



郭文緯先生  
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## THE WAY FORWARD

by Mr. Tony KWOK Man-wai

Deputy Commissioner and Head of Operations

Tony KWOK joined the Commission in 1975 and was appointed Head of Operations on 1 March 1996.

### 前瞻

副廉政專員兼執行處首長郭文緯先生

郭文緯先生在1975年加入廉政公署，並於1996年3月1日被委任為執行處首長。

This is the first ICAC Operations Department Review to be published since the reunification of Hong Kong with the Mainland on 1st July this year. This historic event brought with it inevitable changes to the administrative, legislative and political structure of what is now The Hong Kong Special Administrative Region of the People's Republic of China, but these changes have had little, if any, impact on the operational work of the ICAC. The sign on our door reads, 'Business As Usual', and I hope it will be read and understood by all those organisations and law enforcement agencies around the world with which we have established contact and forged working relations over the twenty-three years of our existence.

In evolutionary terms, of course, the ICAC has naturally undergone change and will continue to do so, as any progressive organisation must if it is to remain at the leading edge of its field or discipline. But change of this nature is generated consciously from within the Commission in the pursuit of increased effectiveness and efficiency. For example, the reader of this Review will encounter repeated references to a developing Operations Department initiative of which I made brief mention in last year's edition - that of 'proactive investigation'. Together with international liaison and mutual assistance, the element of proactive investigation is one of the three dominant themes in this year's Operations Department Review. There is, on the face of it, nothing mystical or revolutionary in the concept; indeed, the strategy employs nothing new in the field of criminal investigation, but rather represents a carefully co-ordinated and structured use of existing techniques. These, we have identified and adopted as the result of examining the work of law enforcement organisations around the world to determine what we believe to be the best current practices.

The ICAC, it must be remembered, although born of public demand in the dark days of endemic corruption in Hong Kong during the early 1970s, was at first viewed by many with suspicion.

本刊是今年七月一日香港回歸中國後出版的首份《廉政公署執行處年報》。隨著香港成為中華人民共和國特別行政區這個歷史性的時刻，本港在行政、立法及政治架構上出現改變，是在所難免的。但這些改變對廉政公署執行任務來說，影響可說是微乎其微。公署門外仍然掛著“一切如常”的告示牌。希望這個訊息能傳遍世界各地，讓這二十三年來與我們建立聯繫的執法機關和機構，均有所領會。

按照進化的規律，廉政公署當然也曾經歷轉變，並且在不斷改進中，正如所有進取的機構一樣，務求精益求精，在本身的專業領域中保持領先的優勢。其實，這些求變的動力是來自公署內部自我追求更高工作成效和辦事效率的決心。本期讀者會看到這份年報多次提到現正在執行處積極展開的“主動出擊”調查方法。有關這套調查方法，我在去年的年報中已曾略述。今年執行處年報的三大主題就是：“主動出擊”偵查方法、國際聯繫及相互協查。表面看來，“主動出擊”並非甚麼神秘莫測或破舊立新的概念。事實上，這種策略也不算是嶄新的罪案調查方法。它祇是將現行和測定可行的技巧經過審慎協調和有系統的歸納後實踐出來。這套方法是我們考察世界各地執法機構的工作後總結出來的。我們深信這套辦案技巧是目前較為理想的方法。

猶記廉政公署在70年代初成立之時，正值香港貪污風氣猖獗，公署雖然是在社會要求下成立，可是，初期仍有不少人對它抱著懷疑的態度。就以執行處而言，它被視為一個以“苛嚴”法例作後盾的執法機構（但這些法例最近已被法院確定為完全符合後來引進的【人權法條例】精神）。同時，這個執法機構的肅貪權力，不只限於政府部門，還涵蓋私營機構，這點令當時不少人擔心會為本港的經濟帶來負面影響。結果，事實證明這種想法是極為錯誤的。當年，為避免市民憂慮這新成立的反貪機構會進行過分激進的偵查行動，我們唯有採取屬於“回應式”的辦案立場，尤以私營機構方面為然：即是祇因應市民的投訴而展開調查。隨著時勢轉變，

Here, in the Operations Department at least, was another law enforcement body, backed by legislation often described in the early years as 'Draconian' (but more recently recognised by the courts as being very much in step with the subsequently introduced Bill of Rights Ordinance); a law enforcement body which was, moreover, empowered to investigate corruption, not only in government, but also in the private sector - an aspect that many feared at the time would have a negative impact on Hong Kong's economy. As things turned out, they couldn't have been more wrong. At the time, however, in order to allay anxieties that the new anti-corruption body might be over-zealous in its approach to corruption investigation, we took a largely reactive stance - particularly in relation to the private sector - relying on reports from the public to prompt our investigations. But times have changed, and in response to the sustained high plateau of increased corruption reports established in 1992/93, we have changed our strategy.

Networking contacts in both the public sector and key industries within the private sector to produce more and better information and cooperation; wider and more sophisticated use of information technology to analyse and develop criminal intelligence gathered; operations in the field involving the carefully coordinated use of informants and undercover agents - these are the main ingredients in our developing proactive approach to corruption investigation. Already the strategy has proved effective, and we intend to build on our successes, but I am mindful that we must never become complacent; that strategies, however apparently successful, must be constantly reviewed to ensure that they remain appropriate and equal to the task for which they were conceived. For the moment, though, I am confident that we are on the right track and I firmly believe that the ICAC currently represents a greater threat to the corrupt than ever before.

及自1992/93年度以來貪污舉報數字一直維持高企的關係，我們在策略上也相應地有所改變。

執行處現正採用“主動出擊”的調查方法偵查貪污罪行，主要策略是：在公共機構及私營機構的重點行業中建立聯繫網絡，以取得更多、更有用的資料和相互合作；更廣泛、更精密地利用資訊科技來分析和運用收集到的罪案資料情報；以及慎重地協調運用線人與“臥底”調查人員等。這種辦案策略，實踐證明是很有成效的。我們將在成功的基礎上，再接再勵，乘勝追擊。今後，我們仍要不斷檢討工作，確保新的辦案方法真正切合實際情況需要。就目前來說，我認為我們所採用的策略是正確的。我深信廉政公署現時對貪污舞弊者帶來威脅之大是前所未有的。