

執行處處長級人員一同研究廉署新總部大樓的建築模型(新總部大樓預計在2006年落成)

The Operations Department's Directorate examine an architect's model of the projected new ICAC Headquarters (completion date : 2006)

坐下從左至右：

執行處處長(私營機構)李銘澤，IDS  
副廉政專員兼執行處首長郭文緯，IDS  
執行處處長(政府部門)李俊生，IDS

站立從左至右：

助理處長(調查科二)陳德成  
助理處長(調查科四)貝守樸  
助理處長(調查科三)黃世照，IDS  
助理處長(調查科一)葛輝

Seated from left to right:

Daniel LI Ming-chak, IDS, Director of Investigation (Private Sector)  
Tony KWOK Man-wai, IDS, Deputy Commissioner and Head of Operations  
Francis LEE Chun-sang, IDS, Director of Investigation (Government Sector)

Standing from left to right:

Gilbert CHAN Tak-shing, Assistant Director 2  
Mike Bishop, Assistant Director 4  
Ryan WONG Sai-chiu, IDS, Assistant Director 3  
Tony Godfrey, Assistant Director 1



接受挑戰 — 新千禧年代的反貪工作

EMBRACING THE CHALLENGE -

TACKLING CORRUPTION IN THE NEW MILLENNIUM

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## 又一忙碌的年度

以執法的成績而言，2000年是執行處另一個忙碌、但豐收的年度。去年，在283宗貪污及與貪污有關的案件中，共有608人被檢控，以個案數字而言，比1999年增加29%。當中大部份的案件都是性質嚴重的，有72宗案件轉介到區域法院及高等法院原訟法庭審訊，比1999年增加64%，所涉及有關貪污得來及挪用的金錢超過港幣26億740萬，比1999年的數字增加140%。至於案中被告人的入罪率則有79%，比率是一貫的高。被判有罪的人士當中，有49%被判入獄，其中入獄年期超過3年的人數，比起去年也有顯著的增加。如此超卓的成績，表明執行處矢志消除貪污的決心，並確保貪污仍然是一種高風險的罪行。

執法成功，主要的原因之一，在於我們在過去多年來一直採取的主動出擊的策略。透過主動出擊的調查方法，找出未為人察覺的貪污情況，繼而帶出日後成功檢控的貪污或與貪污有關的案件。主動出擊的策略包括採取「臥底」行動、更廣泛及有效的情報搜集及資訊科技、與私人機構作出深入的聯絡交流、還有就是與公營機構進行的「伙伴」式的合作。與公營機構這種形式的合作，可讓我們與香港及國外其他執法機構建立緊密及長久的關係，從而打擊公營機構的貪污。1998年以來，從這種主動出擊的策略所帶出的貪污或與此有關的案件當中，就有共325人入罪。

## 主要關注的問題

雖然貪污問題在香港一直受到有效的控制，但金融界及建築界兩個行業所存在的問題，委實受到關注，這類案件可以從本年報報導的部份案件中窺見。誠然，香港已從亞洲金融風暴中站起來，但從過去3年來在金融行業發生與貪

## Another Busy Year

The year 2000 has been another very busy and successful year in terms of enforcement results for the Operations Department. A total of 608 persons were prosecuted in 283 corruption and corruption-related cases, an increase of 29% in term of cases over 1999. Many of these cases were serious in nature, as evidenced by the fact that 72 were transferred to the higher courts (District Court and Court of First Instance of the High Court) for trial, an increase of 64% over 1999. The total amount of corrupt and misappropriated monies involved in the cases prosecuted exceeded HK\$2,674M - 140% over that of last year's cases. The conviction rate remained high at 79%. Of those convicted, 49% received custodial sentences, and there was a notable increase in the number of persons sentenced to more than three years' imprisonment. Our enforcement success demonstrates the determination of the Operations Department to eradicate corruption and ensure that it remains a high-risk crime.

One of the important factors for success in enforcement is our proactive strategy, developed over recent years, of seeking out unreported corruption through proactive investigation techniques, which in itself, generates cases of, and prosecutions for corruption and related crime. The strategy includes the use of undercover operations, broader and more effective use of intelligence and information technology, intensive liaison and networking in the private sector, and our 'partnership' approach to public sector corruption, by which we seek to address corruption in close, long term collaboration with local and overseas law enforcement agencies. Since 1998, 325 persons have been convicted of corruption and corruption related crime arising from cases developed through this proactive strategy.

## Major Areas of Concern

Whilst corruption in Hong Kong remains firmly under control, there is cause for concern in the fields of finance and construction, and this is reflected by some of the cases reported in these pages. Although Hong Kong has emerged as a winner in the Asian financial crisis, the after-effects of the recession clearly had much to do with an increase in corruption and corruption-related fraud cases in the financial sector during the last three years. More disturbing though, because human lives are put at



污有關的訛騙案件的上升數字看，這點與經濟衰退的後遺結果，著實有重大的關連。此外，建築行業所發生的案件，其中牽涉地盤監管人員對一些不合規格的做工或建築材料視而不見，這樣嚴重的疏忽職守，舞弊瀆職，居民生命安全受到威脅，這情況怎不令人擔心。

然而，正就是因為這類與公眾利益攸關的案件，廉政公署所扮演的角色，已不只限於調查、預防及教育三方面的工作。事實上，廉政公署也可以對社會改革起著催生的作用，比方說，這點可以從1989年成立的證券及期貨事務監察委員會得以證明。該委員會的成立，是由於我們調查香港聯合交易所的案件中，令當時的主席因收受賄賂而琅瑯入獄而引發的。此外，鑑於我們最近調查建築行業的貪污案件所揭露嚴重的舞弊情況，也導致當局成立建築業檢討委員會。該委員會由香港特別行政區行政會議一位有名望的成員擔任主席，主要的工作，是對現時香港建築行業的運作，特別就良好實務、專業操守、監管以及素質等各方面進行全面檢討。委員會的成員來自社會各公營及私營機構，他們各自在建築行業皆甚有淵源或身任要職。檢討工作完成後，委員會會向香港特別行政區行政長官提交一個全面的報告書，並提出建議。

## 公職人員行為不當

正如我在去年度的年報中指出，我們正研究將普通法中公職人員行為不當的罪行條文化的可行性，將其中某些罪行納入防止賄賂條例中，目的在於澄清普通法中部份過時且含糊的罪行，在現行的法例未有提及的地方，將公務員濫用職權，特別是其以權謀私等方面，加以詳細解釋。這樣做，不獨有助於我們的調查及檢控工作，同時也可將這罪行下一個理性的定義，使法律界人士及

risk, has been the discovery of corruption cases involving serious malpractice in the construction industry, in which those responsible for site supervision are bribed to turn a blind eye to sub-standard workmanship or construction materials.

It is in areas of overwhelming public interest like these that the ICAC has more than just its statutory three-pronged role of investigation, prevention and education to play. The Commission can also be a persuasive agent for change in our community - as evidenced, for example, by the establishment of the Securities and Futures Commission in 1989, following our investigation into the Hong Kong Stock Exchange which led to the prosecution and imprisonment of the, then, Chairman on charges of accepting bribes. Similarly, the revelation, arising from our recent corruption investigations involving the construction industry, of the existence of serious malpractice in building construction, has been instrumental in the establishment of the Construction Industry Review Committee. The Committee, chaired by a distinguished member of the HKSAR Government's Executive Council, is charged with the task of conducting a comprehensive review of the present state of the construction industry in Hong Kong, with particular reference to good practice, professionalism, supervision and quality. Various public and private sector bodies with a vested interest in, or responsibility for, aspects of the construction industry are represented on the Committee, which, following the review, will submit a full report, together with recommendations, to the Chief Executive of the HKSAR Government.

## Misconduct in Public Office

Readers of last year's edition of this Review will recall that we were considering the feasibility of codifying the common law offence of misconduct in public office by including specific aspects of the law in the Prevention of Bribery Ordinance. The objective would be to clarify the archaic, and in some respects vague, common law offence by proscribing in detail the misuse of public office by civil servants for personal gain in circumstances not already specifically covered by our existing statutory provisions. This would facilitate effective investigation and prosecution of such conduct, while at the same time defining the ingredients of the offence in a rational way that can be



公務員清楚明白。我們徵詢過律政署及公務員事務局後，已加速著手進行這方案。刻下，我們正詳細參考其他多個司法管轄區類似的條文。去年有兩名高級公務員被控違反這普通法的罪行，將政府合約外判給其親屬擁有的公司，兩人均被裁定有罪，被判入獄。

## 加強與內地官方機構的聯繫

自1997年香港主權回歸中國後，廉政公署與內地檢察院的合作比前更為密切。在2000年3月，我們與北京最高人

easily understood by both the legal profession and the civil service. In consultation with the Department of Justice and the Civil Service Bureau, we are pressing forward with this project, and are currently examining in detail similar statutory provisions in a number of other jurisdictions. In the meantime, two senior civil servants were charged during the year with the common law offence for diverting government contracts to companies owned by their close relatives. Both were convicted and sentenced to terms of imprisonment.

## Enhanced Liaison with Mainland Authorities

Since the return of sovereignty in 1997, there has been closer co-operation between the ICAC and the Mainland Procuratorates. In March 2000, we established direct liaison with the Supreme People's Procuratorate in Beijing, who will in future directly facilitate our enquiries in all parts of the Mainland except Guangdong Province, where the Guangdong Provincial People's Procuratorate (GDPP) will continue to provide the necessary assistance. This new arrangement will streamline the progress of mutual case assistance across the border and further enhance our working relationship.



郭先生在國家檢察官學院於四川成都舉辦之第二期「反貪局長培訓班」上致辭  
Mr. Kwok speaking at the 2nd training course of the National Procurator College for Anti-Corruption Bureau Chiefs held in Chengdu, Sichuan

民檢察院建立了直接的聯繫。今後，北京最高人民檢察院會直接處理我們就廣東省以外所有的案件要求的協助；至於廣東省人民檢察院，有需要時也會繼續提供協助。這項新的措施，會將跨境兩地就案件上相互協助的程序簡化，並進一步加強兩地的合作。

## 調查員一人一電腦

去年我們兩項大型的電腦計劃完成後，每一位負責調查工作的同事均有自己的電腦工作站，從而可以直接進入我們新的執行處資訊系統及執行處局域網。今後，他們在「彈指之間」便可以處理一切有關系統的功能，包括所有調



在2000年，每名調查主任均擁有一部終端機

In year 2000, each Investigating Officer has his/her computer terminal



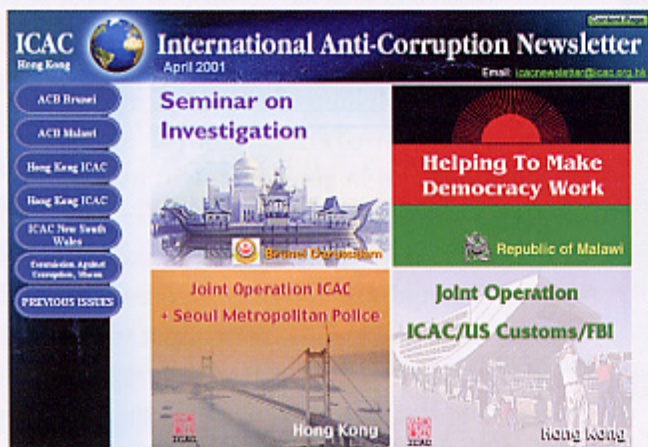
查文件的處理、案件紀錄的即時檢索、情報分析、法例、培訓簡報、「廉政公署常規」及通告、作為案件管理的工具，電子郵件功能以及互聯網等。

## 廉政公署網頁及國際反貪通訊

革新廉政公署網頁 [www.icac.org.hk](http://www.icac.org.hk) 的工作經已完成，對於香港、以至國際上對反貪工作有興趣的人士而言，廉政公署網頁都是值得瀏覽的。在網頁中，不獨可以取得廉政公署齊全的資料，還可以在網上直接聯繫到世界各國的反貪污機構。網頁中執行

## A Computer on Every Investigator's Desk

With the completion of our two major computer projects during the year, every officer directly involved in the corruption investigation process now has his or her own workstation by which to access OPSIS and OPSLAN; respectively, our newly installed Operations Department Information System, and recently upgraded Operations Department Local Area Network. As a result, they have at their fingertips a whole range of applications, which include a capability to process all investigation documents, instant retrieval of information on case records, intelligence analysis, legislation, training bulletins, standing orders and circulars, as well as case management tools, e-mail facilities and internet access.



廉政公署國際反貪通訊網頁

The homepage of the ICAC International Anti-Corruption Newsletter

處的章節載有我們的架構、策略、所有有關我們最近的執法行動的新聞稿件，以及已完成的大型案件的介紹等。

國際反貪通訊以季刊形式出版，也可以在我們的網上瀏覽。出版這份通訊的目的，是藉此作為一個討論園地，給國際上對這問題有興趣的人士互相交流意見。此外，有鑑於跨境貪污案件愈來愈嚴重，打擊這類案件的工作已刻不容緩，這份通訊可以提高國際間對這問題的認知程度，從而加強彼此的合作。國際反貪通訊秘書處歡迎世界各地的政府及有關機構，就反貪工作的問題及策略，來函提出意見。

## ICAC Homepage and International Newsletter

The Commission's internet website, which is located at: [www.icac.org.hk](http://www.icac.org.hk), has been revamped and is well worth a visit by anyone interested in the fight against corruption, not just in Hong Kong but internationally. There, visitors will find a wealth of information about the ICAC, as well as hyperlinks to other anti-corruption agencies around the globe. The Operations Department's chapter on the website contains details of our operational structure and strategy, all up to date press releases on our

latest enforcement action and an account of completed major cases.

Published on a quarterly basis, the International Anti-Corruption Newsletter can also be found on our website. By providing an international forum for the sharing of experience, we aim to promote global awareness and co-operation in the crucial task of fighting the increasingly transnational crime of corruption. The ICAC Newsletter secretariat welcomes contributions on relevant issues and strategies for tackling corruption from government agencies and concerned organisations worldwide.



查文件的處理、案件紀錄的即時檢索、情報分析、法例、培訓簡報、「廉政公署常規」及通告、作為案件管理的工具，電子郵件功能以及互聯網等。

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## 廉政公署第一屆國際研討會

廉政公署是國際反貪會議（International Anti-Corruption Conference）的聯合發起人之一，這個被廣泛認同為針對貪污問題的一個重要的國際研討會，第一屆會議在1983年10

## First ICAC Symposium

The ICAC was a co-founder of the International Anti-Corruption Conference (IACC), the first of which was held in Washington D.C. in October 1983. The IACC is widely recognised as an important international forum for addressing the problem of corruption. We have been actively involved in the event since its

inception, and hosted the third Conference in Hong Kong in 1987. In November 2000, in recognition of the need for a separate forum, specifically designed to meet the needs of law enforcement agencies worldwide, and to enable them to share their experiences in fighting corruption, we introduced and organised 'The

First ICAC Symposium'. This three day event - as the name implies, the first of its kind - was held at the Hong Kong Exhibition and Convention Centre. The Symposium attracted over 440 delegates and speakers from 140 government agencies in 35 jurisdictions. The event was a memorable one, marked by some outstanding presentations from a number of distinguished speakers on corruption and criminal investigation in the context of the Symposium theme - 'New Era - New Challenge'. As one might expect, given this theme, there was significant emphasis on information technology, both as a threat to law and order, and as an aid to criminal investigation. The interest expressed, and contribution made by delegates to the Symposium was extremely gratifying, and I believe that every individual who attended learned much from the experience sharing that took place. It has been agreed that the ICAC will continue to host this symposium on a biennial basis.



執行處首長在廉署主辦首屆國際研討會上致辭

Head of Operations speaking at the First ICAC Symposium

月在美國華盛頓舉行。一直以來，廉政公署均積極參與其活動，並在1987年在香港主辦第三屆會議。鑑於有需要分別舉行一個研討會，以針對世界各執法機構的需要，讓他們可以分享各自在反貪工作的心得，在2000年11月，廉政公署籌辦一個為期3天的「廉政公署第一屆國際研討會」，並在香港會議展覽中心舉行。顧名思義，這是第一次同類的國際研究會，共吸引超過440個來自各地的人士參加，講者則來自35個司法管轄區共140個政府機關。在這個題為「新世紀、新挑戰」的研討會上，各講者均是在反貪污及刑事調查工作方面成就卓越人士，他們在會上發表的文章，真知卓見，擲地有聲，令研討會成為一項值得紀念的活動。既然題為「新世紀、



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Head of Operations speaking at the First ICAC Symposium

月在美國華盛頓舉行。一直以來，廉政公署均積極參與其活動，並在1987年在香港主辦第三屆會議。鑑於有需要分別舉行一個研討會，以針對世界各執法機構的需要，讓他們可以分享各自在反貪工作的心得，在2000年11月，廉政公署籌辦一個為期3天的「廉政公署第一屆國際研討會」，並在香港會議展覽中心舉行。顧名思義，這是第一次同類的國際研究會，共吸引超過440個來自各地的人士參加，講者則來自35個司法管轄區共140個政府機關。在這個題為「新世紀、新挑戰」的研討會上，各講者均是在反貪污及刑事調查工作方面成就卓越人士，他們在會上發表的文章，真知卓見，擲地有聲，令研討會成為一項值得紀念的活動。既然題為「新世紀、

First ICAC Symposium'. This three day event - as the name implies, the first of its kind - was held at the Hong Kong Exhibition and Convention Centre. The Symposium attracted over 440 delegates and speakers from 140 government agencies in 35 jurisdictions. The event was a memorable one, marked by some outstanding presentations from a number of distinguished speakers on corruption and criminal investigation in the context of the Symposium theme - 'New Era - New Challenge'. As one might expect, given this theme, there was significant emphasis on information technology, both as a threat to law and order, and as an aid to criminal investigation. The interest expressed, and contribution made by delegates to the Symposium was extremely gratifying, and I believe that every individual who attended learned much from the experience sharing that took place. It has been agreed that the ICAC will continue to host this symposium on a biennial basis.



新挑戰」，一如所料，不少講者發表的文章，均重點提及資訊科技如何一方面威脅執法、另方面卻可協助調查刑事案件的問題。從各代表對研討會表現興趣的雀躍，以及他們對促成研討會的貢獻，令我們感到非常欣慰。我深信，各出席是次研討會的人士從中獲益良多。有見及此，大家一致同意由廉政公署每兩年主辦同類的研討會一次。

## 廉政公署訓練營

去年，我們有幸取得位於新界的前青山男童院使用。經過修葺裝整之後，男童院已改建為一訓練營，作為位於總部的執行處訓練學校的分屬訓練場地。訓練營毗鄰聞名的青山禪院，帶有半鄉村的風味，兼且設備齊全，備有住宿設施，使訓練營成為宿舍及舉辦研討會的理想場地，也是執行處每年為高級職員舉辦的策略性計劃工作坊的一個

## Residential Training Centre

During the course of the year, we were fortunate enough to acquire the former Castle Peak Boy's Home in the New Territories which, after refurbishment, was converted into a Residential Training Centre as an adjunct to our centrally-based Commission Training School. Located within its own grounds in a semi-rural setting just next to the famous Castle Peak Monastery, the complex is well appointed and includes domestic facilities, making it an ideal venue for residential courses and seminars, and as a 'retreat' for the annual strategic planning workshops for senior officers. Taking advantage of the closing ceremony of the Common Induction Course for newly recruited ICAC officers, I had the pleasure of formally opening the new training centre in August. Since then, the facility has been in constant demand for residential courses and seminars run by the Training School, as well as for weekend workshops for experience sharing sessions organised by Investigating Groups themselves - the latter invariably concluding with a well-earned barbecue!



郭先生於本署訓練營開幕當日接受傳媒訪問

Mr. Kwok meeting the media at the opening ceremony of our training camp



「避靜」的地方。2000年8月，藉著主持新招聘的執行處人員結業禮的機會，我欣幸順道正式為這個新的訓練營主持開幕禮。自此，訓練營的設施常常為訓練學校所舉辦的住宿訓練課程及研討會、以及由各調查組主辦的周末經驗交流營使用。既在周末舉行，自然少不免要來一個燒烤晚會，也不失為一個交流的好方法！

## 向同事致意

2000年我們面對一個動盪的環境：貪污舉報個案數字為歷年最高，與此同時，為了配合「公務員改革」以及由此帶來的「資源增值」計劃，規定減省調查所需的資源分配。種種因素，令執行處人員面對前所未有沉重的工作負擔。不過，我深感欣慰，因為執行處同事毋懼這些困難，矢勤矢勇，貫徹始終，表現出無比的堅韌和專業精神，成就出該年度這許多轟動的成功個案。不單如此，我們8個調查小組還獲得「撲滅罪行委員會」頒發「傑出滅罪人員表現獎」。這個獎項用以表揚各調查組人員在調查貪污個案中表現出超卓的團隊精神。對於這些已獲獎的同事，他們的成績已取得實質的表揚，實毋用我多說；但我深知其他各同事年來同樣經歷夙夜匪懈的辛勞，所以想藉此機會，向執行處全體同事，深深感激。

## Tribute to Staff

During the year, the Operations Department workforce faced an unprecedented heavy workload in having to cope with the record high number of corruption reports - all in the turbulent environment of the Civil Service Reform and its Enhanced Productivity Programme; the latter of which imposed a reduction in the allocation of investigative resources. I am pleased to record, however, that our officers have maintained their high degree of professionalism and enthusiasm in their work, and that the many high profile successes we achieved during the year were entirely due to their sheer hard work and determination. As a result, eight Investigating Sections received from the Fight Crime Committee the 'Outstanding Performance Award for Crime Fighting Staff'. The award recognised the excellent team effort of the Sections in corruption investigation. I am very conscious of the commitment and hard work, not only of these officers, whose performance has been recognised in a tangible way, but also that of the entire staff of the Operations Department, and I take this opportunity to record my most sincere appreciation for their unfailing efforts.



副廉政專員及執行處首長郭文緯先生於2000年4月26日在三藩市一個午餐會上致辭與出席人士分享廉署成功之道

*Deputy Commissioner and Head of Operations, Mr. Tony Kwok, shared the secrets of ICAC's success at a luncheon in San Francisco on April 26 2000*