency measure performance?**

- Yes       No

**If yes, against what 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
  
- Other, please specify  
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.

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

- Yes       No

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

- Yes
- No

**30. 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.)

**31. Does your agency have a communication strategy?**

- Yes
- No

**32. Does your agency have a comprehensive corporate plan?**

- Yes
- No

**33. Is there a strategy in formulating partnership with outside agencies in fighting corruption?**

- Yes
- No

**34. Is there strategy in dealing with media?**

- Yes
- No

**Resource Mobilization**

**35. Does your agency have budgetary autonomy?**

- Yes
- No

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

**36. What is the annual budget of your agency?**

2012/13: About HK\$870 million

**37. Is the annual budget determined by (Please choose the answer/s that best fits 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 ICAC’s annual budget is determined by resources required by its departments – Operations, Corruption Prevention and Community Relations to carry out their statutory duties. The required resources hinge on various anti-corruption initiatives to be concluded in individual departments to respond to the needs of the public.

**38. 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: It is neither practicable nor appropriate to calculate the dollar cost of investigations.)

**39. Any Donor Involvement?**

- Yes       No

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

- Yes       No

**Social Environment**

**41. Does your agency offer a mechanism for citizens to report anonymously complaints or offer information on corrupt activities?**

- Yes       No

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

- Yes       No

**43. Does your agency produce regular public reports of its activities?**

- Yes       No