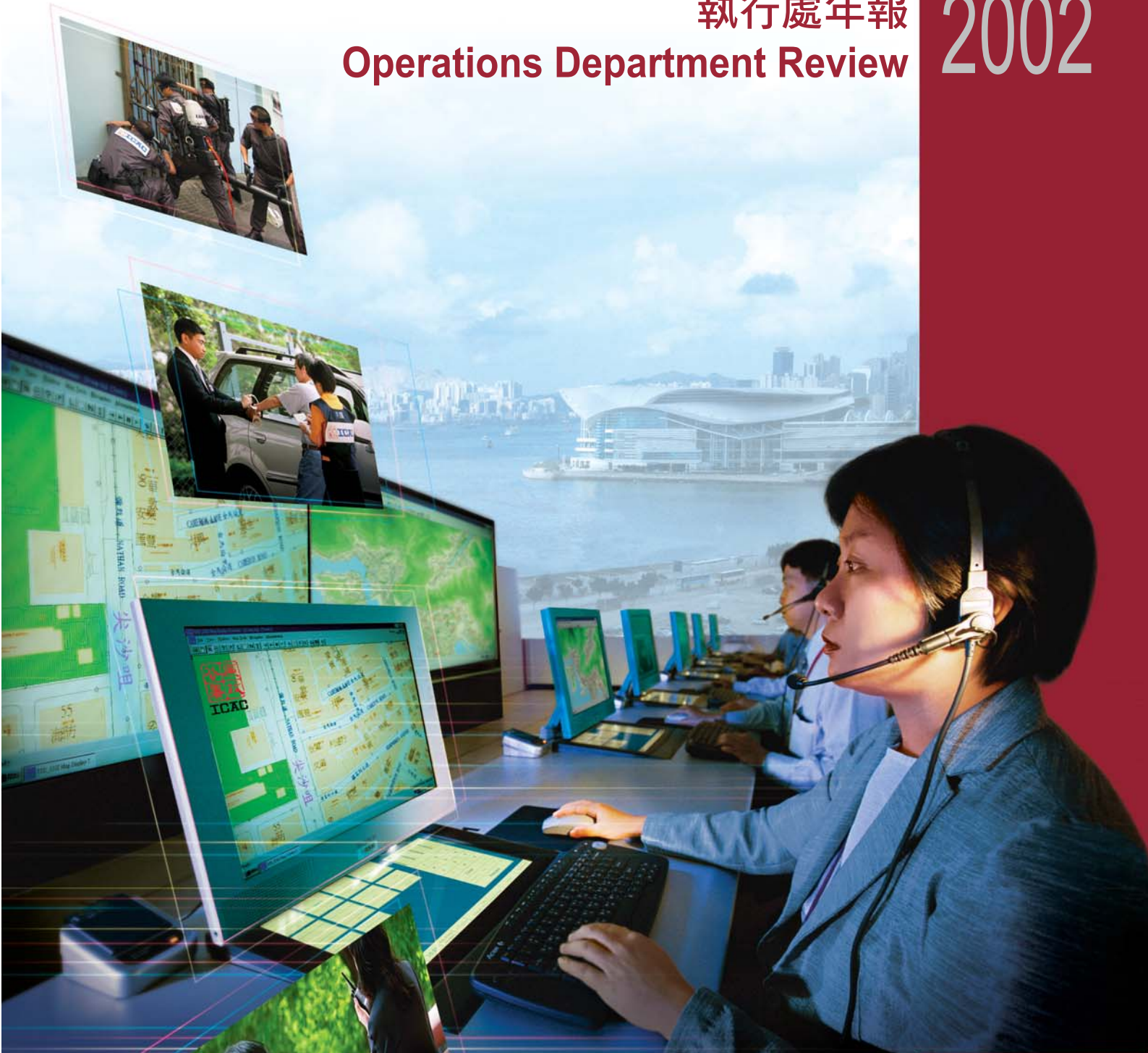


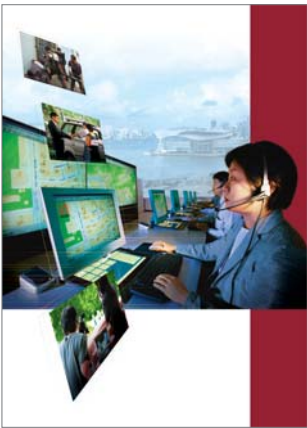
執行處年報 Operations Department Review

2002



香港特別行政區廉政公署
Independent Commission Against Corruption
Hong Kong Special Administrative Region





年報封面所展示的執行處行動控制中心，具備多項先進的指揮及控制設施，用以指揮和協調廉署所進行的各項行動。行動控制中心的設施包括一個資訊及行動管理系統、一個利用衛星定位技術的車隊協調及監察系統，以及一個綜合通訊系統，可見執行處充分應用先進科技打擊貪污。

The front cover depicts the Operations Control Room (OCR), which incorporates a number of sophisticated command and control facilities for use in controlling operations in the field. The OCR is equipped with an on-line information and operations management system, a vehicle fleet co-ordination and monitoring system with satellite-assisted global positioning technology, and an integrated communications system. The facility exemplifies the Operations Department's commitment to adopting advanced technology in combating corruption.

使命宣言：

執行處人員定必積極進取，專業執法，
銳意根查，剷除貪污

Mission statement :

*By enforcing the law vigilantly and
professionally, we are determined to
seek out and eradicate corruption
wherever it exists*

序言

Foreword



廉政專員李少光，IDSM
BY AMBROSE LEE SIU-KWONG, IDSM, COMMISSIONER, ICAC

廉政公署於1974年成立，而我正是於同年加入入境事務處工作。回想當時，我固然無從知道28年之後會出任廉政專員，接掌今日已躋身世界肅貪先鋒行列的廉政公署。這件意想不到的事情就在2002年7月裡發生。當時，香港特區行政長官董建華先生要求我由入境事務處處長轉任廉政專員，並向我清楚說明我在新崗位所需面對的挑戰。他亦提醒我廉政公署不僅備受本港市民推崇，更深受其他國家及地區的政府和反貪機構，以至全球關注反貪問題的非政府組織所重視。我充分瞭解行政長官的要求，亦明白到廉署的使命是要本著大公無私、無畏無懼的精神把貪污活動一一肅清，故此，我欣然接受了這項任命。

我非常榮幸能夠擔此重任，因為廉署在歷任專員的卓越和英明領導下，已成為全球反貪機構的典範。我知道如此重任不易承擔，但我深信，在領導廉署繼續以「三管齊下」策略打擊貪污的時候，我將會得到廉署同人全力支持。他們高度專業和深具誠信，矢志獻身肅貪倡廉的崇高使命。

在目前經濟衰退的環境下，從事肅貪工作須特別提高警覺。即使在繁華盛世，貪污亦足以蠶食社會的根基。在經濟不景、銀根短絀的時候，對於道德標準不高的人，貪污的引誘自然會更大。在此艱難時刻，我們更須有效遏止貪污，以免社會蒙受其害而加深苦況。除了維持高度警覺外，廉署會竭盡所能把貪污份子繩之於法，證明在香港觸犯貪污定要付出沉重代價。

The ICAC was established in 1974, the very year I joined the Immigration Department. Naturally, I had no way of knowing then that, 28 years later, I would be the Commissioner of what was destined to become one of the foremost anti-corruption agencies in the world. Yet, in July 2002, that is exactly what happened. When Hong Kong's Chief Executive, Mr TUNG Chee-hwa, asked me to make the transition from Director of Immigration to Commissioner of the ICAC, he made very clear to me the challenges I would face in my new role. He reminded me of the high regard in which the Commission is held, not only by the Hong Kong community, but by governments and other anti-corruption agencies, as well as a broad range of interested non-government organisations around the globe. In that knowledge, and with the understanding that the ICAC's goal is to eradicate corruption, without fear or favour, wherever it exists, I agreed to take on the task.

I am deeply honoured to have been chosen to take up the baton carried with such distinction over the years by a succession of dedicated Commissioners, under whose guidance and support the ICAC achieved its exemplary world-wide reputation. I know the job will not be easy, but I also know that, in leading the Commission's celebrated three-pronged attack on corruption into the future, I will have the support of a body of men and women of the highest professional skills and integrity who have dedicated their lives to the cause.

The prevailing economic decline dictates the need for particular vigilance in the field of anti-corruption work. Corruption is a crime which, even in the best of times, eats away at the very fabric of society. When times are hard and money tight, the temptation to resort to corruption is significantly greater to those of already borderline ethical standards. And it is in times of adversity that the need to keep corruption firmly under control is paramount, for that is when the community is most vulnerable. Here at the ICAC, we are very conscious of the threat, and as our enforcement successes clearly demonstrate, corruption in Hong Kong has never been a higher risk crime.

除了經濟和其它因素，貪污罪行的固有特質令肅貪工作極具挑戰性。貪污是暗地裏進行的勾當，鮮有人證或物證，故此極難偵查。但是，廉署的調查人員本著無比的熱誠和專業精神，勇於面對挑戰，發揮頑強鬥志；而我作為廉政專員，定會竭盡全力給予支持，確保他們在工作上繼續取得成功。

當然，就肅貪工作來說，我們並非孤軍作戰。環顧全球各地，現今對廉潔政府和良好公司管治的訴求愈來愈大；而更重要的是，各國逐漸明白到必須彼此合作和互助，才能有效打擊跨境貪污活動。主動出擊調查和建立伙伴合作關係，仍是廉署主要的反貪策略。2003年1月，廉政公署將與國際刑警組織在香港合辦一個國際反貪會議，我們並選擇了「跨域攜手滅貪污」作為這次會議的主題。在執筆撰寫這篇序言時，我預計參加這次國際會議會有28名講者，分別來自本港和內地81個政府機關和不同機構的131名代表，以及來自超過50個國家及地區的104個政府部門和非政府組織的250名代表。這次會議將提供一個前所未有的良機，讓全球各地以肅貪倡廉為共同目標的機構和人士，彼此建立聯絡網絡、相互交流經驗及進一步加強聯繫。

香港無疑正處於逆境之中，而情況可能更趨惡化。然而，諺語有云：「*逆境自強，強者愈強*。」這肯定是我們廉署人員的座右銘，那些試圖以貪污手段損人利己的人務須緊記。

以下章節將闡述廉政公署執行處過去一年的工作概況，希望讀者對內容感到趣味。

In the fight against corruption some challenges are constant, unaffected by economics or other factors. The secretive nature of this insidious crime, where there are rarely witnesses or even evidence that it has taken place, makes it one of the most difficult to investigate. But the zeal and professionalism of our investigators is legendary. They thrive on challenge, and for my part as Commissioner I will do everything in my power to ensure that they receive the support they need to succeed in the future as they have in the past.

Of course, we do not stand alone in the war on corruption, and there is a growing global demand for clean government and high standards of corporate governance in the private sector. More importantly, there is growing understanding among nations that co-operation and mutual assistance are essential to tackling corruption on an international basis. Proactive investigation and the partnership approach remain staples in the ICAC's strategy for tackling corruption. Together with the International Criminal Police Organisation - Interpol - which is one of our longest standing partners against corruption, we have chosen the latter as the theme for our joint international conference in Hong Kong in January 2003. At the time of writing this foreword, I expect the conference to be attended by 28 speakers and 131 delegates from 81 organisations and government departments in Hong Kong and the Mainland, and more than 250 from 104 overseas governments and non-government organisations in over 50 countries. The conference will present an unprecedented opportunity for networking, experience sharing and strengthening ties between organisations and individuals from around the world who share the same ideal - the eradication of corruption.

So in summary, yes, times are tough... and may yet get tougher, but as the adage has it, *when the going gets tough, the tough get going*. That is certainly our motto in the ICAC, and those in Hong Kong who would seek to line their pockets at the expense of their fellow citizens by corrupt means would do well to remember it.

The following pages provide an overview of the work of the ICAC's Operations Department during the past year. I hope that you will find them interesting reading.

面對新挑戰

Accepting the Challenge



李銘澤，IDS，副廉政專員兼執行處首長
BY DANIEL LI MING-CHAK, IDS,
DEPUTY COMMISSIONER AND HEAD OF OPERATIONS

我於七十年代中加入廉政公署，當時香港社會貪污成風，政府部門的集團式貪污活動猖獗，情況實在令人羞愧和憤慨。雖然當年廉署已得到社會人士支持，但履行肅貪使命仍是荊棘滿途。廉署人員要在非常艱難的環境下長時間工作，受調查人士往往對我們充滿抗拒和敵意，甚至誤導他人對其寄予同情，大大增加了調查工作的阻力。然而，憑著各先驅調查人員無比的決心、毅力和專業精神，集團式貪污終於成為歷史，令香港政府的聲譽和誠信得以挽回。可是，基於人性的貪婪和易於被權力腐化，貪污是沒法根除的，廉署因此仍須不斷努力，以維持一個廉潔公平的社會。

今天，香港的貪污問題受到控制，全賴廉署努力不懈打擊貪污和社會人士鼎力支持。執行處的任務，是透過積極和徹底的刑事調查，確保貪污是高風險罪行。我們藉著近年所採用的主動出擊調查策略，揭發了不少貪污案件；但絕大部分的調查工作，畢竟都源自市民所作出的貪污舉報。多年來，貪污舉報數字持續上升，這趨勢在2002年似乎已穩定下來。雖然政府部門和私營機構兩方面的貪污舉報數字分別有輕微增減，但整體的舉報數字大致與2001年相若。

執行處的整體目標，是透過在政府部門和私營機構兩方面打擊貪污，確保香港擁有一個廉潔的政府和一個可進行公平競爭的營商環境。處理私營機構的貪污案件時，除了調查違反《防止賄賂條例》第9條的代理人貪污行為外，往往還須調查案件所涉及的

I became an ICAC officer in the mid-seventies at a time when corruption was endemic in Hong Kong, and syndicated corruption in the public sector was a source of shame and, to many, indignation. Even with the support of the community in those early days, the fight against corruption proved incredibly challenging. ICAC officers worked long hours under very difficult conditions, often meeting with resistance or outright aggression from those they sought to investigate and their misguided sympathisers. But determination and professionalism ultimately won the day. Thanks to the endeavours of those pioneer investigators, syndicated corruption eventually became a thing of the past, and the reputation and integrity of the Hong Kong Government Service was restored. But the greed of men and the nature of power are such that corruption can never be eliminated, and the ICAC continues to play a vital role in protecting the community against those who seek to profit from betraying the trust placed in them.

Today, corruption in Hong Kong is at least under control, and what makes that situation possible is the never-ending war waged against the corrupt by the ICAC, together with the support of the community. The Operations Department's task in that war is to ensure that corruption remains a high-risk crime, and we do that through vigorous and thorough criminal investigation. Whilst the proactive approach to corruption investigation we have pursued in recent years continues to unearth pockets of corruption, the vast majority of our work results from corruption reports from the community. For the first time in many years, 2002 saw a levelling off of corruption reports received by the Commission, and whilst there were marginal increases and decreases in public and private sector reports, respectively, the overall statistics more or less reflect those of 2001.

Our overall objective is to ensure clean government and a level playing field for commerce, which we strive to achieve by targeting corruption in both the public and private sectors. Tackling private sector corruption often involves investigating complex commercial crime in tandem with associated offences of corruption by agents contrary to Section 9 of the Prevention of Bribery Ordinance. Roughly fifty percent of the Department's investigative workforce is deployed in the investigation of these cases,

複雜商業罪案。執行處大概一半調查人手是用於調查這類較為困難、費力及需時的案件，但我們在這方面一向以來都取得美好成績，不少案件的被告均被法庭判以重刑。

在政府部門方面，我們的調查及檢控工作同樣取得良好成果。就公務員貪污受賄的程度而言，相對於很多國家或地區，香港政府堪稱廉潔。但我們絕不能因此而自滿，因為另類舞弊行為近年有上升趨勢：一些公職人員不惜濫用職權優待某些人士，因而損害他人包括政府本身的利益。

以下是這類舞弊行為的典型例子：一名公職人員不公平地影響及操控投標過程，設法將合約批給其親友或一間他擁有（未經申報）利益的公司。如此行為可能未至於觸犯《防止賄賂條例》，幸好我們可引用普通法「公職人員行為失當」罪加以對付。執行處年報的讀者肯定知道，過去兩三年我們曾善用這普通法罪名提出起訴，將來有需要時亦會繼續引用。

執法機關總要面對各種挑戰，而廉署的秘訣是有效地調配資源和改變策略去克服困難，透過改革和重組架構充分發揮調查效能，以維持打擊貪污的力度。一直以來，廉署隨著香港的貪污情況不斷演進，跨越了重重考驗。近年，全球性經濟逆轉為我們帶來更大的挑戰。為了振興香港經濟，政府採取了一系列財政措施，包括緊縮公共開支；換句話說，我們必須以較少的資源去達致更大的效益。

which tend to be difficult, painstaking and time consuming. As in the past, however, we continue to meet with considerable success in this field, with many cases resulting in substantial sentences being handed down by the courts.

In the public sector also we continue to make our mark with successful investigations and prosecutions. The Hong Kong Government today compares favourably with its international peers in terms of the extent to which what might be called classic corruption - that is to say, bribery - exists within its ranks. But that is certainly no cause for complacency, because in recent years we have witnessed an increase in corrupt practices of a less obvious kind, by which some public officers abuse their power to dishonestly benefit favoured individuals at the expense of others, including the Government itself.

A typical example of such corrupt conduct is that in which a public officer contrives at the granting of a contract to a relative or friend, or to a company in which he has an (undeclared) interest, by unfairly influencing and thereby usurping the tender process. Since these insidiously subtle circumstances do not always amount to a breach of the Prevention of Bribery Ordinance, we would be powerless to take action against those responsible were it not for the common law offence of misuse of public office. Regular readers of this *Review* will know that, in the last two or three years, we have put this provision to good use in the courts, and we will continue to do so where necessary.

The forces of law and order will always face challenges. The trick is to adapt resources and strategies to overcome those challenges; to innovate and re-group so as to optimise effectiveness and maintain pressure on the corrupt. And thus it has been with the ICAC. Evolving with the changing emphasis and character of corruption in Hong Kong over the years ensured that the Commission remained equal to - better than - the many challenges it encountered. In recent years, the global economic downturn presented us with one of our greatest challenges. As the Government strove to revitalise the Hong Kong economy by fiscal policies that impinged on public spending, we were obliged to achieve more with less.

以現時的經濟氣候，執行處的任务必然艱鉅，其程度甚至是前所未有。但我絕不感到氣餒或悲觀，因為以肅貪倡廉為己任的廉署人員，定能憑著無比的奉獻與專業精神，克服任何逆境。我謹此作出承諾，我們不會有負市民所望，定必團結一致，繼續提供最優質的服務，確保貪污無論何時都是高風險罪行。為此，我已著手重組部門架構，進一步精簡支援服務，以抽調更多人手加強前線調查工作。

來年，我會全面檢討執行處的工作程序、制度和培訓等事宜，目的是提升整體工作效率和成效，最終難免會令各同事的工作量有所增加。前路雖然崎嶇，我們仍有絕對信心可以踏平障礙，戰勝任何困難。

我謹此奉上2002年執行處年報，希望讀者會對內容感到趣味，並能從中得悉我們在過去一年的工作概況。

In the present economic climate, the task of the ICAC's Operations Department will surely be difficult - perhaps more difficult than ever before. But I am neither discouraged nor pessimistic, because I know that the dedication and professionalism of the men and women who have chosen the ICAC as their vocation is greater than the adversity they face. My pledge is that, together, we will continue to provide the Hong Kong community with the same sterling standard of service they have come to expect from the ICAC, and that our objective of making corruption a high risk crime will be achieved in the future as it has been in the past. To that end I have already begun restructuring the Department, reinforcing the front-line investigative workforce by further streamlining support services.

In the coming year, I will review all aspects of the Department's work - procedures, systems, training and the like - with a view to enhancing performance and effectiveness. Ultimately, all this will mean more work for everyone, and the road ahead will not be easy but, as ever, we will prevail.

In the meantime, I offer the 2002 edition of the *Operations Department Review*. The following pages contain what I hope readers will find an interesting and informative summary of our work during the past year.

執行處的組織架構

Our Organisational Structure

執行處架構圖（2002年12月31日）：

The Operations Department (as at 31 December 2002) :



副廉政專員兼執行處首長

李銘澤，IDS

李銘澤先生於一九七七年加入廉政公署，
二〇〇二年十月十六日被委任為執行處首長

**Daniel LI Ming-chak, IDS,
Deputy Commissioner and Head of Operations**

Daniel LI joined the Commission in 1977 and was
appointed Head of Operations on 16 October 2002.

副廉政專員兼執行處首長
Deputy Commissioner and
Head of Operations



執行處處長（政府部門）

陳德成，IDS

陳德成先生於一九七七年加入執行處，
二〇〇二年晉升為執行處處長

**Gilbert CHAN Tak-shing, IDS,
Director of Investigation (Government Sector)**

Gilbert CHAN joined the Department in
1977 and was promoted to Director of
Investigation in 2002.

執行處處長（政府部門）
Director of Investigation (Government Sector)



執行處處長（私營機構）

李俊生，IDS

李俊生先生於一九七四年加入執行處，
一九九六年晉升為執行處處長

**Francis LEE Chun-sang, IDS,
Director of Investigation (Private Sector)**

Francis LEE joined the Department in
1974 and was promoted to Director of
Investigation in 1996.

執行處處長（私營機構）
Director of Investigation (Private Sector)

（調查科一）
Investigation Branch 1

A B C Y

（調查科三）
Investigation Branch 3

G H X

（調查科二）
Investigation Branch 2

D E F Z

（調查科四）
Investigation Branch 4

I J K L

技術
支援部
Technical
Services
Division

國際反貪會議
ICAC - Interpol Conference

本處編制約共998名，其中838名為調查人員。

The department operates on an establishment of some
998 officers of which 838 are investigative staff.

各調查科及調查組的特定工作範圍

Charters of Investigation Branches (IB) and Investigation Groups

組別 Group	特定範圍 Charter
調查科一 (A組、B組、C組及Y組) IB 1 [GROUPS A, B, C and Y]	
A	警隊 Police
B	香港海關、入境事務處、懲教署、消防處及稅務局 Customs & Excise; Immigration; Correctional Services; Fire Services; and Inland Revenue Department
C	公營機構建築項目的地基工程 Physical foundation construction in the public sector
Y	其他政府部門 Other Government Departments
調查科二 (D組、E組、F組及Z組) IB 2 [GROUPS D, E, F and Z]	
D	運輸、貨櫃、空運、客運等等及相關行業、燃料及主要零售行業 Transport; container; air cargo; passenger etc. and related services; fuel and major retailing
E	旅遊業、保安業、保險業、新聞媒介及村代表 Travel; tourism; security industry; insurance; news media; and village representatives
F	建造業及地產 Construction and real estate
Z	銀行及金融業 Banking and finance
調查科三 (G組、H組及X組) IB 3 [GROUPS G, H, and X]	
G	情報搜集及研究、臥底行動、聯絡線人、證人保護 Intelligence gathering & research; undercover operations; informant handling; and witness protection
H	跟蹤 Surveillance
X	選舉及公共機構 Elections and public bodies
調查科四 (I組、J組、K組及L組) IB 4 [GROUPS I, J, K and L]	
I	執行處行政管理、政策制定、管理服務、法律研究、傳譯及翻譯服務、統計報告及分析、 審查貪污舉報諮詢委員會秘書處 Operations Department administration; policy; management services; legal research; interpretation and translation services; statistics production and analysis; Secretariat of Operations Review Committee
J	舉報及扣留中心、快速反應隊、招聘及培訓、聯絡內地及海外執法機構 Report and Detention Centres; Quick Response Team; recruitment and training; operational liaison with the Mainland and international liaison
K	資訊科技、電腦資料鑑證及財務調查 Information technology; computer forensics; and financial investigation
L	內部調查及監察 Internal investigations and monitoring
特別職務組 (國際反貪會議)* Special Duty Group [ICAC - Interpol Conference]*	
SD	國際反貪會議的籌備、宣傳及後勤工作的細節安排 Planning, promoting and organising logistic arrangements of the ICAC - Interpol Conference

註：國際反貪會議已定於2003年1月22-24日舉行

16 N.B. : The ICAC - Interpol Conference is scheduled to take place from 22 to 24 January 2003

INVESTIGATION BRANCH 1



調查科一

執行處助理處長（一）黃世照，IDS

我曾於1996年至1998年間擔任調查科(一)的助理處長，2002年10月，我再次執掌該職。由於執行處重整架構，調查科(一)在新訂的工作範圍下，負責調查涉及所有政府部門和公共機構的貪污舉報。為應付擴大了的調查職務，調查科(一)獲調派更多前線調查人手，使轄下四個調查組各有四個調查小隊。

過去一年，由於涉及政府部門的貪污舉報數字與調查個案量持續高企，調查科(一)的工作一直非常繁重。管方深知，在提升工作產量之餘，廉署人員必須維持專業水平，並與有關的部門和機構建立良好的伙伴合作關係。我深信，只要提高本身的案件管理能力，以及加強與各伙伴機構的合作，我們定能繼續為市民提供優良的服務。

對調查科(一)來說，2002年是另一個碩果豐收的年頭。我在此謹向調查科(一)全體同事致意，感謝他們在過去一年出色的表現。

INVESTIGATION BRANCH 1 (IB/1)

BY RYAN WONG SAI-CHIU, IDS, ASSISTANT DIRECTOR OF OPERATIONS 1

I returned to Investigation Branch 1 in October 2002, having been in the post for two and a half years between 1996 and 1998. As a result of a re-organisation, the Branch was given a new charter, which entails the responsibility for investigation of corruption complaints concerning all Government Departments as well as those concerning public and scheduled bodies. To cope with the wider investigative responsibility, additional front-line investigators were deployed in the Branch so that each of the four Investigation Groups has an establishment of four Sections.

During the year, the Branch has been extremely busy in light of a high level of corruption complaints and a sustaining high caseload. While productivity has increased, the management recognized the importance of maintaining our officers' professional standard and our partnership with the agencies concerned in our investigations. Through better internal case manage-

ment and enhanced co-operation with our partners, I am confident that we will continue to provide good service to the community.

2002 has been another successful year for IB/1. I would like to take this opportunity to thank all those in the Branch for a job well done.

A組
Group

首席調查主任呂樹桐

BY PRINCIPAL INVESTIGATOR, TONY LUI SHU-TUNG

A組負責調查涉及香港警務人員的貪污投訴。2002年，針對警務人員的貪污舉報上升10%，A組調查人員的工作因此非常繁重。

2002年，A組在人事和領導上有一些變動。在6月，首席調查主任羅國忠先生調離A組，以便處理一項重要的調查工作，而A組的管理工作由G組的首席調查主任朱敏健先生一併負責。到10月，我獲晉升為首席調查主任接管A組。

A組在過去一年處理多宗案件頗值一談：

警員被控索賄

上年年報提及一名警員及一間連鎖店的三名保安員被控串謀勒索，而該名警員更被加控一項販毒罪名。該名警員在原訟法庭被裁定販毒罪名成立，被判入獄八年半。至於他與該連鎖店三名保安員被控勒索賄款一案，定於2003年2月在區域法院進行審訊。



在警員汽車司機座椅下發現的毒品
Drugs found at the driver's seat of Police Constable's car

在另一宗案件，一名探員被指向一宗勒索案的疑犯索取賄款，作為「擺平」警方調查結果的報酬。在廉署安排的埋伏行動中，該名探員收取了5,000元賄款後立即被拘捕，他將於裁判法院就一項貪污控罪接受審訊。

A Group deals with allegations of corruption against members of the Hong Kong Police Force. During the past year, corruption reports against the Police increased by 10% and A Group officers were kept very busy throughout.

2002 saw some changes in A Group in terms of personnel and leadership. In June, Mr Jeremy LO, the Principal Investigator, left the Group to deal with a major investigation and Mr Ricky CHU was in charge of A Group in addition to his role of Principal Investigator of G Group. Upon my promotion to Principal Investigator in October, I took over from Ricky.

In the past year, we dealt with the following cases of interest :

Police Constables on bribery charges

In last year's *Review*, we reported a case in which a Police Constable and three security staff of a chain store company were charged with offences of corrupt extortion, whilst the Police Constable was additionally charged with a drug trafficking offence. The Police Constable was found guilty of the drug trafficking offence after a trial by jury at the Court of First Instance. He was sentenced to eight and a half years' imprisonment. As regards the bribery charges, he and the three security staff of the chain store company face trial at the District Court in February 2003.

In another case, a Detective Police Constable was alleged to have solicited a bribe from a suspect in a blackmail case for favourably influencing the police investigation. An ambush operation was mounted, during which the Detective Police Constable was arrested after receiving \$5,000 from the offeror. The Detective Police Constable now faces trial at the Magistrate's Court for a corruption offence.

Bankruptcy tempts officer to corruption

In September 2002, a complaint was received by the ICAC that a Police Constable and a Customs Officer had approached a suspect in a wounding case soliciting advantages. They told the suspect that they had connections with a Government Counsel of the Department of Justice and that they could render assistance in favourably influencing

因破產而觸犯貪污罪

2002年9月，廉署接獲投訴，指一名警員及一名關員曾向一宗傷人案的疑犯索取利益。他們聲稱與律政司一名政府律師有聯繫，可協助「擺平」該名疑犯的控罪，代價是60萬元。廉署調查後確定指控屬實，並於2002年11月拘捕上述兩名貪污疑犯。該名關員已宣布破產，相信他是因為無力還債而在負責處理該宗傷人案的警員協助下，向疑犯索取賄款。從本案可見，量入為出及妥善理財，對公職人員至為重要。

「頂包人」被判入獄

2002年3月，廉署接獲情報，指一名本地流行歌手於清晨時份在中環撞毀其跑車，而某些警務人員懷疑曾收受該名歌手的賄款，作為協助他避免就該宗交通意外被起訴的報酬。調查發現，該名歌手的公司司機獲得一名交通警員允許，代替歌手認作該宗交通意外的肇事司機。該名交通警員、「頂包」司機及流行歌手其後被拘捕。「頂包」司機承認一項妨礙司法公正罪，被判入獄四個月。其後，他為控方指證上述交通警員及流行歌手串謀妨礙司法公正。法庭裁定二人罪名成立，該名交通警員被判監六個月，而流行歌手則被判履行240小時社會服務。該案在調查及檢控期間被傳媒廣泛報道，並在該名歌手作為青少年模範以及司法價值兩方面的問題上，引起不少討論。



紅棉路交通意外現場

Cotton Tree Drive where the traffic accident took place

a decision on the question of prosecution against the suspect in return for \$600,000. Subsequent enquiries confirmed the allegation and the two officers were arrested for suspected corruption in November 2002. Investigation revealed that the Customs Officer had been declared bankrupt and it is believed that his insolvency might be the reason for the alleged corrupt solicitation with the assistance of the Police Constable who was handling the wounding case. The case highlights the importance of public officers being able to live within their means and to manage their finances properly.

'Scapegoat' jailed

In March 2002, information was received by the ICAC that unidentified police officers might have accepted bribes from a local pop singer, who crashed his sports car early in the morning in Central, as a reward for their assistance in his avoiding prosecution. During the course of investigation, it was revealed that the singer's company driver had been allowed by a traffic police officer to substitute himself for the pop singer as the driver involved in the traffic accident. This culminated in the arrest of the traffic police officer, the scapegoat and the pop singer. The scapegoat subsequently pleaded guilty to a charge of perverting the course of public justice and was sentenced to four months' imprisonment. Following his conviction, the scapegoat testified for the prosecution against the traffic police officer and the pop singer for conspiring to pervert the course of public justice. Upon their conviction, the traffic police officer was sentenced to six months' imprisonment and the pop singer to 240 hours of community service. This case attracted extensive media coverage over the period of the investigation and prosecution. It has also raised public debate over the pop singer as a role model for young people and the core values of the administration of justice.

前瞻

為了提高透明度，廉署就調查個案採取行動後，經常會發放新聞稿。然而，年內有一些報章報道，指廉署和警方在發放新聞稿的問題上有不同的意見。透過適當的協商，問題已獲妥善解決，雙方並同意在彼此關注的問題上加強聯絡和合作。

廉潔政府乃廉署和警方的共同目標，而雙方現行的聯絡和合作渠道包括：

- 警廉行動聯絡小組 - 雙方高層人員透過定期會議，就共同關注的問題進行磋商。



警廉行動聯絡小組會議

Police / ICAC Operational Liaison Group Meeting

- 警隊反貪策略督導委員會 - 制定全面性策略，致力根除警隊內的貪污。
- 廉署為警隊各總區/區指揮官安排簡報會- 講述區內的貪污及相關問題。
- 與警方投訴及內部調查科保持聯絡 - 在工作層面上進行日常聯絡。
- 廉署人員在警隊各級指揮課程中主持講座 - 談論管方在偵查及防止貪污上可能遇到的問題。

The Way Forward

In an effort to enhance its transparency, the ICAC has adopted a policy to issue press releases in appropriate cases following ICAC operations. There were however some press reports during the year which suggested there was disagreement between the ICAC and the Police over the issue of press releases on some A Group operations. Through appropriate consultation, the matter was resolved amicably, with both sides agreeing to step up operational liaison and co-operation over matters of mutual concern and interest.

With a common goal of clean government, we work in partnership with the police and there exist the following channels of liaison and co-operation :

- Police/ICAC Operational Liaison Group - high level liaison on operational issues of common interest between the two agencies.
- Force Anti-Corruption Strategy Steering Committee - adopts a holistic approach in formulating strategies to eradicate corruption within the Police Force.
- ICAC briefings to Police Regional/District Commanders - on perceived corruption and related problems affecting the police region/district.
- Liaison with Police Complaints & Internal Investigations Branch - day-to-day liaison on operational matters at a working level.
- ICAC input in three levels of Police Command Courses - on perceived problems encountered by management in the detection and prevention of corruption.

Given the prevailing economic situation in Hong Kong and the increase in corruption reports in recent years, the task ahead of us is definitely a challenging one. To meet this new challenge, we will seek to enhance our investigative capabilities, maintain our high standard of

鑑於香港的經濟仍然疲弱，而近年貪污舉報數字上升，我們未來的工作必然艱巨。為應付新挑戰，我們會致力提高調查能力，維持高度專業水平，並與警方加強聯繫。警廉的伙伴合作，仍是消除警察貪污最有效的策略。

professionalism and strengthen our operational liaison with the Police. The partnership approach with the Police will continue to be an effective strategy to keep the Police Force free from corruption.

B組
Group

首席調查主任蘇炳雄

BY PRINCIPAL INVESTIGATOR, DANIEL SO PING-HUNG

涉及紀律部隊人員的貪污舉報，除香港警務處外，均由B組負責調查。這些紀律部隊包括懲教署、香港海關、消防處、入境事務處和政府飛行服務隊。此外，B組也負責處理涉及香港特區政府一些非工程部門的舉報，但資源主要用於調查涉及懲教署、海關、消防處和入境處的案件。

涉及紀律部隊人員的貪污指控

一般來說，針對懲教署人員的投訴，包括收受利益作為優待正在服刑的囚犯或被羈留者、為他們傳遞信息或攜帶違禁品給他們的報酬。此外，懲教署人員也常常被指向釋囚或囚犯的親友借錢。2002年，兩名市民被控向一名還押犯人的親屬虛假地表示，他們可指使一名懲教署人員為該犯人撰寫良好的報告，兩人

後來被裁定罪名成立。另外兩宗案件分別涉及兩名懲教署人員，其中一人被控向一名釋囚借錢，另一人則被控將違禁品帶進監獄，兩人最終均被定罪。

除了公眾人士所作出的貪污舉報，各懲教所和監獄的保安人員，亦經常把在工作上所遇到的懷疑貪污事件，轉介給廉署進行調查。

聯絡渠道

香港經濟持續惡化，絕對無助於部分公務員解決其負債或其他投資失利問題，而某些紀律部隊人員出現債台高築的情況，仍然令人關注。2002年宣佈破產的紀律部隊人員是歷來最多的，而不少人員宣佈破產後被指未經許可接受貸款。

The charter of B Group covers corruption complaints against all disciplined services other than Hong Kong Police Force. They are the Correctional Services, Customs & Excise, Fire Services, Immigration Department and Government Flying Service. The Group also deals with complaints concerning some non-works departments of the Hong Kong SAR Government. The majority of the Group's resources were deployed in investigating complaints against the first four disciplined services mentioned above.

Suspected corruption concerning the disciplined services

Generally speaking, allegations against Correctional Services Department (CSD) personnel concern officers accepting advantages in return for giving preferential treatment to, conveying messages for, or bringing unauthorized articles to serving prisoners or inmates. Allegations against

officers asking for loans from ex-prisoners, friends or relatives of prisoners are not uncommon. In 2002, there was a case in which two civilians were convicted of making a false representation to relatives of a remand prisoner purporting that they could cause a CSD officer to report favourably on the prisoner. In two other cases, two officers were respectively convicted of

obtaining a loan from an ex-prisoner and introducing an unauthorised article into prison. In addition to corruption reports made by members of the public, the security staff of various correctional institutions and prisons also regularly refer to the Commission their suspicion of corruption encountered during the course of their duties.

Operational liaison

The continuous downward trend of the local economy does nothing to help civil servants resolve their financial problems, some of which occurred as a result of negative equity arising from property speculation or other



違禁品帶進監獄
Unauthorised articles found in prisons

廉署提倡建立合作伙伴關係，聯手打擊貪污，得到各紀律部隊的高層管理人員全力支持。個別紀律部隊的首長級及高級人員，每六個月與廉署執行處高層人員舉行行動聯絡小組會議，商討有助加強彼此合作的各項問題。此外，在工作層面上，廉署與部分紀律部隊亦每隔六個月輪流主辦研討會或工作坊，藉此加深彼此的了解、提高工作效率並加強彼此的合作關係。這項安排由懲教署開始，最近已推展至消防處及入境事務處。

涉及其他政府部門人員的貪污指控

年內有多宗涉及其他政府部門人員的檢控，都取得成功。

在2002年2月，一名政務主任經審訊後被裁定兩項索取利益罪名成立。案發時，該名政務主任任職工商局助理局長。因工作關係，他可取閱正獲當局考慮委以公職的人士的個人履歷、和一本名為「政務職系名錄」的限閱刊物，該刊物載有所有政務主任的詳細個人資料。該名政務主任濫用職權，在有關人士不知情下，將他們的個人資料提供予兩名財務顧問，倘若他們最終成為該兩名財務顧問的客戶，他便會收取任何投資交易的一半佣金作為報酬。該名政務主任因所犯的罪被判監12個月。

香港所有華人廟宇，均由民政事務局轄下的信託基金、廟宇及墳場組管理，並由華人廟宇委員會進行監督。

在2002年5月，信託基金、廟宇及墳場組的執行秘書，承認一項身為代理人收受利益的控罪。華人廟宇委員會一名委員和一名定期合約承辦商，在2000年至2002年期間，曾多次向該執行秘書提供賄款。該承辦商為多間華人廟宇的維修工程供應所需木材，而該名華人廟宇委員會委員則在前者的業務上享有既得利益。由於收取了賄款，該執行秘書未有向信託基金、廟宇及墳場組報

unsuccessful investments. Indebtedness continues to be a matter of concern for officers in the disciplined services. The number of officers declaring bankruptcy in 2002 was at a record high. A number of those who declared bankruptcy subsequently became subject of allegations of obtaining unauthorised loans.

The senior management of all disciplined services gave their support to the idea of a partnership approach in fighting corruption as advocated by the Commission. The directorate and senior staff of each of these departments hold six monthly meetings with ICAC Operations Department personnel. Working together in Operational Liaison Groups, they discuss issues conducive to better co-operation between the agencies. At a working level, the ICAC and our partners in some of the disciplined services alternately host seminars or workshops, also on a six-monthly basis, to enhance mutual understanding, operational efficiency and working relationships. This practice started with the CSD and has recently been extended to the Fire Services and Immigration Departments.

Suspected corruption concerning other Government Departments

In 2002, there were several successful prosecutions concerning other Government Departments.

In February 2002, an Administrative Officer was convicted, after trial, of two counts of soliciting an advantage. The officer was, at the time, an Assistant Secretary with the Trade and Industry Bureau. His official duty enabled him to have access to the curricula vitae of private individuals being considered for various public service appointments, and a restricted publication called, "Who's Who in the Administrative Service" that contains detailed biographical data of all Administrative Officers. In abusing his official position, he offered to refer clients and, unbeknown to them, supply their personal details to two financial advisers in return for an advantage which was 50% of the commission gained from any successful transactions. He was sentenced to 12 months' imprisonment.

In Hong Kong, Chinese temples are managed by the Trust Funds, Temples and Cemeteries Section (TFTC) of the Home Affairs Bureau, under the supervision of the Chinese Temples Committee (CTC).

告該委員本身存在的利益衝突，以及該承辦商的維修工程未符標準。廉署採取行動時，在該執行秘書的辦公室內搜獲60萬元現金。他被判監28個月，而涉案的95萬元賄款全數被沒收。針對行賄者的調查工作仍在進行。

公職人員行為失當

廉政專員的法定職責，並不限於調查涉及賄賂的不法行為。如公職人員的舞弊行為不涉賄賂成份，律政司近年漸多引用普通法的「公職人員行為失當」罪提出檢控。在2002年，香港電台一名總節目主任被法庭裁定兩項公職人員行為失當罪名成立，被判監四個月，緩刑兩年。該名總節目主任蓄意濫用職權，沒有遵照部門既定程序批准兩名下屬加薪，並指使下屬以虛假陳述達致加薪的目的。

由於工作範圍多元化，B組調查人員有機會處理不同類型的案件，既可增進專業知識、累積寶貴經驗，更可擴闊視野。對B組人員來說，2002年是忙碌的一年，也是收穫甚豐的一年。我在此謹向B組同人致意，感謝他們在過去一年的努力和良好表現。

In May 2002, the Executive Secretary of TFTC pleaded guilty to an offence of accepting an advantage as an agent. The bribes were offered jointly on various occasions between the years 2000 and 2002, by a member of the CTC and a term contractor. The CTC member had a vested interest in the business of the contractor who supplied the timber required for maintenance work at a number of Chinese temples. In return for bribes, the Executive Secretary omitted to report to the TFTC that there was a conflict of interest on the part of the CTC member or on the substandard work of the term contractor. When overt action was taken, \$600,000 in cash was found in the office of the Executive Secretary. He was sentenced to 28 months' imprisonment and his corrupt proceeds amounting to \$950,000 were forfeited. Further investigation into the alleged corrupt offeror is continuing.

Misconduct in public office

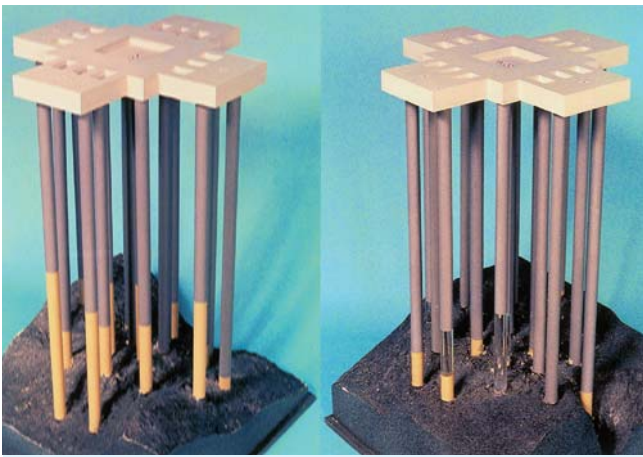
The Commissioner of the ICAC has a statutory duty to investigate corrupt practices not necessarily restricted to quid pro quo bribery. In dealing with corrupt conduct of a public officer where no bribery is involved, the common law offence of Misconduct in Public Office has been increasingly used in prosecutions in recent years. During the year, a Principal Programme Officer of Radio Television Hong Kong was convicted of two counts of Misconduct in Public Office and was sentenced to four months' imprisonment suspended for two years. In this case, he wilfully abused his office by approving a salary increase for two of his subordinates without complying with departmental procedures. He also instructed his subordinates to arrange for such an increase to be made with the use of false representation.

The Group's diverse Charter enables our investigators to deal with a variety of cases and broaden their professional knowledge, experience and exposure. 2002 has been a busy and rewarding year for B Group officers. I would like to take this opportunity to thank them for their good work.

隨著執行處於2002年10月底重組架構後，C組除肩負原有職責，調查與政府工務工程有關的貪污指控外，還負責調查涉及所有公共機構的貪污投訴。

由於上述範疇的貪污會對社會構成重大影響，調查工作往往較為敏感，亦容易引起公眾的關注。為求有效地打擊業界的貪污，C組採取主動出擊調查策略，並致力建立合作伙伴關係。我們得到各機構管理層的充分合作，事實上，下文談及的成功案例，大部分都源自這些機構轉介過來的資料。

不合規格樁柱



問題樁柱
Faulty Piles

據房屋署管理層作出的舉報，位於新界沙田的某「居者有其屋」發展項目，懷疑有貪污及樁柱不合規格的情況。經過繁複技術性勘測和數據分析後，調查人員發現36支大直徑鑽孔樁中，只有四支符合工程合約規格。其中有21支樁柱比所需長度短二至25米不等，其餘11支則承托於軟淤泥而非規定的基層岩中。不合規格樁柱導致嚴重的不平均沉降，對兩幢新建成的多層公屋樓宇的結構造成危險。結果，危險建築物須要全部拆卸，以致浪費公帑超過五億四千萬元。

雖然該案的貪污指控，未有充分證據支持，但負責監督的房署人員已承認監工時

As a result of the re-organisation of the Department in late October 2002, C Group has included in its charter complaints of corruption concerning all public bodies, in addition to its on-going responsibility for investigating alleged corruption concerning public works.

As corruption in these areas has a significant impact on the community, this type of investigation is frequently sensitive and tends to attract public attention. To effectively combat corruption in these areas, C Group adopts a proactive strategy and partnership approach. These measures have been very successful in fostering the co-operation of the management of our 'client' organisations. In fact, the majority of our successful cases under review originated from referrals of information by these organisations.

Substandard piling

The management of the Housing Department reported their suspicion of corruption and substandard piling work at a Home Ownership Scheme Development Project in Shatin, New Territories. The investigation involved complicated technical surveys and analysis of data, which subsequently revealed that only four of the 36 large diameter bored piles were found to be compliant with the contract specifications. 21 were shortened by between two to 15 meters, while the remaining 11 rested on soft mud instead of bedrock as required. The substandard piles caused serious uneven settlement, endangering the structure of the two newly built multi-storey public housing blocks. As a result, the faulty structures had to be demolished and over \$540 million of public revenue was lost.



量度短樁用的「神仙尺」
Rigged measuring tape used for measuring shortened piles

Although there was insufficient evidence to substantiate the allegation of corruption, the supervisors from the Housing Department admitted having exercised very loose supervision. The unscrupulous

過於鬆懈。而負責打樁的無良承建商，竟於樁柱接受測試前，在鑽取土芯記錄上以假亂真，更將量度尺竄改，以虛構測量記錄。

涉案的打樁公司兩名董事及一名地盤總管，被控串謀詐騙香港政府。在2002年7月，兩名董事在原訟法庭被裁定罪名成立，均判入獄12年。而地盤總管則承認控罪，並指證同案其他被告，最後被判監三年零三個月。審理該案的法官判處重刑以儆效尤時，作出以下評語：

「各被告的所作所為，令建造業受到沉重的打擊。他們造成的禍害，至為鉅大。社會上竟有人只為貪圖小利，而不惜犯下這種罪行，嚴重危害他人的性命財產，簡直是難以想像。假如判處的刑罰，不足以反映社會人士對這種不負責任的詐騙行為，感到深惡痛絕，則我未免有失職之嫌。」

誇大申索額

建造業內一種與貪污有關的常見詐騙行為，就是以行賄手段，使誇大數額的中期索款申請獲得批准。其中一宗同類案件，涉及負責港島西區及南九龍政府大樓維修工程的一名判頭。他因行賄建築署人員，以求對方放鬆監督工作，被裁定罪名成立，判入獄十個月。而其屬下三名僱員，因串謀遞交多份誇大數額的維修工程付款申請，每份涉及數十萬元款項，以詐騙香港政府，亦同樣罪名成立，被判監六至15個月不等。同案三名建築署人員，被裁定收受利益罪名成立，判罰款及履行社會服務令。

受賄批出合約

上年年報曾提及的這宗案件，涉及房屋署一名總屋宇裝備工程師，他最終被控一項「公職人員行為失當」罪名，及16項接受利益罪名。案中為數共330萬元的賄款，涉嫌由承判商或供應商提供，以獲取多份屋宇

piling contractor had chosen to conceal the substandard piles by replacing cored logs before testing and tampering with measurement tapes to fabricate records.

Two directors and a site agent of a piling company were charged with conspiracy to defraud the Hong Kong Government. In July 2002, the directors were convicted at the Court of First Instance and were sentenced to 12 years' imprisonment. The site agent, who pleaded guilty and testified against his co-accused, was given a jail term of three years and three months. In passing a deterrent sentence, the trial judge commented that:

" Their conduct strikes at the very heart of the construction industry. The damage they did is enormous and it is also absolutely unthinkable that anyone would commit such a crime, creating such hazard to life and property, for a comparatively small gain. I would not be performing my duty if the sentence I give does not adequately reflect public disapproval and abhorrence for such kind of irresponsible and fraudulent conduct."

Inflated claims

A common corruption related fraud in the construction industry is the corrupt approval of inflated claims for interim payments. One such case involved a subcontractor responsible for maintenance of government buildings in Western Hong Kong and South Kowloon. He was convicted of bribing officers of the Architectural Services Department for lax supervision and was sentenced to ten months' imprisonment. Three of his employees were convicted of conspiring to defraud the Hong Kong Government by submitting inflated claims of several hundred thousand dollars for maintenance work. They were sentenced to terms of imprisonment ranging from six to 15 months. In the same case, three officers of the Architectural Services Department were fined and ordered to perform community service after their conviction for accepting advantages.

Corrupt award of contract

The case, last reported in the 2001 Operations Department Review, involving a Chief Building Services Engineer of the Housing Department has resulted in his being charged with one count of misconduct in public

裝備工程合約及優惠待遇。該案將於2003年9月在原訟法庭開審。涉嫌行賄該名總屋宇裝備工程師的三名房署承判商或供應商亦遭檢控，將於2003年初在區域法院受審。這條「有厚利可圖」的貪污門路，直至調查此案才被揭發。

公職人員行為失當

上年年報曾報道一名總產業經理，因四項「公職人員行為失當」罪名而被判入獄九個月。上訴法庭駁回其上訴申請，而律政司司長申請覆核判刑卻得直，刑期被增至兩年半。被告遂向終審法院提出上訴，指《普通法》的「公職人員行為失當」罪名過於含糊籠統、有欠明確及界定不清，與《基本法》保障的權利有所抵觸。

終審法院一致裁定將上訴駁回，認為有關罪名並非有欠明確、含糊籠統或缺乏理據，故絕無抵觸《基本法》。此外，判詞更將該罪行的構成要素，逐一列明；面對不一定構成賄賂罪行的公職人員瀆職舞弊行為日益增多的情況，這判詞足以為未來的調查和檢控工作，提供寶貴的指引。

廉署今後仍會努力不懈，打擊在建造業和公共機構兩方面的貪污活動。我們將繼續與政府部門、建造業和公共機構維持伙伴合作，以執法、預防、教育「三管齊下」的有效策略，剷除任何可能助長貪污的舞弊行為。我們期望透過成功的執法工作，令案件的主犯被判重刑，同時喚起合作伙伴的積極響應，從而收到提升業界專業素質與道德水平的理想成效。

office and 16 counts of accepting an advantage. The alleged bribes totalled \$3.3 million and, it was alleged, came from contractors/suppliers over the award of building services contracts and preferential treatment. His trial will commence at the Court of First Instance in September 2003. In addition, three contractors/suppliers of the Housing Department, who had allegedly offered bribes to the Chief Building Services Engineer, have also been charged and will appear in the District Court in early 2003 for trial. The investigation unearthed a lucrative area for corruption which had not previously been exposed.

Misconduct in public office

As reported last year, a former Chief Property Manager was convicted of four charges of misconduct in public office and sentenced to nine months' imprisonment. His appeal to the Court of Appeal was dismissed but his sentence was increased to 30 months as a result of a successful application for review of sentence by the Secretary for Justice. The convicted person has since appealed to the Court of Final Appeal, challenging the common law offence of misconduct in public office as inconsistent with rights guaranteed by the Basic Law, by being too vague, uncertain and ill defined.

In unanimously dismissing the appeal, the Court of Final Appeal found that the offence is not imprecise, vague or arbitrary as to offend the Basic Law. The judgment also set out clearly the elements of the offence, providing useful guidance for future investigations/ prosecutions, given an emerging trend of public officers being involved in corrupt practices not necessarily amounting to bribery.

In conclusion, the ICAC will remain vigilant in combating corruption within the construction sector and public bodies. We will continue to work with our partners within the Government, the industry and public bodies to eliminate malpractice conducive to corruption, through the well-established three-pronged strategy of enforcement, prevention and education. It is also hoped that successful enforcement action resulting in heavy sentences of the main culprits and positive responses from our partners will bring about the desired impact on the industry to improve professional quality and ethical standards.



首席調查主任祈國利

BY PRINCIPAL INVESTIGATOR, PETER GREGORY

2002年內，Y組的特定工作範圍有不少改變，這亦反映了調查科(一)最新的整體策略。年底時，Y組負責調查與28個政府部門的員工有關的貪污投訴，這些部門分別隸屬於民政事務局、房屋及規劃地政局、衛生福利及食物局，以及環境運輸及工務局。我們所負責的案件範圍廣泛和極富挑戰性。

然而，我必須指出，當中很多部門的員工甚少遭人投訴，大部分投訴皆涉及批出政府合約或負責執法工作的部門。

政府人員處理與承判商的關係時必須具專業性，因為市民對他們的誠信要求很高。雙方的關係一旦過於密切，便可能削弱有關人員的誠信，繼而誘發貪污行為。這種現象年年皆見。

康樂文化事務署一名康樂事務主任原先被指收受物品供應商所提供的非法利益，最後因串謀詐騙康文署的罪名被定罪，判處入獄八個月。案情指他未有按照規定，邀請多間不同的獨立公司參與投標，而只安排由其兄弟所操控的五間公司，提交部門所要求的標書數量，藉以確保其兄弟能成功取得有關合約。

在另一宗更嚴重的案件裏，承判商本應負責拆卸和更換某行車隧道內1,400多塊對使用者健康構成威脅的石棉板塊，但承判商未有換上新的無石棉板塊，而只是把舊的板塊鬆油了事，並且在一名路政署監工的協助下，聲稱已完成更換工程而收取費用。該監工及承判商被控串謀詐騙路政署，現正等候審訊。

房屋署的員工似乎被人投訴最多，主要因為每當建築及維修工程未達標準時，公眾人士便會覺得承判商與房屋署監督人員之間必定有某種形式的貪污勾當，以致出現監管不力的情況。經調查後，我們往往發現有關人員只屬疏忽職守而未至於有貪污行為。

The charter of Y Group has continued to evolve during the year to more adequately reflect the overall strategy within the Branch. By year-end the Group had responsibility for dealing with complaints involving twenty-eight Government Departments from within the Bureaux of Home Affairs; Housing, Planning & Lands; Health, Welfare & Food; and Environment, Transport & Works. This presents a varied and challenging portfolio of responsibility.

It should be made clear that for many of those departments there have been few, if any, complaints received. It continues to be those departments involved with the awarding of Government contracts or enforcement duties that are the subject of most complaints.

The relationship between Government officials and the contractors is expected to be a professional one, with the public demanding a high level of integrity. It is very easy for that relationship to be abused if that integrity is weakened by unacceptable familiarity between the parties concerned, which then leads to corrupt conduct. Examples of this phenomenon are seen every year.

An Amenities Officer of the Leisure and Cultural Services Department, originally alleged to have accepted corrupt advantages from suppliers of goods to his Department, was found guilty of and sentenced to eight months' imprisonment for conspiracy to defraud his department. Instead of inviting tenders from various companies independent of each other, the officer arranged for his brother, who controlled five companies, to submit an appropriate number of tenders required to satisfy his department's policy. This ensured his brother was awarded those contracts.

In another more serious case, the contractor tasked with carrying out the removal and replacement of over 1,400 asbestos panels in a road tunnel, which were becoming hazardous to health, with asbestos-free ones, decided to simply repaint them. Payment claims for the replacement work purported to have been done were made with the assistance of a Highways Department Works Supervisor; he and the contractor concerned, having been charged with conspiracy to defraud the Highways Department, are now awaiting trial.

在其中一宗案件，一名承判商因未有按照合約規定進行維修工程，被裁定串謀詐騙房屋署罪名成立，判處入獄，但獲緩刑。



路政署須拆卸承判商未有更換的石棉板塊
Highways Department takes remedial action to remove asbestos panels which a contractor failed to replace

政府僱員與一般市民同樣會有經濟困難的時候，但令人關注的是，仍有不少政府僱員違反「接受利益公告」的規定向同僚或朋友借貸，引致被人投訴觸犯《防止賄賂條例》第3條。最令人不安的是，我們經調查後發現借款人無意或根本無能力償還債項，有些甚至捏造故事來欺騙同僚，以求取得借款。按照慣例，在取得律政司的法律意見後，這些案件大部分會轉介有關政府部門，以便考慮採取紀律處分行動。

我們會致力確保廉署與有關政府部門之間有良好的聯絡渠道，因為肅貪工作必須結合雙方的努力方能奏效。維持廉潔的公務員隊伍，對所有人都有好處，特別是市民大眾。

One department that always seems to attract a large number of complaints is the Housing Department. These have mainly been the result of a public perception that where workmanship in both construction and maintenance contracts appears to be below standard there must be some form of corrupt conduct between the contractors concerned and the Housing Department supervisory staff who have failed to deal with the problems. Investigation of these complaints sometimes determines that the staff have been negligent, rather than corrupt. One case resulted in the contractor receiving a suspended prison sentence for conspiracy to defraud the Housing Department by failing to perform maintenance work in accordance with the contract.

Government servants are no more immune from financial hardship than other members of society. However, it is of concern that many continue to obtain loans from colleagues and friends under circumstances which fall

outside the "Acceptance of Advantages" guidelines, thereby leaving the individuals open to complaints of having offended against Section 3 of the Prevention of Bribery Ordinance. It is disturbing to find after investigation that borrowers had no intention or reasonable prospect of ever repaying loans, some having gone as far as deceiving their colleagues with false stories in order to obtain financial assistance. In line with established practice and after legal advice, most of these cases are referred to the departments concerned for disciplinary action to be considered.

We continue to work hard at ensuring that effective and efficient liaison channels are kept in place, as the fight against corruption is a partnership between the ICAC and the departments concerned. Cohesive involvement between us benefits all concerned, particularly the public, in our efforts to maintain the integrity of the Civil Service.

INVESTIGATION BRANCH 2



調查科二

執行處助理處長（二）曹渭仁，IMS

我於2002年10月接替黃世照先生，IDS，出任調查科(二)助理處長，領導私營機構貪污案件的調查工作。調查科(二)肩負確保香港擁有公平競爭營商環境的重大使命，調查人員雖然工作繁重，但均全力以赴，表現出色。

雖然我在新崗位的時日尚淺，但調任調查科(二)卻有一種「回老家」的感覺，因為我曾於1986至1994年間在F組任職總調查主任。

面對經濟持續不景所帶來的挑戰，我們會致力提高工作效率和專業水平，努力不懈打擊貪污。

我上任後曾與所有前線人員交談，知道他們對工作專心致志和滿懷熱誠；對於各首席調查主任和總調查主任勇於承擔責任的精神和卓越的領導才能，令我留下深刻印象。

作為調查科(二)這大家庭的一分子，我期望與各同事緊密合作，來年再度共創佳績。

INVESTIGATION BRANCH 2 (IB/2)

BY KENNY TSO WAI-YAN, IMS, ASSISTANT DIRECTOR OF OPERATIONS 2

I took over Investigation Branch 2 (IB/2) in October 2002, overseeing corruption investigation in the private sector. I have inherited from my predecessor Mr. Ryan WONG Sai-chiu, IDS, a busy, productive and dedicated Branch, the primary mission of which is to ensure a level playing field for the business sector in Hong Kong.

Although I am new to the post, my posting to the Branch had a kind of homecoming feel about it because I served as a Chief Investigator in F Group between 1986 and 1994.

Facing the challenges ahead in the light of the continuing economic troubles, we are determined to maintain our vigilance against the corrupt by enhancing our efficiency and professionalism.

On assuming my present post I spoke to all front-line colleagues in the Branch, and am very impressed by their dedication and enthusiasm, and by the commitment and able leadership of my Chief and Principal Investigators.

I look forward to working closely with all my colleagues in the Branch as part of an extended family, and to yet another productive year ahead.

D組
Group

首席調查主任許家民，IMS

BY PRINCIPAL INVESTIGATOR, RICKY HUI KAR-MAN, IMS

D組在2002年調查了326宗案件，其中只有56宗涉及作為主要專責範疇之一的本地運輸業。在這方面的貪污舉報數字相對較低，或許反映香港大部分的運輸服務公司和隧道公司都是管理有道。這些公司由政府出資經營，除了受政府密切監察外，還經常受到公眾與傳媒的監察。

由於內地推行經濟開放政策，香港的物流業發展迅速。本港的貨櫃碼頭，亦屬世界最繁忙的貨櫃碼頭之一。政府更預計本港貨櫃碼頭的吞吐量在未來八年將有70%的增長。就空運貨物來說，香港赤鱗角國際機場自1996年以來一直是世界最繁忙的機場，2002年貨物處理量高達230萬公噸，較上一年增長20%。在此情況下，市場對空運貨物和航運貨櫃的艙位均需求殷切，以致貨運代理公司競爭激烈，而某些業內人士更不惜利用行賄手段以求取得艙位。以下便是兩個這樣的例子：

航空公司貨運職員受賄案

兩間本地空運代理公司的東主，為了向某國際航空公司取得固定艙位，於是向該航空公司一名負責分配空運艙位的高級職員，提供巨額賄款。該名職員結果被控貪污罪，在區域法院受審。他承認控罪，被判入獄兩年零八個月。



中國出口迅速增長令空運艙位需求殷切

The rapid expansion of China's export business has resulted in a growing demand for air cargo space

Of the 326 investigations conducted by D Group during 2002, only 56 concerned the domestic transportation industry, nominally the Group's principal focus and responsibility. That corruption reports in this field were relatively low is probably a reflection of the fact that most of Hong Kong's transportation providers and tunnel companies are generally well managed. They are also funded and closely monitored by the Government, as well as being subject to continuous scrutiny by the public and the media.

As a result of the Mainland's open economic policy, Hong Kong's logistics sector has expanded substantially. Our container terminals are among the busiest in the world, and according to Government predictions, can expect a growth rate of 70% in the next eight years. In terms of air cargo, Hong Kong's international airport at Chek Lap Kok has been the busiest in the world since 1996, and handled 2.3 million tonnes of cargo in 2002 - a 20% increase over the previous year. As a result of this situation, both air cargo and shipping container space is at a premium, creating fierce competition among cargo forwarders and tempting some to resort to corruption to secure space. The following two cases are examples:

Corruption of airline freight staff

In order to ensure a regular cargo space allotment in an international airline, proprietors of two local air cargo forwarding companies offered substantial bribes to a senior freight officer of the airline who was responsible for the allocation of air cargo space to clients. The freight officer was charged with corruption offences and tried at the District Court. He pleaded guilty to the charges and was sentenced to two years and eight months' imprisonment.

Bribery to facilitate theft of refrigerated containers

Containers, in particular those with refrigeration facilities, are expensive, the latter exceeding \$250,000. The majority of shipping lines operating in Hong Kong maintain and manage their own depots, in which their empty containers are stored. With the rapid development in container transportation business in the Mainland, the demand for refrigerated containers grows ever more pressing. A

以行賄手段盜竊冷藏貨櫃

貨櫃的價錢頗為昂貴，特別是具冷藏設備的貨櫃，每個價值超過25萬元。香港大部分船公司都自設倉庫以存放空櫃，而倉庫均由公司職員負責管理。內地貨櫃運輸業發展迅速，令冷藏貨櫃的需求激增。D組是年調查的其中一宗貪污案，顯示香港貨櫃倉庫的職員極易受到本港及內地不法分子的貪污引誘，因而協助他們盜取空櫃，售予內地用家。案中一名貨櫃倉庫職員串同一名貨櫃車司機從倉庫偷取貨櫃，並由該名司機負責把盜取的貨櫃運往內地。經廉署調查後，兩人被控串謀盜竊，倉庫職員更被加控多項貪污罪。兩人將於區域法院受審。

D組是年曾負責調查其他不同性質的案件，例如：

貪污罪犯當場被捕

貪污罪行甚少有目擊證人，被執法人員目擊更加少有，但D組卻有過一宗這樣的個案。一名印刷公司僱員收取了一名運輸公司董事合共126,000元的賄款，作為協助對方取得生意合約的報酬。廉署人員在接獲情報後採取行動，目擊兩名疑犯在該董事的私家車內進行貪污交易。當行賄者將6,000元鈔票交給受賄人後，廉署人員當場把他們拘捕。兩人將於區域法院受審。



廉署人員把行賄人與受賄者當場拘捕
ICAC officers arrested suspects after witnessing the payment of a bribe

corruption case investigated by D Group during the year underscores the fact that container depot staff in Hong Kong are susceptible to corrupt approaches by both local and Mainland criminals, whose goal is to steal empty containers and sell them to Mainland users. The investigation led to the prosecution of a container depot employee and a tractor driver for conspiracy to steal containers from the



冷藏貨櫃的黑市價值不菲
Refrigerated containers - at a premium on the "black market"

depot, the latter being responsible for transporting the stolen containers to the Mainland. The container depot employee was additionally charged with corruption offences. At the time of writing, the two await trial at the District Court.

The following are examples of other cases investigated by D Group during the year :

Caught in the act

It is rare that acts of corruption are witnessed, particularly by law enforcement officers. An exception occurred in a D Group case in which an employee of a printing company had received bribes totalling \$126,000 from the director of a transportation company in return for

facilitating the award of business contracts. Acting on intelligence, ICAC officers witnessed a corrupt transaction between the two suspects in the director's car. Both men were arrested after \$6,000 in banknotes changed hands. At the time of writing, the pair await trial at the District Court.

員工破壞誠信令僱主蒙受損失

一間美國成衣生產公司，委託該公司一名女經理向本港經紀購買成衣出口配額。由於美國公司管理層不熟悉本港配額市場的運作，該名女經理遂利用管理層這個弱點，以假發票將配額價錢誇大，在兩年內總共騙取了公司30萬港元。該名女經理敗壞誠信，結果不但失去工作，更被判入獄三年。

出售病假證明書

上年年報曾提及一些醫生的不良操守。D組在2002年調查的其中一宗案件涉及一名醫生，他曾向一名「病人」出售61張誇大金額的收據，使該「病人」得以透過公司醫療保單，向保險公司索償。調查並發現，該名醫生曾在1997年至2001年期間，出售75張病假證明書予同一「病人」，建議放取總共93天並無需要的病假。兩人最後被控串謀詐騙罪，他們均承認控罪，被判履行社會服務令。



其中一間可「購買」病假證明書的診所
A clinic where sick leave certificates could be "bought"

Breach of trust causes loss to the principal

A locally-employed manageress of a USA-based garment production company was entrusted to purchase export quotas from local brokers. Taking the advantage of her overseas management's ignorance of the local quota market, she used false invoices to inflate quota prices and defrauded her employer of \$300,000 over a two year period. This gross breach of trust led not only to the loss of her career, but to a three year prison sentence also.

Sick leave certificates for sale

Reference was made in last year's *Review* to instances of corrupt practice on the part of unscrupulous medical practitioners. A case investigated by D Group during 2002 concerned a medical practitioner who sold 61 fraudulently inflated receipts to a "patient" to enable him to claim reimbursement from an insurance company under a corporate medical insurance policy. Enquiries revealed that, between 1997 and 2001, the same medical practitioner also sold 75 sick leave certificates recommending a total of 93 days unwarranted sick leave. The two were charged with conspiracy to defraud. They pleaded guilty to the charge and were sentenced to community service.

從事多年行動支援管理工作後，我於2002年1月再度出任E組主管。我很高興見到一群士氣高昂和充滿專業精神的組員，當中大部分是新面孔，但亦有一些我熟悉的同事。E組特定的調查範圍包括旅遊業、酒店業、保安業、保險業、傳播媒介、廣告業、印刷業和村代表。此外，我們亦會處理特定範圍以外不同種類的私營機構貪污案件，接受不同的挑戰，累積更廣泛的經驗。

雖然本組在2002年接辦的新個案總數比上一年略少，但由於需要繼續調查不少案件，個別人員的工作量仍然繁重。在特定調查範圍內，涉及保險業的貪污案件所佔的比率最高，反映保險市場競爭激烈，造成不少貪污機會。在很多保險個案中，保險經紀涉嫌貪污協助進行各類虛假索償，其中有些是得到貪污受賄的醫護人員協助，就虛構的意外或受傷事件索取保險賠償。

年內，本組得以成功檢控不少案件，案件的不同種類可從以下例子見到：

盜取外國報章的貪污案



香港赤鱗角機場一景
A typical scene at Hong Kong's Chek Lap Kok Airport

一家航空公司的五名飲食部員工，承認收受一名駐機場商人的賄款，為他盜取從歐洲、美國及澳洲抵港的航班上的外國報

I returned to take command of E Group in January 2002, having been involved in operational support services for a few years. I was pleased to find a host of highly motivated and professionally committed officers, amongst mostly new, but some familiar faces. The Group investigation charter includes tourism, hotels, security, insurance, media, advertising, printing and village representatives. In addition, there is a wide variety of non-charter corruption cases, the diversity of which provides both different challenges and a breadth of experience in a wide spectrum of private sector investigative work.

Although the total number of new cases allocated to the Group in 2002 was slightly less than the high volume of the previous year, the continuation of ongoing investigations kept individual workloads very high. In the charter areas of investigation, the proportion of corruption cases within the insurance industry were the highest, reflecting mostly a very competitive market and abundant opportunities for greed. Many of the insurance cases involved allegations against insurance agents corruptly facilitating false claims of various types, some made possible with the corrupt assistance of persons in the medical field to facilitate bogus injury/accident claims.

A number of investigations were successfully concluded during the year and the following are just a few examples of the variety of cases:

Corrupt sales of foreign newspapers

Upon pleading guilty, five catering staff members of an airline were sentenced to imprisonment ranging from four to eight months for accepting bribes from an airport based trader. The case involved the payment of bribes for the systematic theft of foreign daily newspapers from arriving flights from Europe, USA and Australia. The newspapers were intended for passengers on departure flights to those return destinations. The scheme involved organised disposal via newspaper retailers in Hong Kong's Central District, where they proved popular among expatriate and local members of the business community, and retailed for up to \$80 per copy.

章，被判入獄四至八個月不等。為前往回航地點的乘客而設的外國報章，深受外籍及本地商界人士歡迎，在香港中區的零售價每份可高達80元。

保安主管欺騙其僱主

一名在經濟逆轉下出現負資產情況的保安主管，利用虛假文件欺騙其僱主，兩年多以來，一直以一名無業親戚的名義申領工資，中飽私囊達50萬元。兩人在區域法院承認控罪，判處監禁，獲准緩刑。

總經理貪污舞弊

一名電子貿易公司總經理因貪污、造假帳和盜竊罪，在區域法院被判監26個月。該名總經理曾收受一名內地買家12,000元，作為降低電子產品售價的報酬；他又以10萬元行賄其倉務員，協助他盜取價值47萬元的電子零件，並利用假發貨單加以掩飾。該名倉務員亦因盜竊罪被判刑。

工程師因受賄罪被判入獄

2002年12月，一間物業管理公司的維修工程師因貪污罪被判監兩年，法官並命令他向僱主交還有關賄款。該公司負責管理一幢豪宅大廈，而該名工程師在邀請承辦商就維修保養工程提供報價時，收受了他們最少93,000元，並將15,000元給予一名同事，著他保守秘密。區域法院法官龍禮判刑時說：「.....賄賂就如侵蝕社會根基的癌細胞，故絕對有理由判處即時監禁.....」。法官的說話，令我們更堅決地從事肅貪工作。



在港島南區一幢豪宅大廈，管理公司的維修工程師因收受承辦商賄款而被判監

A maintenance engineer was jailed for receiving bribes from maintenance contractors of a luxury residential block situated on the south coast of Hong Kong Island

Security supervisor corruptly deceived his principal

The economic downturn and negative equity in the property market drove a security supervisor to use false documents to corruptly deceive his principal by claiming wages in the name of an unemployed relative for over two years. As a result, the supervisor was corruptly enriched by half a million dollars and both were given suspended sentences of imprisonment after pleading guilty at the District Court.

Corrupt general manager

A general manager of an electronics trading company was sentenced at the District Court to 26 months' imprisonment for offences of corruption, false accounting and theft. He accepted \$12,000 from a Mainland purchaser for reducing sales prices of electronic goods and had also offered a \$100,000 bribe to his storekeeper for assistance in the theft of electronic parts, valued at \$470,000, concealed by falsified invoices. The storekeeper received a custodial sentence for theft.

Engineer jailed for bribery

In December 2002, a maintenance engineer of a real estate company responsible for the management of a luxury residential estate was imprisoned for two years for corruption offences and ordered to return the bribe money to his employer. He had accepted at least \$93,000 from contractors for inviting them to submit quotations for maintenance and repairs of the apartments and had offered \$15,000 to a colleague, to keep him quiet. In sentencing, District Judge Longley said, ".....bribery, being a cancer which ate into the fabric of society, warranted an immediate custodial jail term.....". With these words in mind, we are even more determined to continue our work with vigour.

主動聯絡業界

年內，E組人員曾為特定範圍內多個不同機構舉辦講座，就反貪問題交換意見，從而加深彼此的了解；我們與商界各行各業的聯繫亦得以增強。未來一年，我們會繼續加強與有關機構的聯絡，希望藉著更密切的伙伴合作，能夠為市民提供更優質的服務。

Proactive liaison

In 2002, E Group officers gave presentations to a number of organisations within the charter, during which invaluable ideas on aspects of anti-corruption work were exchanged and mutual understanding reached. In addition, the networking value and the number of new contacts in the various business sectors were enhanced. In the coming year we will continue to step up liaison with relevant organisations and hope that by strengthening our partnership approach in the fight against corruption we will better serve the community.

F 組
Group

首席調查主任李志雄，IMS

BY PRINCIPAL INVESTIGATOR, DENIS LEE CHI-HUNG, IMS

F組專責調查涉及投資服務、地產、建造及零售業的貪污及相關罪行。我們在2002年檢控了多名管理階層人士。在2003年，我們會特別關注上市公司和建造業，皆因在當前的經濟環境下，兩者均較易出現貪污情況。

公司管治的問題

我們在2002年進行的調查顯示，高級職員涉案的情況愈來愈普遍，而案件涉及的款額又往往非常龐大，令人對某些私營機構的公司管治問題感到關注。在原訟法庭的不同審訊中，三名公司董事因與貪污有關的商業詐騙而被定罪，被判即時入獄五至十年不等。有關詐騙涉及使用虛假文件，從本地銀行騙取超過3,600萬美元的信貸。

廉署調查發現，一名公司董事曾於九十年代提供了約共1,000萬元賄款予一名財務公司僱員，藉以取得約一億元的貸款。該等貸款以一些村屋作抵押，但這些村屋根本並不存在，或是價值被大幅高估。為了進行其詐騙計劃，該董事亦給予一名地政督察數十萬元的賄款，以換取後者提供一些看似是由地政總署發出的偽造文件。該董事在區域法院承認控罪，現正等候判刑。



詐騙集團以一幢三層高的村屋及一塊空地作為抵押，並提交偽造的地政總署文件，藉以騙取貸款

A three-storey village house and a piece of vacant land used by the syndicate to pledge as security for obtaining loans, supported by forged Lands Department documents

關於公司管治的問題，也有令人鼓舞的一面。某上市公司的主席向廉署舉報，指屬下的物業經理曾收受226萬元的賄款，作

Tackling corruption and related crime in the fields of investment services, real estate, construction and the retailing industry is F Group's mandate. In 2002, our endeavours in these areas led to the prosecution of a number of individuals at managerial level. In 2003 we will be focusing particular attention on publicly listed companies and the construction industry, which are especially vulnerable areas in the present economic climate.

Corporate governance

The prevalence of senior staff implicated, and the sums involved in our investigations during 2002 gave cause for concern over corporate governance in some areas of the private sector. In separate trials at the Court of First Instance, three company directors were convicted of corruption-related commercial fraud, and received immediate custodial sentences ranging from five to ten years. The offences involved the use of false documents to obtain credit facilities in excess of US\$36 million from local banks.

A corrupt company director paid the price for his crimes when investigation revealed that, throughout the 1990's, he had offered approximately \$10 million to an employee of a finance company in return for loans of about \$100 million. The loans had been "secured" against village houses which were either non-existent or grossly overvalued. In furtherance of the crime, the director also paid hundreds of thousands of dollars in bribes to a Lands Inspector in return for the provision of forged documents purporting to have been issued by the Lands Department. Having pleaded guilty at the District Court, the director awaits sentence.

On a more encouraging note on the topic of corporate governance, the chairman of a listed company made a report against his project manager who had accepted \$2.26 million in bribes for recommending two property agents to handle properties for re-development by the company. The project manager was sentenced to 18 months' imprisonment, and the agents to three years and seven months.

為推薦兩名地產經紀代理該公司重新發展的物業的報酬。該名物業經理被判監18個月，而兩名地產經紀則被判監三年零七個月。

工商企業的生存能力，非常倚賴負責日常營運的管理人員和他們的專業顧問的誠信。倘若他們為了追求不義之財而罔顧誠信，投資者和股東的利益必然受損，而執法者必須採取果斷措施以儆效尤。調查工作所取得的成果，足證我們努力不懈打擊這類不法行為。F組正在處理的其中一宗案件，涉及香港兩間上市公司的12名高級職員，當中包括一名前任主席，他們因與貪污有關的詐騙罪而要接受審訊，案件涉及的款項多達四億二千萬港元。

建造業的貪污情況

呆滯的物業市場無可避免地導致建造業出現更激烈的競爭，而以不誠實或貪污手段達致目的之誘惑便更大。

在區域法院一宗審訊中，一間供應門鎖的公司的一名董事，承認以277,400元賄賂房屋委員會一名分包商，以取得價值超過600萬元的合約。該名董事被判監九個月，而在他指證下，分包商受賄罪名成立，被判監八個月。



門鎖供應商向房屋委員會一名分包商提供回佣，藉以取得安裝屋邨單位門鎖的合約
A door lock supplier offered bribes to a sub-contractor of the Housing Authority to secure installation contracts of a residential estate

The viability of commercial enterprise depends to a great extent on the integrity of those responsible for the day to day running of companies, and their professional advisers. When that integrity is compromised by the pursuit of unearned wealth, investors and shareholders are put at risk - a situation which calls for decisive remedial measures on the part of law enforcement. In this respect we remain ever vigilant, as the results of our investigations demonstrate. Among our ongoing cases, 12 senior employees, including a former chairman, of two Hong Kong listed companies face trial for corruption-related fraud involving \$420 million.

Corruption in the construction industry

The sluggish property market has inevitably led to tougher competition in the construction industry, and as a result, to greater temptation to dishonesty and corruption.

In a District Court trial, a director of a company which supplied door locks was sentenced to nine months' imprisonment after he admitted bribing a subcontractor of the Housing Authority in the sum of \$277,400. The purpose of the bribes was to secure contracts worth over \$6 million. The sub-contractor was convicted and sentenced to eight months' imprisonment after the director gave evidence against him.

A maintenance technician solicited and accepted rebates from two contractors as a reward for granting a contract to replace transformers in a residential estate. After demanding \$100,000 from the contractors, he issued them false company receipts. In the event, it was discovered that the project in respect of which he had solicited the money did not exist. At the District Court the technician was sentenced to 32 months' imprisonment for corruption and deception offences.

An employee of an engineering laboratory accepted bribes of over \$40,000 to expedite the issue of 28

一名維修技工向兩名承判商索取及收受回佣，作為批授一份更換屋邨變壓器的合約的報酬。他向該兩名承判商要求給予十萬元後，發給他們偽造的公司收據。但他藉以索取金錢的工程其實並不存在。該名技工因貪污和欺騙罪在區域法院被判監32個月。



一名維修技工向兩名承判商索取及收受回佣，作為批授一份更換屋邨變壓器合約的報酬

A maintenance technician solicited and accepted rebates from two contractors for granting a contract to replace transformers in a residential estate

一名工程實驗室僱員接受超過四萬元的賄款，以加快簽發28張焊工認可證明書，用以證明某燒焊分判商具備在建築地盤進行樁柱燒焊工程的資格。雖然未獲授權，該僱員照樣簽發認可證明書，虛假地顯示已進行了所需的燒焊測試。他被裁定貪污和偽造文件罪名成立，判監八個月，但獲准緩刑。

年終時，一家主要地產發展商的一名高級職員被廉署拘捕，他涉嫌與其他人士串謀，向若干承建商索取及收受數百萬元的賄款，作為協助他們取得工程合約及付款的報酬。該名職員與其夥伴及一名承建商被控貪污罪，現正等候審訊。案件的調查工作仍在進行。

零售業的舞弊行為

在禽流感發生後，一家知名連鎖超級市場的一名分店經理與其鮮肉部主管，為求促銷內地雞柳而訛稱產地為巴西，分別被判監兩年零三個月和四個月。

welder approval test certificates, which were required to certify that a welding sub-contractor was qualified to carry out pile welding work on construction sites. Although not authorised to do so, the employee signed and issued the certificates, which falsely purported to indicate that the required welding test had been carried out. He was convicted of offences of corruption and forgery and received an eight-month suspended sentence.



The close of the year was marked by the arrest of a senior officer of a major land developer in Hong Kong. The officer was suspected to have conspired with others to solicit and accept millions of dollars in bribe payments from various contractors for assisting them to obtain construction contracts and contract payments. The officer and his associate, as well as one contractor, have been charged with corruption offences and are awaiting trial. The investigation is continuing.

Corruption in retailing

A store manager of a well known supermarket chain, together with his fresh meat department manager, attempted to increase the sale of chicken after a bird-flu epidemic by falsely representing the origin of Mainland chicken as Brazil. They were sentenced to two years and three months, and four months' imprisonment, respectively.



超級市場為求促銷而誤導消費者，將產自中國的冰鮮雞柳改成巴西產品

Refrigerated chicken fillet originating from China was offered for sale as Brazilian chicken, thus misleading customers

Z組
Group

首席調查主任陳礎強，IMS

BY PRINCIPAL INVESTIGATOR, STEPHEN CHAN CHOR-KEUNG, IMS

Z組負責調查銀行及金融界的貪污及相關罪行。2002年，貪污詐騙案顯著增多，而涉及的金額往往十分龐大，這可能是受到經濟萎縮以及金融界收緊信貸所影響。是年的檢控數字也相當高。

伙伴合作



廉署人員向中國企業的代表發言
ICAC officers speaking to representatives of Mainland enterprises

為了與銀行及商業機構在反貪工作上維持良好的伙伴關係，我們經常與社區關係處的同事一起為上述界別的行政人員舉辦研討會。2002年4月，我們曾與超過100名本地銀行的職員會面，而8月間則曾與中國企業駐香港的代表分享反貪工作的經驗和心得。

與假信用卡有關的貪污

近年來，由於廉署採取了有效的預防措施及積極的調查行動，與貪污相關的假信用卡罪案在香港已大幅減少，而法庭所判處的重刑，亦對假信用卡集團起了很大的阻嚇作用。

是年，兩家最具規模的發卡機構——威士國際組織及香港(中國)信用卡授權中心委員會，分別頒發嘉獎狀予廉署，表揚廉署人員在打擊假卡活動方面的成就。

重大案件

2002年，Z組調查人員在多宗重大案件均有出色的表現，以下是其中幾個例子：

Zgroup is responsible for investigating corruption and related crime in the banking and financial sector. In 2002, there was a noticeable surge in corruption-related fraud cases, which invariably involved large amounts of money. It is likely that this arose largely as a result of the currently flagging economy and the tightening of credit control measures within the financial sector. The number of prosecutions was also particularly high in 2002.

A partnership approach

To maintain a successful partnership with banks and business enterprises in our battle against corruption, we conduct seminars with executives from time to time in collaboration with our colleagues in the Community Relations Department. In April 2002, we spoke to over 100 officers from local banks, and in August we shared our experience in anti-corruption work with representatives of various Mainland enterprises in Hong Kong.

Corruption associated with counterfeit credit cards

Preventive and investigative action by the ICAC has resulted in a significant reduction in corruption-related counterfeit credit card crime in Hong Kong in recent years. Moreover, heavy sentences handed down by the courts have resulted in a powerful deterrent effect in this area of criminal enterprise.

In 2002, Visa International and the management committee of the Card Authorisation System in the Mainland, both leading organisations in the credit card industry, presented the ICAC with corporate commendations in recognition of the Commission's achievements in this field.

Significant cases

Z group investigators produced impressive results in a number of significant cases during the year. The following are some examples:

宗親教育基金會案

某宗親教育基金會的司庫涉嫌賄賂該會的主席，以便盜取235萬元基金款項。經廉署調查後，兩名主犯及六名委員被落案起訴，最終被裁定盜竊及/或妨礙司法公正罪名成立，分別被判入獄或緩刑。

股票經紀商代表盜竊案

一名股票經紀商代表承認多項盜竊及欺騙罪，被原訟法庭判處入獄六年。於1994年至2000年期間，該名股票經紀商代表曾多次從客戶的戶口盜取股票及款項，總值1,200萬元。為免主事人發現其盜竊行為，她偽造股票交易記錄及戶口結算書加以掩飾。

貪污的銀行經理

一名銀行經理向客戶索取及收受50萬元貸款，作為增加該客戶的信貸額的報酬，被區域法院判監九個月。他就定罪及判刑所提出的上訴，均被駁回。

中資公司財務總監

廉署就一名中資公司財務總監被指貪污展開調查，結果，該名財務總監被控串謀以無真實交易的信用狀騙取四間本地銀行超過7,000萬元貸款，在原訟法庭被裁定罪名成立，判處三年監禁。主審法官在判刑時，讚許廉署人員在準備及提出證據時努力不懈和表現專業水平。該公司兩名董事及其中三名夥伴被控相若的罪名，但他們在審訊前經已潛逃，目前正被通緝。

貪污與欺詐貸款

一名商人被控串謀提供30萬元賄款予一名銀行經理，作為替其公司安排銀行信貸的報酬，在區域法院被裁定罪名成立。該商人亦承認一項使用虛假文件取得合共95萬元貸款的控罪，總共被判監三年。

九億元信用狀詐騙案

一間本地銀行的職員涉嫌受賄，替客戶安排缺乏保障的信貸服務。經廉署調查

The Clansmen's Association Education Fund

The treasurer of a clansmen's association education fund was alleged to have bribed the chairman for facilitating his theft of \$2.35 million in funds. Following ICAC investigation, the two principal culprits and six committee members were charged and convicted of theft and/or perverting the course of public justice. They were variously either imprisoned or given suspended sentences.

Theft by stockbroker's representative

The Court of First Instance sentenced a stockbroker's representative to six years' imprisonment after she pleaded guilty to multiple offences of theft and deception. On numerous occasions between 1994 and 2000, she stole shares and money amounting to \$12 million from clients' accounts. In order to conceal the thefts from her principal, she falsified share trading records and account statements.

A corrupt bank manager

A bank manager was jailed for nine months at the District Court for soliciting and accepting a \$500,000 loan from a client of the bank in return for increasing the client's credit facility limit. His appeals against conviction and sentence were dismissed.

Financial controller of a Mainland funded company

Following investigation into an allegation of corruption, the financial controller of a Mainland-funded company was convicted at the Court of First Instance of offences of conspiracy to defraud four Hong Kong banks of a total of over \$70 million through bogus Letter of Credit (L/C) transactions. In sentencing the financial controller to three years' imprisonment, the trial Judge commended the ICAC investigators on their diligence and professionalism in the preparation and presentation of the evidence. Two directors of the company and three of their associates, who had been charged with similar offences, absconded before the trial and are presently wanted on warrant.

Corruption and fraudulent loans

A businessman was convicted at the District Court of conspiracy to offer a \$300,000 bribe to a bank manager for arranging banking facilities for his company. He also pleaded guilty to a charge of using false documents to

後，三名商人被控串謀以無真實交易的信用狀騙取有關銀行九億元貸款，在原訟法庭裁定罪名成立。主犯被判入獄九年，而其兩名夥伴則各被判監四年。

牽涉上市公司董事的信用狀詐騙案

一名上市公司董事涉嫌賄賂一間本地銀行的職員，讓其利用假信用狀騙取銀行貸款。經廉署調查後，該上市公司的董事及一名經理被控串謀利用假信用狀詐騙六間本地銀行，兩人在區域法院被裁定罪名成立，該名董事被判入獄四年，而該名經理則被判監兩年零三個月。兩人曾開設四間空殼公司，宣稱是信用狀的受益人，於1996年至1998年期間，透過這些公司總共騙取了3,400萬元貸款。

有欺詐成分的物業抵押

一名女子涉嫌行賄一名銀行經理，使其批准利用假文件作出的信用透支申請。廉署經調查後拘捕該名女子及其弟弟，兩人被控使用虛假文書及以欺騙手段促致有價產權書的簽立。為求取得信貸，兩人向銀行提交一些偽造文件，偽稱某貴價物業的業主同意以其物業作為該項貸款的抵押。這宗有欺詐成分的交易，令有關銀行損失了9,300萬元。該名女子及其弟弟最後在原訟法庭被定罪，分別判監11年及七年半。

obtain loans amounting to \$950,000, and was imprisoned for a total of three years.

\$900 million L/C Fraud

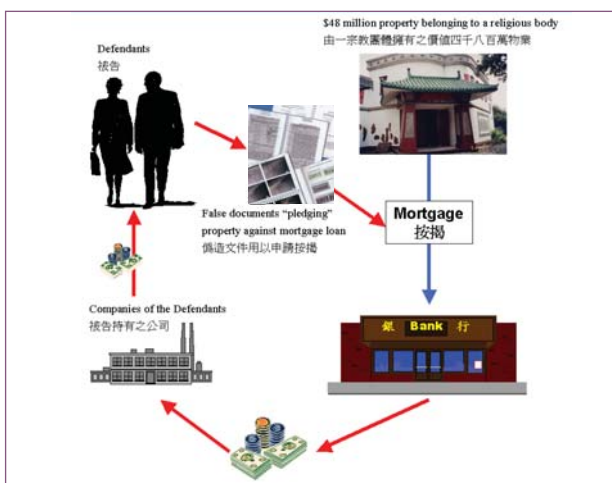
Following investigation into an allegation that staff of a local bank might have been bribed for arranging unwarranted credit facilities for clients, three businessmen faced trial at the Court of First Instance. All three were convicted of offences of conspiracy to defraud the bank of \$900 million by means of bogus L/C transactions. The principal offender was sentenced to nine years' imprisonment, and his two associates to four years each.

L/C fraud involving a director of a listed company

Investigation into an allegation that a director of a listed company might have bribed staff of a local bank for conniving at his use of bogus L/Cs to defraud the bank led to prison sentences for both the director and a manager of the listed company. Both were convicted at the District Court of offences of conspiracy to defraud six local banks by means of bogus L/Cs, the director receiving four years' imprisonment and the manager two years and three months. The two had set up four shell companies purporting to be L/C beneficiaries, through which they obtained a total of \$34 million between 1996 and 1998.

Fraudulent pledge of property

An allegation that a woman might have bribed a bank manager for approving credit facilities supported by false documents led to the arrest of the woman and her brother for offences of using a false instrument and procuring the execution of a valuable security by deception. Investigation revealed that in order to obtain credit facilities, the two had supported their application with forged documents falsely purporting to evidence that the owner of a valuable property had consented to pledging it as security against the loan. As a result of this fraudulent transaction, the bank lost \$93 million. The woman and her brother were eventually sentenced to 11 years, and seven years and six months' imprisonment at the Court of First Instance.



被告之犯罪手法
Modus Operandi

警廉聯手調查涉及貪污的洗黑錢活動

一個利用貪污手段進行活動的洗黑錢集團，懷疑曾聘用專人，在五年內把超過500億元現金從內地帶進香港。警方與廉署成立聯合專案小組展開調查，結果拘捕了三十多人，部分人士將於原訟法庭接受審訊。

ICAC/Police joint investigation into money laundering and corruption

An ICAC/Police joint task force conducted an investigation into the activities of a corruption-facilitated money laundering syndicate which, it was suspected, had employed couriers to transport over \$50 billion in cash from the Mainland to Hong Kong over a five-year period. The investigation led to the arrest of over thirty individuals, some of whom are to face trial at the Court of First Instance.

INVESTIGATION BRANCH 3



調查科三

執行處助理處長（三）葛輝

我於2002年10月調任調查科(三)，當時執行處已決定重組調查科(三)的架構。為了更有效地運用資源及提高工作效率，G組、R組和部份H組合併成新的G組，將所有與情報有關的工作，集中在一組之內。X組則重新分為四個小組，負責處理多宗仍在調查的重案，以及調查與香港各項選舉活動有關的舞弊及非法行為。換言之，調查科(三)現有三個專責組別：G組負責情報和主動出擊調查行動，H組負責跟蹤監視，而X組則是常規調查組，負責調查與選舉活動有關的投訴和一些特別案件。

調查科(三)會致力改革，務求更具活力和更富積極進取精神，以應付未來的新挑戰。

INVESTIGATION BRANCH 3 (IB/3)

BY TONY GODFREY, ASSISTANT DIRECTOR OF OPERATIONS 3

I assumed command of Investigation Branch 3 (IB/3) in October 2002 after it had been decided that there should be a revamp of the Branch. In order to achieve a better utilization of resources and to enhance efficiency, the merging of G, R and part of H took place to form the new G Group in order that all intelligence work was contained under one roof. X Group was restored to a four-Section Group in order to deal with a number of major ongoing enquiries as well as its original charter of dealing with corrupt and illegal practices taking place in the various elections in Hong Kong. IB/3 has now become a three-Group establishment with G dealing with intelligence and proactive investigations, H dealing with surveillance, and X as the operational arm handling election related complaints and other special investigations.

The Branch is aiming at transforming itself into a more dynamic and proactive unit. It represents a new and welcome opportunity for all of us in IB/3 and we look forward to taking on the challenge in the years ahead.

G 組
Group

首席調查主任李寶蘭

BY PRINCIPAL INVESTIGATOR, REBECCA LI BO-LAN

2002年，G組進行了重大的改革，以期更有效地運用資源，精簡工作程序和提高效率。G組承擔了前R組的大部分工作，又接管了H組的「技術支援小組」；與此同時，與內地和海外機構聯絡的工作，則交由另一組別負責。G組目前的職責包括：情報的搜集、分析和整理；運用線人；監督臥底行動；保護證人；槍械訓練以及為前線調查人員提供技術支援。

情報搜集、分析和整理

中央研究組已全面運作，其情報資料庫系統，集中整理執行處所搜集的情報，為調查人員提供有效的情報支援。該組亦每季出版一份有關貪污趨勢的分析報告，供廉署的高層管理人員參閱。

運用線人

由於主動出擊策略深具成效，G組對線人的招攬和運用進行深入檢討，目的是因應環境變遷和實際需要提升線人的質素和效能，以配合中央研究組所策劃的行動。

G組繼續負責根據線人情報展開的敏感調查和需要大量情報支援調查工作的案件。代號「飛奔」的調查行動，已導致五宗案件在原訟法庭進行審訊，六名被告承認妨礙司法公正和販毒罪名，被判監四至十年不等。

臥底行動

曾接受全面和專業訓練的「臥底小組」成員，負責執行所有臥底行動。在2002年，G組為新招聘的調查人員舉辦了三個臥底訓練課程，而「臥底小組」的成員曾前往英國、澳洲和新加坡，接受相關的培訓。

年內，「臥底小組」為各調查科提供協助，導致多名被告經審訊後被裁定罪名成立。

With a view to optimizing resources, streamlining procedures and enhancing efficiency, G Group has undergone significant changes in 2002. It has absorbed a major part of the former R Group charter and taken over the Technical Aids Section from H Group while allowing Mainland and international liaison duties to be dealt with elsewhere within the Department. The current responsibilities of G Group include the gathering of research material and the development of intelligence, the handling of informants, the supervision of undercover operations, witness protection and firearms training, as well as the provision of technical support to front-line investigators.

Intelligence gathering, research & development

The Central Research Unit (CRU) is now in full-scale operation. This dedicated intelligence system contains a comprehensive database, which centralizes all intelligence gathered by the Operations Department in order to provide tactical and strategic intelligence support to investigators. The CRU also publishes quarterly reports on the analysis of corruption trends for use by the senior management of the Commission.

Informant handling

As the proactive approach continues to be one of the most effective tools in anti-corruption investigations, G Group strives to improve the quality and productivity of its informants by critically reviewing their recruitment and handling procedures. The objective is to create a more up-to-date and task-oriented pool of informants, whose deployment combines with the CRU initiatives.

In parallel with the intelligence capability, G Group has continued to handle sensitive informant-generated investigations, or cases that require substantial intelligence input. One of these investigations, codenamed "Fastrun", resulted in five trials at the Court of First Instance. Six defendants in the trials pleaded guilty to charges of conspiracy to pervert the course of justice and trafficking in dangerous drugs. They were sentenced to terms of imprisonment ranging from four to ten years.

證人保護及槍械訓練



多年來，某些經過特別訓練的調查人員，在有需要時會獲派執行「證人保護計劃」。根據《證人保護條例》的規定，每項「證人保護計劃」均須由「證人安全

委員會」進行評估及授權執行。執行處處長（政府部門）是該委員會的主席，也是「證人保護計劃」的法定批核者，負責監管計劃的運作。

為前線調查人員提供技術支援

將「技術支援小組」撥歸G組有兩個好處。首先，前線調查人員可得到全面的行動支援服務，包括有助調查的情報資料和外勤行動所需的器材；其次，會便利「技術支援小組」（服務提供者）與調查人員（服務使用者）之間的聯絡和溝通，使任何技術問題得以迅速解決。

在新的工作範疇下，G組會致力為高層管理人員及前線調查人員提供優質的支援服務，勇於面對未來的挑戰。

Undercover operations

All undercover operations are carried out by officers of the ICAC Undercover Unit, whose operatives have undergone comprehensive and professional training. In 2002, G Group conducted three in-house undercover training courses for newly recruited investigators. Officers of the Undercover Unit have also attended relevant training courses in the UK, Australia and Singapore.

The Undercover Unit had provided assistance in the last year to other Branches leading to various subsequent convictions after trial.

Witness protection and firearms training

Throughout the years, a pool of specially trained officers whose normal duties are investigative, were assigned to take up Witness Protection Programme (WPP) commitments as and when necessary. Under the provisions of the Witness Protection Ordinance, every WPP has to be assessed and authorised by the Witness Security Panel (WSP) chaired by the Director of Investigation (Government Sector) who is the statutory authority for the establishment and maintenance of all WPPs.



廉署配槍人員接受訓練
Arms Issued Officers undergoing training

Technical support to front-line investigators

The benefits of having the Technical Aids Section (TAS) in G Group are twofold. Firstly it allows the front-line investigators to enjoy a full range of comprehensive operational support services, from the provision of intelligence for investigations to technical equipment for field operations. Secondly it facilitates liaison and communication between the TAS (as service provider) and the investigators (as users) so that any technical problems can be dealt with promptly.

With the new charters in place, G Group is now an effective unit which aims at providing a quality support service to both the senior management and the front-line investigators of the Commission. All in G Group are determined to succeed in meeting these challenges in the future.



首席調查主任胡達新

BY PRINCIPAL INVESTIGATOR, ALAN WU TAT-SUN

H組為執行處各調查科提供跟蹤監視支援服務，包括策劃和執行跟蹤行動、在監視行動中提供技術支援，以及向被挑選的調查人員提供跟蹤監視的培訓。

重要行動

H組人員與前線調查人員之間的伙伴合作，繼續取得美滿成果。以下三宗案件的疑犯被繩之於法，關鍵均在於成功的跟蹤監視行動。

一宗懷疑貪污案件涉及一宗交通意外。廉署對該案的主要目標及其私人助手進行密切監視，後者其後更成為案件的主要證人，最終導致主要目標及一名警務人員被判串謀妨礙司法公正罪名成立。由於主要目標是知名度高的公眾人物，經常被傳媒追訪，跟蹤人員須加倍小心，以免行動洩露。

在另一宗案件，H組負責監視一班與非法偷運人蛇活動有關的目標人物，他們似

H Group provides surveillance support to the Investigation Branches of the Department in the form of planning and execution of physical surveillance, furnishing technical support during surveillance operations and undertaking surveillance training for selected investigating officers.

Significant operations

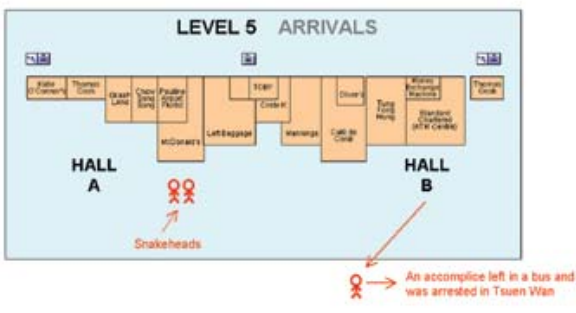
The partnership approach between H Group and front-line investigators continues to yield positive results, which are evidenced by the following cases where successful surveillance operations played a pivotal role in bringing the suspects to justice.

In one case corruption was suspected in relation to a traffic accident. The diligent efforts of surveillance officers were essential in tracking down the main target, who was a high profile figure, and his personal assistant, who later became a key witness in the case, resulting in the conviction of a Police officer and the main target on charges of conspiracy to pervert the course of public justice. During the surveillance operation officers were required to work under stressful circumstances as the main target was always under media scrutiny.

In another case the mission of surveillance was to monitor a group of targets that was involved in illegal human smuggling activities, apparently corruptly protected by unidentified law enforcement officers. Acting upon reliable information, surveillance operatives were able to secure the main targets at various locations inside Chek Lap Kok Airport and obtain first-hand evidence of their illegal activities at which time they were arrested. All were eventually convicted of conspiracy to defraud and forged passport related offences. Surveillance officers subsequently identified other culprits involved in the same case when they met in a restaurant on a subsequent occasion to discuss payments relating to passports. The Investigating Section was able to take swift arrest action against the culprits who were later convicted of similar charges. A total of ten defendants in this case were all given immediate custodial sentences.



The movement of suspects was logged and their criminal activities were video recorded, leading to their arrest at various locations in the airport and even further afield, in Tsuen Wan.



機場部份範圍的草圖
Sketch map of part of the Airport

乎得到某些執法人員包庇。跟蹤人員根據可靠的情報，在赤鱗角機場內多個地點鎖定主要目標人物，並取得其非法活動的直接證據，然後由調查人員當場將他們拘捕。一千人等被控以串謀詐騙及與假護照有關的罪名，最後全部被判罪名成立。其後，跟蹤人員發現同案其他疑犯在酒樓會面，商討有關護照的付款事宜。調查人員迅速採取行動，將疑犯拘捕，他們最後亦因同樣罪名被定罪。此案的十名被告全部被判即時入獄。

在第三宗案件，一名警員涉嫌勾結某私人公司的數名保安人員，向該公司一名正接受內部調查的經理勒索金錢。跟蹤人員在他們會面時暗中進行監視，當該名經理付款予上述警員及保安人員作為終止內部調查的報酬時，調查人員便將全部目標人物一網成擒，並且在該名警員的車內搜出少量毒品。跟蹤人員在該名警員的審訊中出庭作供，他被裁定藏毒罪名成立，其後亦承認有關的貪污控罪。

國際合作

近年，H組與海外執法機構開展定期聯絡活動，希望透過交換情報、相互合作及經驗交流，提升彼此的專業水平。這些機構包括澳洲聯邦警隊、馬來西亞反貪局、汶萊反貪局及新加坡警隊。

展望未來

鑑於未來數年財政相當緊絀，H組會致力發展一套務實策略，以求能更有效地運用資源。我們對未來的工作仍然充滿信心，並決意繼續為執行處提供一貫的優質服務。

In the third case a Police Constable was suspected to have corruptly colluded with several security officers of a private company to extort money from a manager of the same company who was under internal investigation. Surveillance officers were able to secure all targets during a meeting with the manager when the manager made payment to the police constable and the security officers, as a reward for not pursuing the internal investigation. The Investigating Section was thus able to arrest all the targets. A quantity of drugs was also found in the police constable's car. The surveillance officers later testified in the trial of the Police Constable. He was convicted of the drugs charge and then pleaded guilty to the corruption charges.

International cooperation

In recent years H Group has commenced regular liaison with overseas law enforcement agencies in areas of intelligence exchange, operational cooperation and experience sharing, with a view to enhancing mutual operational expertise. To this end we have had interaction with the Australian Federal Police, the Anti-Corruption Agency of Malaysia, the Anti-Corruption Bureau of Brunei and the Singapore Police.

The way forward

H Group is conscious of future financial constraints in the forthcoming years and strives at developing a pragmatic strategy for better deployment of resources made available to us. We eye the future with confidence and are determined to continue our best efforts to uphold the quality service that we have provided in the past and are currently providing to the Department.



首席調查主任羅國忠

BY PRINCIPAL INVESTIGATOR, JEREMY LO KWOK-CHUNG

X組一向專責調查與公共機構及公開選舉有關的貪污舉報。自2002年10月處方重整各組的工作範圍後，X組除了處理與公開選舉有關的投訴外，還負責調查多宗歷時長久涉及政府部門和公共機構的貪污案件。

公開選舉

新的《選舉（舞弊及非法行為）條例》經有關政策局、選舉管理委員會及廉政公署全面審議後，已於2000年3月實施。為確保選舉公平、公開和廉潔，廉署一直與選舉管理委員會保持緊密聯繫。



《選舉（舞弊及非法行為）條例》封面及《村代表選舉條例》
ECICO front cover and Village Representative Election Ordinance

立法會選舉

2000年秋季舉行的立法會選舉，是《選舉（舞弊及非法行為）條例》實施後的首次選舉。廉署至今共接獲348宗指稱舞弊及非法行為的舉報，但全部均無法證實，而大部分投訴（292宗）只涉及性質輕微的違規行為。至今共有56人因觸犯輕微的選舉罪行而被口頭警告。

區議會選舉

至於在1999年11月舉行的區議會選舉，廉署共接獲583宗指稱舞弊及非法行為的舉報，其中大部分（397宗）性質輕微。廉署經調查後已就三宗種票案提出檢控，另有75人因觸犯輕微的選舉罪行而被口頭警告。

Traditionally X Group was responsible for the investigation of complaints of corruption involving all public bodies and public elections. Following the re-shuffling of Group charters in October 2002, X Group is now responsible for public election complaints, in addition to which it has also taken up a number of selected protracted investigations of corruption in both the Government and Public Sectors.

Public elections

The new Elections (Corrupt and Illegal Conduct) Ordinance (ECICO) came into operation in March 2000 following a comprehensive review by the relevant policy bureaux, the Electoral Affairs Commission and the ICAC. Close liaison has been maintained with the Electoral Affairs Commission to ensure fair and open elections, free from corrupt influence.

Legislative Council elections

The ECICO was first adopted in the Legislative Council Election held in the autumn of 2000. 348 reports of corrupt and illegal conduct have since been received but none substantiated. The majority (292 cases) of these complaints related to minor breaches of election rules. So far, 56 persons have been verbally warned for minor election related offences.

District Council elections

The District Council Elections were held in November 1999. A total of 583 reports of corrupt and illegal conduct were received, most of which (397 cases) were trivial in nature. Investigation so far has resulted in three vote planting cases being brought before the court and 75 persons verbally warned for minor election related offences.

In one case, four persons were charged with vote planting offences in relation to the 1999 Southern District Council Election. Trial will commence in March 2003. In another case, a Southern District Council member was sentenced to three months' imprisonment after her conviction on vote planting charges. Two key witnesses in her trial were her assistants who had earlier pleaded guilty and been sentenced to two months' imprisonment. Their

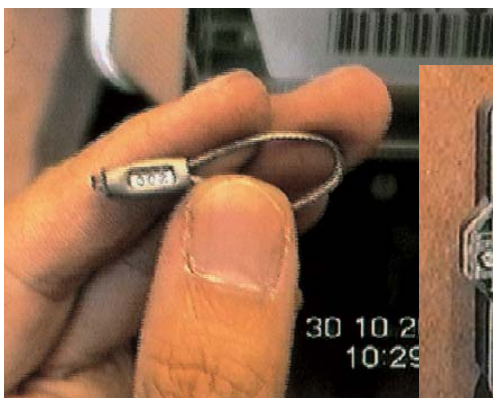
其中一宗檢控與1999年南區區議會選舉有關，共有四人被控以種票罪名，案件將於2003年3月開審。涉及另一宗案件的一名南區區議員種票罪名成立，被判入獄三個月。案中兩名主要證人為該區議員的助理，二人較早前已認罪，被判入獄兩個月。上訴法庭法官王見秋審理二人就判刑提出的上訴時，雖同意將刑期減半，但卻認為監禁刑罰絕對恰當，因為無論候選人、選民及選舉助理，均有責任確保選舉公平。

2002年完結的重大案件

除了與選舉有關的案件外，在2002年完結的重大案件如下：

工程合約貪污案

在2002年，一名中華電力有限公司（中電）高級技術員被控收受73萬元，作為在中電一項安裝內部保安系統價值逾400萬元的合約上優待一名承判商的報酬。在同一審訊中，該承判商及其經理亦被控賄賂、串謀詐騙及偽造文件罪名。雖然控方曾就涉案款項提出銀行紀錄作為證明，但由於無證據證明該宗銀行交易與貪污有關，法庭裁定三名被告的貪污控罪不成立。由此可見，在「授受相悅」的情況下，要在法庭上證明貪污罪行實非易事。然而，該承判商及經理被裁定偽造文件罪名成立，分別被判處入獄及緩刑。



經仔細檢查後發現電錶被干擾
Meter tampering revealed on close examination



appeal against sentence was heard by Mr. Justice Wong who, while agreeing to reduce their terms of imprisonment by half, maintained that custodial sentences were warranted as he was of the view that candidates, voters and election helpers must ensure that elections were fair.

Significant cases concluded in 2002

Election enquiries aside, X Group has completed the following major investigations in 2002:

Corruption in works contract

In 2002 a Senior Technician of China Light & Power (CLP) was charged with accepting \$730,000 for showing favour to a contractor involved in the installation of internal security systems for CLP at a contract value of over \$4 million. At the same trial the contractor and his manager were also charged with bribery, conspiracy to defraud and forgery offences. Despite bank records being adduced to prove the payment, the court acquitted all three defendants of the bribery charge for want of evidence to prove that the alleged transaction was corruption related. This again demonstrates that corruption offences are difficult to prove at court when both the offeror and the acceptor involved are 'satisfied parties'. The contractor and the manager were however found guilty of forgery and were respectively given a term of imprisonment and a suspended prison sentence.

Electricity meter tampering

In November 2002, a total of 21 persons were charged with conspiring to defraud two electricity companies by tampering with electricity meters. The original corruption complaint alleged that staff members of the power companies might have been involved in meter tampering activities. Subsequent investigation failed to reveal any corrupt involvement of any power company staff. It is

干擾電錶案

2002年11月，共21人被控藉干擾電錶，串謀詐騙兩間電力公司。原先的貪污舉報指兩間電力公司的職員，可能有份參與干擾電錶的活動，但調查後未有發現電力公司職員牽涉其中。估計兩間電力公司因電錶遭非法干擾合共損失80萬元。本文撰寫期間，其中16人被裁定罪名成立，分別被判緩刑、罰款及社會服務令。其餘五名被告則由2003年2月開始接受審訊。

新挑戰

《村代表選舉條例草案》預計會在2003年初獲立法會通過。由於引入雙村長制，鄉村選舉將會邁進新紀元，村代表的數目會倍增至大約1,480名，而與村代表選舉有關的貪污舉報可能為數不少。廉署在2003年其中一項首要工作，就是要確保村代表選舉廉潔公平。

根據重新訂定的工作範圍，X組仍舊專責調查選舉投訴，而這方面的工作在2003年相信會頗為繁重。另一方面，X組亦會不時獲指派處理一些嚴重而調查需時的貪污案件。面對新挑戰，X組全體人員定當竭盡所能，力求在新的一年取得佳績。

estimated that the two power companies have suffered a total loss of \$800,000 as a result of illegal tampering activities. At the time of writing, 16 defendants have been convicted and sentenced to suspended terms of imprisonment, fines and community service orders. The remaining five defendants are to be tried from February 2003 onwards.

New challenges

It is anticipated that the Village Representative (VR) Election Bill will be passed in early 2003. This will bring the rural elections to a new era by introducing the dual representative system. As the number of VR elections will be doubled to about 1,480 under the new arrangement, a possible influx of corruption complaints is likely. One of our corporate priorities for the year 2003 is to maintain the integrity of these elections.

The new charter of X Group allows its staff to focus on election complaints, which is foreseen to be a mammoth task in the forthcoming year. It also provides flexibility in that X Group will, from time to time, be assigned to investigate serious corruption cases which warrant protracted investigation. All of us view this as a welcome challenge and we will try our best to strive for success in the new year.



調查科四

執行處助理處長（四）貝守樸， IDS

執行處在2002年如常地經歷了不少轉變。單以調查科(四)來說，一向表現卓越的前K組首席調查主任張華邦，IMS，在廉署竭誠服務了28年後光榮退休。以他對刑事調查及資訊科技的豐富經驗，我深信香港的獵頭公司很快便會打他的主意。作為張君的接班人殊不容易，而這個重任將會落在現任B組首席調查主任蘇炳雄身上。蘇君明年初修畢一個高級政府人員管理課程後，將會接任K組首席調查主任，曾任J組主管的他在主流調查科工作了一段短時間再次被調回調查科(四)。正如張華邦一樣，蘇炳雄亦因為由刑事調查工作轉為主管資訊科技支援服務而須作出適應；但對我對他的認識，他定能勝任愉快。

從今期年報可見，柏謹信已從I組調回主流調查科，而黃樂寧則從防止貪污處借調執行處，出任I組首席調查主任。

曹渭仁晉升執行處助理處長後，由岳士彬接任J組首席調查主任一職。岳君亦須由調查工作轉為主管支援服務，但其豐富調查經驗肯定對新崗位的職務大有幫助。作為J組主管，他同時負責廉署與內地和海外執法機構的聯絡和協查事宜，這些以往屬於G組的工作，現在由J4小組負責處理。聯絡和協查的統籌工作，對廉署在其他地區進行調查能否成功極為重要；同樣地，對海外執法機構須在香港進行的調查，J4亦會安排給予所需的協助。

當然，有些事物是永遠不變的，例如無情的工作壓力。因此，我欲藉此機會，再次向調查科(四)全體同人致以衷心謝意，感謝他們全年努力不懈地工作，以應付主流調查人員對支援服務的無限需求。

INVESTIGATION BRANCH 4 (IB/4)

BY MIKE BISHOP, IDS, ASSISTANT DIRECTOR OF OPERATIONS 4

Not unusually, the passing of another year in the Operations Department has been marked by change, as may be discerned from the pages of this edition of the Review. Changes affecting IB/4 include the departure from the Commission of my former Principal Investigator, K Group, Louis CHEUNG Wah-pong, IMS. After 28 years of dedicated and distinguished service with the ICAC, Louis has finally made the transition to well earned retirement - though I shall be very surprised if the “availability” of his vast

experience in criminal investigation and IT escapes the attention of local head hunters for long. For our part, he will be a very hard act to follow. That challenging task will fall to Daniel SO Ping-hung, presently Principal Investigator, B Group, when he returns from a senior government leadership course in the new year. Formerly Principal Investigator, J Group, Daniel returns to IB/4 after only a brief stint back in the operational arena. Following Louis's example, in transferring to K Group Daniel will have to adapt to a critical career move from criminal investigation to the IT field. Knowing him as I do, I'm sure he is more than equal to the task.

Neil Parkinson - as is apparent from his contribution to this year's publication - has returned to operations, his former post of Principal Investigator, I Group, having been taken over by Dominic WONG Lok-ning, on secondment from the Corruption Prevention Department.

Replacing Kenny TSO Wai-yan, IMS, as head of J Group on Kenny's promotion to Assistant Director, Gerry Osborn is another very experienced investigator who has had to adjust to a support role. As Principal Investigator, J Group, his wealth of operational experience will be of inestimable value to the Department. In inheriting his present post, Gerry has also assumed responsibility for liaison and mutual assistance between the ICAC and Mainland and overseas law enforcement organisations, formerly part of G Group's charter. Now designated J4 Section, this unit plays one of the Department's most important roles, and is vital to the success of our investigative endeavours beyond Hong Kong's jurisdiction. Similarly, the Section facilitates assistance to our overseas counterparts in those of their investigations that have Hong Kong connections or ramifications.

Some things, of course, never change - the relentless pressure of work, for instance. Without belabouring that issue, I will simply take this opportunity, once again, to express my thanks to the staff of IB/4 for their untiring efforts in striving to meet the seemingly insatiable demands of their operational colleagues throughout the year.

組
Group

首席調查主任黃樂寧

BY PRINCIPAL INVESTIGATOR, DOMINIC WONG LOK-NING

I組負責為執行處提供行政及管理支援服務，職員人數約90人。I組的工作範圍包括提供統計數據、翻譯、傳譯及謄寫服務、一般行政支援、制定策略、管理事務及法律研究。

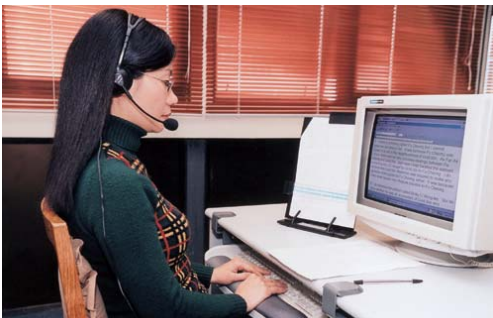
提供統計數據 - I1

統計小組(I1)儲存有關貪污舉報和調查結果的主要統計資料，為執行處以至整個廉署提供相關、可靠和適時的統計數據，以便進行情報分析和策劃行動，並因應需要有效地調配資源。I1定期提交統計報告和客觀分析作不同用途，包括由高層人員主持的簡報會和聯絡會議。此外，亦每年製備一份「公務員貪污舞弊報告書」，供公務員事務局及各政府部門首長參考。報告書旨在配合政府的「公務員廉潔守正計劃」，概述政府部門存在的貪污及舞弊行為，並指出容易出現貪污舞弊的範疇，以提高官員對有關問題的警覺性。

2002年度與執行處工作有關的統計資料，載於年報第103頁的「匯報統計數字」部分。

翻譯、傳譯及謄寫服務 - I2

中文主任為執行處的調查及檢控工作提供重要支援。除通曉中文(包括廣東話及普通話)及英語外，其中數人更能操其他中國方言。



一名中文主任正全神貫注地翻譯一份供詞
A Chinese Language Officer concentrates on translating a statement

With about 90 officers, I Group provides administrative and management support services to the Operations Department. Its charter embraces responsibilities for provision of statistical data; translation, interpretation and transcription services; general administrative support; strategic planning; management services and legal research.

Provision of statistical data - I1 Section

The Statistics Section (I1) maintains key statistical information on corruption reports and results of investigations, and serves not just the Operations Department but the entire Commission. It provides relevant, reliable and timely statistics to facilitate intelligence research and planning, and deployment of resources. Periodic statistics reports, together with objective analyses, are produced for a variety of purposes including briefing and liaison meetings conducted by senior officers. The Section also publishes an annual report on corruption and malpractice in the Civil Service for the information of the Civil Service Bureau and heads of Government Departments. The report, published in conjunction with the Civil Service Integrity Programme, serves to provide an overview of the problems of corruption and other malpractice in Government Departments, to highlight the areas which are susceptible to corruption and malpractice, and to promote a greater awareness of the problems.

Statistics relevant to the Operations Department's work during 2002 can be found on page 103 under the heading: Report from the Abacus.

Translation, interpretation and transcription services - I2 Section

Chinese Language Officers (CLOs) provide essential support to the Department's investigations and prosecutions. Apart from possessing linguistic skills in Chinese (Cantonese and Putonghua) and English, several CLOs have specialist proficiencies in various Chinese dialects.

中央謄寫組共有6名組員，負責協助各調查小組謄寫與疑犯進行的錄影會談。中央謄寫組自1995年成立以來，一直為調查人員提供不可或缺的支援服務。

一般行政支援服務 - I3

行政小組(I3)負責財務管理、人力資源管理、物資採購、辦公室的擴充及維修，以及一般支援服務。

由於各調查小組需要存放的文件及其他證物愈來愈多，中央證物小組年內增加和改善了儲存設施，包括用以存放貴重證物的保險庫及第三個證物倉。



廉政公署執行處錄影帶庫
The Operations Department Videotape Library

高層管理人員其中一項首要工作是為所有執行處人員提供安全及健康的工作環境。年內，除了加強使用職業安全設備外，部門亦完成一項有關辦公室室內空氣質素的全面評估，以確保符合環保指引的要求，並達至有關的標準。

2002年1月，執行處再度舉辦廉署開放日，加深市民對廉署工作的了解，從而增加廉署的透明度及加強市民對廉署的信心。一如以往，廉署開放日吸引了大批市民參觀，總數有4,000多人，較2000年的3,000人及1999年的1,000人大幅增加。

管理事務及法律研究 - I4

研究小組(I4)內的管理事務組，負責檢討工作程序及管理方法，提出改善服務質素的建議，以及制定工作指引，以充分發揮

The Central Transcription Unit, with six transcribers, assists Investigating Sections by transcribing videotaped interviews of suspects. The unit has proved a most valuable support resource since its establishment in 1995.

General administration support services - I3 Section

The Administration Section (I3) is responsible for financial management, human resources administration, supplies procurement, acquisition and maintenance of accommodation, and general support services.

To cope with increasing demand from Investigating Sections for storage accommodation for documents and other exhibits required for investigation and prosecution purposes, the Central Property Unit acquired enlarged and enhanced storage facilities during the year. A strongroom for high value case property and a third central property store have now been established.

One of the senior management's priorities is providing a safe and healthy working environment for all Operations Department officers. During the year, apart from enhancing occupational and safety equipment within the Department, a comprehensive indoor air quality evaluation exercise of office accommodation was completed to ensure that all environmental protection guidelines were complied with and standards met.

In January 2002, the Operations Department once again opened its doors to the public in a series of open days designed to increase the community's understanding of the work of the ICAC, improve our transparency and reinforce public confidence. As always, the event attracted considerable public interest, with over 4,000 visitors taking advantage of the opportunity to see first hand what makes the Department tick, compared with 3,000 visitors in 2000 and 1,000 in 1999.

Management services and legal research - I4 Section

The Management Services Unit (MSU) of the Research Section is responsible for reviewing operational procedures and management practices, making recommendations for service quality improvement, and formulating

部門的整體效率和成效。管理事務組亦負責為「審查貪污舉報諮詢委員會」提供秘書服務，該委員會的成員由行政長官委任，專責監察執行處的工作。

此外，管理事務組更是管理層和員工之間的一道溝通橋樑，不單為多個職員協商委員會提供秘書服務，並且會全力跟進員工建議，確保部門能暢順和有效地運作。

I4的法律研究組不時根據法例上的修改及法庭判決，檢討調查方法與程序，確保其切合時宜及與時並進。該組會把有代表性的判決及重要法律意見撮要，然後經執行處局域網傳送給所有人員。法律研究組與律政司及各決策局保持緊密聯繫，就可能影響執行處工作的法律問題交流意見。

在國際方面，法律研究組就多項有關貪污及相關罪行、人權及其他相關問題並處於發展階段的國際公約，為香港特別行政區政府提供資料。由於廉政公署是國際刑警反貪專家小組的成員，法律研究組亦定期為該小組撰寫反貪文稿。

終審法院於2002年7月裁定普通法「公職人員行為失當」罪沒有抵觸基本法後，法律研究組重新檢討把該普通法罪行條文化的建議，並與政府總部行政署、公務員事務局及律政司的同事保持緊密聯繫，研究未來的路向。



法律研究組高級調查主任貝律先生處理日常工作
Mike Burley, Senior Investigator of the Legal Research Unit at work

guidelines to optimise effectiveness and efficiency throughout the Department. The MSU is also responsible for providing secretarial support to the Operations Review Committee, a committee appointed by the Chief Executive to monitor the work of the Operations Department.

The MSU also serves as a bridge between management and staff by providing secretarial support to a variety of staff consultative committees, and by following through staff suggestions to ensure the smooth and effective operation of the Department.

The Legal Research Unit (LRU) within I4 Section reviews investigation practices and procedures in the light of changing legislation and court judgements to ensure that they remain up-to-date and appropriate. Relevant judgements and important legal advice are summarised and disseminated to staff via the Department's local area network (OPSLAN). The LRU works in close liaison with the Department of Justice and various policy bureaux on legal issues that affect the work of the Operations Department.

Internationally, the LRU contributes to the HKSAR Government's input on various developing international conventions on corruption and related crime, human rights and other relevant issues. The LRU also makes regular contributions to the work of the Interpol Group of Experts on Corruption, of which the ICAC is a member.

As a result of a Court of Final Appeal decision in July 2002, which ruled on the constitutionality of the common law offence of misconduct in public office, the LRU has reviewed the ICAC's proposal to codify this common law offence, and is working closely with the Government's Administration Wing, the Civil Service Bureau and the Department of Justice to consider the way forward.

2002年10月，本人調任J組主管，在廉署服務以來，首度負責支援性質較重的工作。

J組分為四個小組，職員人數合共超過100人。以下為大家簡單介紹每個小組所負責的主要工作。

舉報中心及扣留中心 - J1小組

舉報中心全年24小時運作，通常是市民與廉署第一個接觸點。市民可循以下途徑舉報貪污：親身到舉報中心或位於港九新界不同地區的八個分區辦事處；致電廉署舉報熱線；投函香港郵政總局郵箱1000號，或發電郵至廉署的網址。其他政府部門及機構，亦會把懷疑貪污個案轉介廉署調查。

所有被廉署拘捕及扣留的人士，均被安置在扣留中心。根據法例規定，假使廉署未能在48小時內起訴被扣留者並將其帶上法庭，便須准予保釋或無條件釋放。廉署的拘捕及扣留權力，在《廉政公署條例》中有嚴格規定。扣留中心的職員除了負責看管被扣留者外，還須保障他們的權利及照顧他們的福利。為確保職員妥善履行職責，獲特別委任的太平紳士會經常突擊巡視扣留中心。他們可隨意與被扣留者接觸和交談，並會就巡視所見所聞，向政府總部提交報告。

扣留中心亦負責列隊認人程序。廉政公署是香港首個利用單面反光鏡設備來保護證人的執法機構。至於疑犯本身的權益，亦同樣受到保障，因為在單面反光鏡後進行的認人程序會錄影下來，並盡可能有太平紳士在場見證。

訓練學校- J2小組

訓練學校負責招聘及培訓執行處人員。新入職的助理調查主任首先參加為期17星期的第一階段入職培訓課程，接受有關法律、證據及刑事調查的專業訓練，並進行實習。學員隨後會調派到執行處其中一個調

In October 2002 I was transferred to J Group where, for the first time in my career, I found myself in a more supportive role, rather than in an operational post.

J Group comprises four Sections with over 100 staff. The following paragraphs provide a brief insight into some of the vital work conducted by officers from each of those Sections.

Report and Detention Centres - J1 Section

The Report Centre, manned 24 hours a day, 365 days a year, is the first point of contact with the ICAC for most members of the public. Individuals who wish to report corruption may do so in a variety of ways - in person to the Report Centre or to one of the eight Regional Offices in Hong Kong; via the telephone hotline; by letter to Post Office Box 1000; or by e-mail to the ICAC's website. Reports are also referred to the Commission by other Government Departments and agencies.

Persons arrested and kept in custody are housed in the Detention Centre for up to 48 hours, when they must, by law, be charged and taken before court or released, either on bail or unconditionally. ICAC powers of arrest and detention are strictly governed by the Independent Commission Against Corruption Ordinance. Detention Centre personnel not only have the significant duty of holding detainees in custody, but also of protecting their rights and providing for their welfare. In order to ensure that these responsibilities are properly discharged, specially appointed Justices of the Peace make regular unannounced visits to the Detention Centre. They have unrestricted access to detainees and can speak freely with them. The Justices report the results of their visits to the Government Secretariat.

The Detention Centre is also responsible for conducting identification parades held in the Operations Department. The ICAC was the first law enforcement agency in Hong Kong to establish a one-way mirror facility to protect witnesses. The rights of the suspect are also protected as the conduct of proceedings behind the mirror is video-recorded, where possible, in the presence of a Justice of the Peace.

查科，接受為期一年的在職訓練，然後再回到訓練學校參加為期兩星期的第二階段入職課程，著重訓練實際調查技巧。之後學員會調派到另一調查科作第二年在職培訓，然後再回到訓練學校參加為期兩星期的最後階段入職課程。



總調查主任葉廣福先生帶領新入職助理調查主任參觀珠海法院

Newly-recruited ICAC Assistant Investigators led by Chief Investigator Mr. YIP Kwong-fuk visit Zhuhai Judicial Court



新入職助理調查主任在總調查主任葉廣福先生帶領下拜訪澳門廉政公署

Newly-recruited ICAC Assistant Investigators led by Chief Investigator Mr. YIP Kwong-fuk visit the Macau Commission Against Corruption

除入職培訓外，訓練學校亦定期為各級人員提供培訓，舉辦一系列課程、研討會、研習班、經驗分享小組以及訓練營，藉以推動同事們的「持續專業發展」。訓練範圍包括：錄影會談問話技巧、財務調查、撰寫報告、導師指導技巧、電腦應用、會見疑犯的守則及指引，以及審訊前的準備工作。

廉政公署訓練營位於新界屯門，設施包括宿舍、訓練課室、小組討論室、電腦房、體育館、籃球場及燒烤場。自2000年8

Training School - J2 Section

The Training School is responsible for both recruitment and training of Operations Department personnel. Training begins for newly recruited Assistant Investigators with a 17 week Stage I Induction Course, in which they receive instruction in various skills and competencies including law, evidence and criminal investigation, with particular emphasis on operational and practical aspects. Initial training is followed by 12 months on-the-job training in an Investigation Branch, following which recruits return to the Training School to undergo a two-week Stage II Induction Course with the focus on practical investigative skills. On completion of Stage II training, they are posted to a different Investigation Branch for a further 12 months on-the-job training before returning to the Training School for the two-week Final Stage course.

In addition to initial training, the Training School provides regular training for officers at all ranks. In order to promote continuous professional development, a range of courses, seminars, workshops, experience-sharing groups and residential training sessions are organised, including training in video interviewing techniques, financial investigation, report writing, mentoring and coaching skills, computer training, rules and directions on interviewing suspects and pre-trial preparation.

Located in Tuen Mun in Hong Kong's New Territories, the Commission's Residential Training Camp provides living quarters, training and syndicate break-out rooms, a computer room, gymnasium, basketball court and a barbecue site. Since opening in August 2000, 63 courses

totalling 238 training days, have been held at the Camp for a total of 7,584 participants.



執行處首長李銘澤先生向新入職助理調查主任講課

Head of Operations, Mr. Daniel LI Ming-chak, speaking to newly-recruited Assistant Investigators

月啟用以來，在訓練營舉行的課程共63個，訓練日數共238天，而受訓人數合共7,584人次。

快速反應隊 - J3小組

快速反應隊會迅速地處理性質較輕微，經初步評估相信可在短時間內解決的案件，使主流調查人員可專注於需要作深入調查的重大和複雜個案。快速反應隊在2002年共處理1,143宗性質較輕微的貪污案件，佔執行處是年調查的貪污案件總數的35%。

聯絡與協查 - J4小組

廉政公署與內地人民檢察院於1996年訂定的「個案協查計劃」，利便雙方在對方的司法管轄區內進行調查，證實是一個非常有效的機制。有關個案協查的統計數字詳見**附錄甲**。



最高人民檢察院副檢察長邱學強拜訪執行處（並與廉政專員李少光先生、執行處首長李銘澤先生及執行處處長（政府部門）陳德成先生合照）

Mr. QIU Xueqiang, Deputy Procurator-General of Supreme People's Procuratorate during a visit to Operations Department (seen here with ICAC Commissioner, Mr. Ambrose LEE Siu-kiung, Head of Operations, Mr. Daniel LI Ming-chak and Director of Investigation (Government Sector), Mr. Gilbert CHAN Tak-shing)

我們經常向到訪的內地政府官員，介紹廉署的工作。另一方面，各級廉署人員亦回訪內地執法機關及政府部門，藉此了解其運作，並與內地官員交流心得和經驗。

為促進國際合作和相互協查，廉署與多個海外執法機構經常保持緊密聯繫。我們與英國、美國、加拿大及澳洲等國家的駐港代表關係良好，與美國聯邦調查局、皇家加拿大騎警、澳洲聯邦警隊及其他多個執法機構的合作關係，尤其密切。



新入職助理調查主任在訓練營內進行早操

Recruits performing morning physical exercise at the ICAC Training Camp

The Quick Response Team - J3 Section

The Quick Response Team (QRT) provides a valuable service by dealing expeditiously with minor cases, which appear, on initial assessment, to be capable of speedy resolution. This enables investigators in the mainstream Investigation Branches to focus on cases of substance and/or complexity, which require more in-depth attention. During 2002 QRT dealt with 1,143 minor corruption cases representing 35% of the total number of corruption investigations conducted by the Department.

Liaison and mutual assistance - J4 Section

The Mutual Case Assistance Scheme jointly entered into in 1996 by the ICAC and the Mainland Peoples' Procuratorates facilitates enquiries by both organisations in each other's jurisdiction and has proven a most valuable mechanism. The table at **Appendix A** provides the relevant statistics.

Mainland government officials regularly visit the ICAC and are briefed on the work of the Commission. Conversely, ICAC officers at all levels visit Mainland law enforcement agencies and government organisations for the purpose of familiarisation and exchanging views and experience.

With a view to ensuring continued mutual assistance, the ICAC maintains strong ties with a number of overseas law enforcement agencies. In Hong Kong, we enjoy excellent relations with local representatives of various nations through their Consulates General, including the United Kingdom, the United States, Canada and Australia. Specifically, we have a sound and valuable working relationship with the U.S. Federal Bureau of Investigation, the



The Hon Dato Zulkipli Mat Noor 帶領馬來西亞反貪污局代表團拜訪廉署
Delegation from the Malaysian Anti-Corruption Agency led by The Hon Dato Zulkipli Mat Noor during a visit to the ICAC



執行處同事與瑞士聯邦警察及瑞士司法部代表團
Operations Department officers with a delegation from the Swiss Federal Criminal Police and the Swiss Office of the Attorney General

J4小組亦負責就海外執法機構所提出的協查要求，統籌有關的調查工作，並負責為執行處的外地訪客，作出安排。2002年外地訪客的資料詳見**附錄乙**。此外，澳門及內地執法人員在2002年分別有三次及30次拜訪廉署的紀錄。**附錄丙**則撮錄廉署人員年內所參與在香港以外的國際會議及訓練課程。

Royal Canadian Mounted Police and the Australian Federal Police, as well as a number of other law enforcement agencies.

Co-ordinating and facilitating requests for assistance from overseas law enforcement agencies and catering for the logistics of overseas visitors to the Operations Department are also the responsibilities of J4 Section. A detailed summary of overseas visitors during 2002 can be found at **Appendix B**. In addition, officers from the Macau SAR visited the ICAC on three occasions, and officers from the Mainland visited on 30 occasions. Details of ICAC officers who attended international conferences, meetings and training courses are summarised at **Appendix C**.



廉政專員李少光致送紀念品予馬來西亞反貪污局首長
ICAC Commissioner Mr. Ambrose LEE presents a souvenir to the Head of the Malaysian Anti-Corruption Agency

附錄甲 - 個案協查統計數字

Appendix A - Mutual Case Assistance - Cross-boundary Investigations

累積數字截至2002年12月31日 Accumulative Figure as at 31.12.2002								
年份 YEAR	廉署在內地進行的調查 ICAC Enquiries in Mainland					內地在香港進行的調查 Mainland Enquiries in HK		
	協查的次數 No. of Cases	前赴內地次數 No. of Visits to Mainland	會見的證人數目 No. of Witnesses Interviewed	來港作證的證人 Witnesses Testified in HK		協查的次數 No. of Cases	來港次數 No. of Visits to HK	會見的證人數目 No. of Witnesses Interviewed
				涉及的案件宗數 No. of Cases Involved	證人數目 No. of Witnesses			
1988	4	5	16	0	0	2	2	17
1989	3	3	5	2	3	3	1	12
1990	7	9	28	0	0	7	7	27
1991	8	9	28	0	0	10	9	23
1992	10	13	18	0	0	9	9	53
1993	14	6	14	3	5	11	7	25
1994	17	4	12	0	0	9	8	14
1995	27	8	14	4	7	27	18	24
1996	28	25	34	2	8	31	25	73
1997	34	12	22	1	1	35	19	33
1998	33	12	21	0	0	41	31	70
1999	34	13	19	2	3	50	40	108
2000	47	29	34	5	13	82	69	115
2001	47	27	31	6	5	56	66	68
2002	39	26	31	6	16	67	43	65
總數 Total	352	201	327	31	61	440	354	727

附錄乙 - 外地訪客

Appendix B - Overseas Visitors to the ICAC

日期 Date		國家 Country		組織 Organisation
一月	January	法國 秘魯 加拿大	France Peru Canada	Delegation of senior executives from 3 national oil companies Consul General of Peru Attorney General of Ontario
二月	February	印尼	Indonesia	Financial and Development Supervisory Board
三月	March	尼泊爾 南非 新加坡 肯亞	Nepal South Africa Singapore Kenya	Commission for the Investigation of Abuse of Authority National Prosecuting Authority Attorney-General Kenya National Police Force
四月	April	烏干達 澳洲 澳洲 斯里蘭卡 汶萊 巴基斯坦	Uganda Australia Australia Sri Lanka Brunei Pakistan	Department of Ethics and Integrity University of Queensland National Crime Authority Attorney General's Department Anti-corruption Bureau National Defence College
六月	June	汶萊	Brunei	Anti-corruption Bureau
七月	July	烏干達 新加坡 毛里裘斯	Uganda Singapore Mauritius	Department of Ethics and Integrity National University of Singapore Mauritius ICAC
八月	August	德國 墨西哥 美國	Germany Mexico USA	Transparency International Monterrey Business School US-Asia Institute 50 th Congressional Delegation
九月	September	菲濟 加拿大 埃及	Fiji Canada Egypt	Director of Public Prosecutions Minister for Canadian Immigration and 12 Members of Parliament Administrative Control Authority
十月	October	英國 美國 韓國 馬來西亞	UK USA Korea Malaysia	Royal College of Defence Studies US Customs Service National Police University Anti-Corruption Agency
十一月	November	瑞士 菲濟	Switzerland Fiji	Office of the Attorney General and Federal Criminal Police Legal officers from Department of Public Prosecutions
十二月	December	韓國 泰國	Korea Thailand	Korean ICAC Directorate from International Law Enforcement Academy

附錄丙 - 廉署人員參與的國際會議及訓練課程

Appendix C - Overseas Conferences and Training Courses Attended by ICAC officers

日期 Date	出席代表 Officer(s) Attending	會議／研討會名稱 Title	地點 Venue
一月 January	一名助理處長 1 Assistant Director	執法機關與金融機構合作第一屆亞洲地區會議 The 1 st Asian Regional Meeting on Co-operation between Law Enforcement Agencies and Banking / Financial Institutions	沙地阿拉伯 Saudi Arabia
三月 March	一名調查主任 1 Investigator	電腦資料鑑證訓練課程 "Encase" Computer Forensic Training Course	美國三藩市 San Francisco, USA
	一名首席調查主任 1 Principal Investigator	「萬事達咭」國際會議 MasterCard International Conference	中國上海 Shanghai, PRC
四月 April	一名總調查主任 1 Chief Investigator	加拿大警察學院高級警務人員行政課程 Senior Police Administration Course, Canadian Police College	加拿大渥太華 Ottawa, Canada
	一名總調查主任 1 Chief Investigator	聯邦調查局國家學院課程 FBI National Academy Course	美國夸特奧 Quantico, USA
	一名助理處長 一名首席調查主任 兩名總調查主任 1 Assistant Director 1 Principal Investigator 2 Chief Investigators	區際刑事司法協助法律研究會 Legal Conference on Regional Criminal Judicial Co-operation	澳門 Macau
五月 May	一名執行處處長 一名助理處長 1 Director of Investigation 1 Assistant Director	國際刑警反貪專家小組第十次會議 The 10 th Meeting of Interpol Group of Experts on Corruption	美國紐約 New York, USA
	一名高級調查主任 1 Senior Investigator	新南威爾斯警隊第五期臥底人員訓練課程 Undercover Course No. 5, New South Wales Police Service	澳洲悉尼 Sydney, Australia
	一名高級調查主任 1 Senior Investigator	認可信息系統安全專業人員訓練課程 Certified Information Systems Security Professional Training Programme	奧地利維也納 Vienna, Austria
	一名調查主任 1 Investigator	加拿大警察學院電腦資料搜尋及檢取訓練課程 Macintosh Electronic Search and Seizure Course, Canadian Police College	加拿大渥太華 Ottawa, Canada
六月 June	一名總調查主任 1 Chief Investigator	北京大學中國專題研究課程 China Studies Course, Beijing University	中國北京 Beijing, PRC
	一名總調查主任 1 Chief Investigator	亞太區反洗黑錢小組工作坊 Asia Pacific Group on Money Laundering Workshop	澳洲布里斯班 Brisbane, Australia
	一名總調查主任 1 Chief Investigator	澳洲警察實務學會第83期警隊管理發展課程 The 83 rd Police Management Development Program, Australian Institute of Police Studies	澳洲悉尼 Sydney, Australia
	一名總調查主任 1 Chief Investigator	中山大學內地法律短期課程 Short Course on Mainland Law at Zhongshan University	中國廣州 Guangzhou, PRC
	一名調查主任 1 Investigator	倫敦都會警隊主辦全英臥底評估訓練課程 National Undercover Assessment and Training Course, Metropolitan Police Force	英國倫敦 London, UK
七月 July	一名助理調查主任 1 Assistant Investigator	國際執法學院執法人員情報運用訓練課程 ILEA Intelligence Application for Law Enforcement Course	泰國曼谷 Bangkok, Thailand
八月 August	一名助理處長 一名總調查主任 兩名高級調查主任 1 Assistant Director 1 Chief Investigator 2 Senior Investigators	有組織犯罪理論與對策研討會 Seminar on Organised Crime Theory and Strategy	澳門 Macau
	兩名總調查主任 2 Chief Investigators	澳洲警察實務學會第84期警隊管理發展課程 The 84 th Police Management Development Program, Australian Institute of Police Studies	澳洲悉尼 Sydney, Australia

附錄丙 - 廉署人員參與的國際會議及訓練課程

Appendix C - Overseas Conferences and Training Courses Attended by ICAC officers

日期 Date	出席代表 Officer(s) Attending	會議／研討會名稱 Title	地點 Venue
九月 September	一名高級調查主任 1 Senior Investigator	金融罪行調查員國際協會會議 International Association of Financial Crime Investigators Conference	美國波士頓 Boston, USA
	廉政專員 一名助理處長 一名總調查主任 一名高級調查主任 一名助理調查主任 Commissioner 1 Assistant Director 1 Chief Investigator 1 Senior Investigator 1 Assistant Investigator	倡導公務員廉潔守法研討會 Seminar on Civil Service Integrity	澳門 Macau
	一名首席調查主任 1 Principal Investigator	警務、道德標準與反貪研討會 Seminar on Policing, Ethics and Corruption	比利時布魯塞爾 Brussels, Belgium
十月 October	一名首席調查主任 1 Principal Investigator	國際刑警第一屆金融罪行國際會議 Interpol 1 st International Conference on Financial Crime	法國里昂 Lyon, France
	一名高級調查主任 1 Senior Investigator	國際執法學院主管級刑事調查員課程 ILEA Supervisory Criminal Investigator Course	泰國曼谷 Bangkok, Thailand
	一名首席調查主任 一名總調查主任 1 Principal Investigator 1 Chief Investigator	國際刑警第五屆國際會議 The 5 th Interpol International Conference	韓國漢城 Seoul, Korea
	一名高級調查主任 1 Senior Investigator	新加坡警隊訓練課程 Singapore Police Training Course	新加坡 Singapore
	一名助理調查主任 1 Assistant Investigator	情報分析與整理訓練課程 Intelligence Analysts / Collators Course	新加坡 Singapore
	一名助理處長 1 Assistant Director	國際刑警反貪專家小組第十一次會議 The 11 th Meeting of Interpol Group of Experts on Corruption	法國里昂 Lyon, France
	一名高級調查主任 1 Senior Investigator	亞太區反洗黑錢小組手法及類型工作坊 Asia Pacific Group on Money Laundering Methods and Typologies Workshop	加拿大溫哥華 Vancouver, Canada
	一名總調查主任 兩名高級調查主任 二十四名助理調查主任 1 Chief Investigator 2 Senior Investigators 24 Assistant Investigators	助理調查主任入職訓練課程 - 中國與澳門司法制度研究 Assistant Investigator Induction Course - Study of judicial systems in PRC and Macau	中國珠海 澳門 Zhuhai, PRC Macau
十一月 November	一名高級調查主任 1 Senior Investigator	新加坡警隊前線情報人員課程 Singapore Police Force Field Intelligence Officers Course	新加坡 Singapore
	一名助理處長 1 Assistant Director	韓國廉政公署國際論壇 Korean ICAC International Forum	韓國漢城 Seoul, Korea
	一名總調查主任 兩名高級調查主任 1 Chief Investigator 2 Senior Investigators	澳洲警察實務學會第85期警隊管理發展課程 The 85 th Police Management Development Program, Australian Institute of Police Studies	澳洲悉尼 Sydney, Australia
十二月 December	一名助理處長 一名首席調查主任 1 Assistant Director 1 Principal Investigator	第九屆檢控工作周年會議 The 9 th Annual Prosecutions Conference	菲濟 Fiji

K組負責為執行處提供及維修資訊科技設施，並為主流調查組別提供電腦資料鑑證及財務調查方面的支援。此外，本組亦負責維持執行處資訊系統、執行處局域網及互聯網資源中心的運作。

執行處資訊系統

執行處為所有調查人員提供電腦工作站，方便他們使用各電腦系統及應用程式。除了聯機投訴記錄、個案管理及情報分析等功能外，執行處資訊系統亦提供了多項容易操作的應用程式，使調查工作的效率大為提高。統計數字匯報系統和遙距通訊及控制系統便是其中兩項。通過遙距通訊及控制系統，外出工作的調查人員可以自遠處接收大量有用的資料，而高級人員則可以從自己的辦公室監察、指揮及控制有關行動。2002年，執行處資訊系統各項功能的使用量增加了約百分之五十，而數據量亦大幅增長。在用戶不斷加強使用現有系統設施的同時，新的用戶需求亦經常出現，對K組人員的創意和專業才能提出新考驗。

在未來一年，K組將展開一項技術研究，探討在行動中廣泛使用流動通訊科技的可行性。

KGroup is responsible for the provision and maintenance of the Operations Department's general IT capability and facilities, as well as for providing computer forensics and financial investigation support to the Department's mainstream Investigating Sections. The Group maintains the Operations Department Information System (OPSIS), its local area network (OPSLAN) and an Internet Resource Centre (IRC).

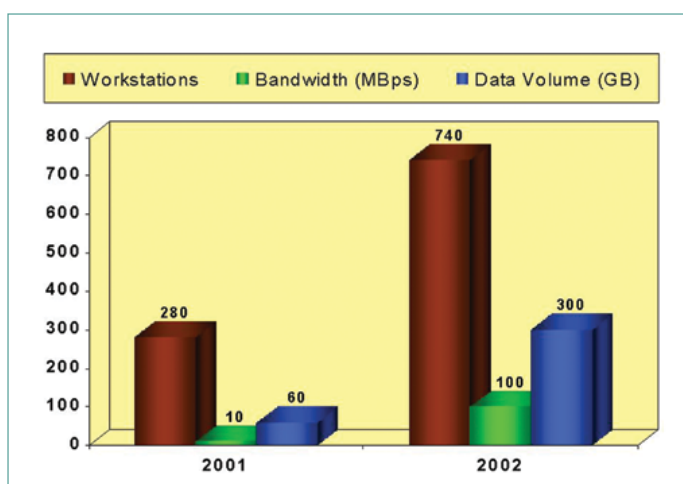
OPSIS

Every officer of the Operations Department has his or her own computer workstation from which to access the various available systems and applications. In addition to complaints logging, case management and intelligence analysis, OPSIS provides a number of user-friendly applications to optimise the effectiveness of the investigation process. These include the Statistical Reporting System and the Remote Communications and Control System (RCCS). Through the RCCS, officers in the field can access a wealth of useful information from remote locations, while senior officers are able to monitor, direct and control the progress of operations from their offices. Usage of the various functions increased by around 50% during the past year, with the data volume burgeoning significantly. And while users make ever greater use of the system's existing facilities to support daily critical business functions, new user requirements surface regularly, challenging K Group officers' ingenuity and professionalism.

In the coming year, K Group will embark upon a technical study to explore the feasibility of extensive use of mobile communication technology in the operational field.

OPSLAN

In addition to providing staff with office automation facilities, OPSLAN offers them various computer applications to meet their operational and functional needs. During the past year, we implemented a confidential mail system to enable officers to conduct secure e-mail communication both with colleagues in the ICAC and in the Government. To further strengthen the secu-



在2002年，執行處在資訊科技的應用上「大躍進」

In 2002, the Operations Department underwent substantial advances in its information technology capability and facilities

執行處局域網

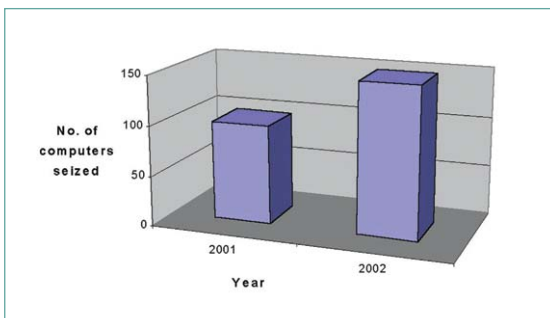
除了提供辦公室自動化設施外，執行處局域網亦提供多項電腦應用程式，以滿足同事不同的工作需要。2002年，我們推行一個機密電郵系統，使執行處人員可與廉署及其它政府部門的同事進行機密的電郵通訊。為進一步加強我們的資訊科技系統保安，以及保護各系統所儲存的敏感資料，我們在2002年進行了一項技術研究，並實行了若干改善措施。

互聯網資源中心

互聯網資源中心全日24小時開放，為首席調查主任級以下同事提供接達互聯網的電腦設施。2002年，我們為所有首席調查主任提供了接達互聯網的桌上電腦，並加強了互聯網資源中心的網絡保安。

電腦資料鑑證

隨著電腦和互聯網的使用日趨普及，工商企業、機構及個人同樣倚重電腦來儲存資料，而使用電子商貿系統儲存資料亦越來越普遍。不過，信息資產所受到的威脅以及電腦被用作犯罪的情況亦相應增加，為我們的電腦資料鑑證工作帶來更大挑戰。



電腦資料鑑證統計數字：需作鑑證檢查的電腦數目不斷上升
Computer Forensics Statistics: the number of computers requiring forensic examination continues to grow

年內，電腦資料鑑證組(K3)在搜查行動中，協助主流調查人員檢取了逾100部電腦。在這些案件的調查過程中，K3人員負責檢索、保全和分析電子數據，使有關資料



機密電郵系統的硬件：該系統將機密資料安全地傳送到政府各政策局及部門
Hardware of the Confidential Mail System that allows posting of classified materials between Government Bureaux and Departments

rity of our information technology systems and to safeguard the sensitive information stored, we undertook a technical study project during the year, and implemented enhancement measures.

IRC

The IRC provides all officers below the rank of Principal Investigator with 24-hour access to the Internet. During the year, we provided all Principal Investigators with desktop Internet workstations, as well as upgrading the IRC network security.

Computer forensics

With increasing dependence on computers and the Internet, businesses, organisations and individuals alike rely heavily on computers for information storage, and information embedded in electronic business systems has become more widely used. As might be expected, however, threats to information assets, and the criminal/corrupt use of computers have also increased proportionately, thus presenting greater challenges to our computer forensics capability.

During the year, the Computer Forensics Section (K3) provided expert support to mainstream investigators, who seized over 100 computers in search operations.

K3 Section retrieved, secured and analysed electronic data in the course of various ICAC investigations, rendering it capable of being adduced in court proceedings as admissible evidence. In order to equip our computer forensics officers with the latest technical expertise to tackle the

可用作被法庭所接納的呈堂證據。另一方面，鑑於資訊科技的發展一日千里，為了讓我們的電腦資料鑑證人員掌握最新專業技術，以應付不斷出現的新挑戰，執行處為有關人員提供全面培訓，安排他們修讀由本地及海外學術機構、專業團體及執法機構所舉辦的課程。同時，我們亦不斷與其他執法機構交流經驗。

廉署是香港政府的「電腦相關罪行跨部門工作小組」的成員之一，參與檢討現行的相關法例，以及鑑定資訊科技對執法人員所帶來的新挑戰。此外，廉署亦是「亞洲及南太平洋區資訊科技罪行工作小組」的核心成員。該工作小組主要由國際刑警亞洲成員國的代表組成，共同對區內的資訊科技罪行進行評估、確定範圍及謀求對策，並就未來的立法、調查與相互合作作出建議。

財務調查

財務調查組(K4)所提供的支援服務包括財務分析、追查資產、銀行查詢以及進行土地註冊、商業登記和公司註冊的查冊工作。一如以往，K4在2002年的工作極為繁重。隨著商業活動越趨複雜，該組須不斷應付新挑戰。年內，該組在超過80宗緊急及／或複雜的財務調查中，為主流調查人員提供專業意見及會計鑑證支援，當中牽涉逾280間目標公司及1,200多宗假信用狀交易，涉及的總金額超過50億元。此外，由於徵用部門本身的會計鑑證專家，而不是向外聘請會計師，大概節省了900萬元的開支。

持續專業發展

我們一向重視同事的持續專業發展。由於K組負責在發展迅速的資訊科技和講求專門知識的會計財務兩方面提供專業支援服務，所以非常鼓勵同事不斷更新和提升他們的專業技能和資格，以求與

challenges presented by rapidly developing information technology, the Department provides comprehensive training at academic institutions and with other professional and law enforcement organisations, both locally and overseas. We also share experience with our law enforcement counterparts on an ongoing basis.

In addition to participating in the Hong Kong Government's Inter-departmental Working Group on Computer Related Crime, which is responsible for reviewing existing IT crime-related legislation, and identifying IT challenges to law enforcement, the ICAC is a core member of the Asia-South Pacific Working Party on Information Technology Crime. Working Party members, who are mainly representatives from Interpol member States in Asia, work together to measure, scope and respond to IT crime in the region, and to encourage future initiatives on IT crime related legislation, investigation and cooperation amongst law enforcement.

Financial investigation

The investigation support service provided by K4 Section - the Department's Financial Investigation Section - includes financial analysis, asset tracing, bank enquiries, and land, business registration and company searches. The Section's workforce includes seven professionally qualified investigating officers, with additional investigative support. As in previous years, the services of K4 Section were in extremely heavy demand during 2002. Tackling head-on the many challenges arising from increasing complexity in commerce, the Section assisted mainstream Investigation Branches by providing expert advice and forensic accountancy support in over 80 urgent and/or complex financial investigations involving more than 280 target companies and over 1,200 bogus letters of credit/business transactions with a total value exceeding \$5 billion. Moreover, the use of in-house forensic accounting expertise rather than employing external accountants resulted in savings of approximately \$9 million in government funding.



助理調查主任陳卓儀及李建瓊於2002年取得會計師資格
Assistant Investigators, Ms. Carrie CHAN Cheuk-ye
and Mr. Jonathan LI Kin-wai, became qualified
accountants in 2002

時並進。2002年，K組共有13名同事從大學及專業團體取得專業資格，其中包括香港會計師公會會員資格、執業會計師資格、認可信息系統安全專業人員資格、電腦資料鑑證專家證書及電腦資料鑑證深造文憑。

我將於2003年初退休，離開服務了28年的廉署。香港今天被譽為世界上其中一個最廉潔的地方，想到自己有幸在廉署工作並曾盡過一分力，亦不禁感到滿足和自豪。我衷心祝願廉署，特別是K組的同事，在未來繼續取得成功。

Continuous professional development

Continuous professional development is high on K Group's agenda. Since we are responsible for providing the highest professional expertise in such specialised and rapidly evolving disciplines as information technology and accountancy, it is vital that we stay ahead of the game. To this end, officers are encouraged to continue to update and upgrade their professional skills and qualifications. During 2002, 13 K Group officers obtained additional professional qualifications from universities and professional bodies; these include HKSA, CPA, CISSP, Forensic Computer Examiner Certificates, and Graduate Diplomas in Computer Forensics.

Early in 2003, I shall retire from the Commission after 28 years' service. It is a source of considerable pride and satisfaction to me that my contribution, though a modest one, has helped to make Hong Kong one of the least corrupt places anywhere. I wish the ICAC in general, and K Group in particular, every success in the years to come.

L 組
Group

首席調查主任黃兆樟

BY PRINCIPAL INVESTIGATOR, DANNY WONG SHIU-CHEUNG

L組是廉署的內部調查及監察組，雖然行政上是隸屬執行處架構中的調查科(四)，卻直接由執行處處長(私營機構)管轄。L組由一名首席調查主任領導，分為三個調查小組，共有三名總調查主任及九名高級調查主任，以及一小隊文職人員。

一般情況下，針對廉署人員的貪污及非刑事指控，均會由L組負責調查。倘若對廉署人員的刑事指控不涉貪污成份，則案件會交由警方或其他執法機構進行調查。

所有針對廉署人員的貪污指控均會向律政司司長報告，由其決定應否由廉署展開內部調查。如律政司司長決定由廉署作內部調查，通常都會由L組負責。完成調查後，L組會向律政司司長呈交詳盡調查報告，聽取其法律意見。無論提出檢控與否，調查結果及法律意見都會向「審查貪污舉報諮詢委員會」報告，供委員會審議。針對廉署人員的貪污或刑事指控完成調查或在有關的檢控程序完結後，L組會作出評審，確定是否需要對有關人員採取內部行政或紀律處分。

L組大部分工作是處理針對廉署人員的非刑事投訴。這類投訴會向廉政專員報告，正式記錄在案。然後就有關投訴，分別致函投訴人、有關職員(被投訴者)及「廉政公署事宜投訴委員會」，通知各方廉署已把投訴記錄在案並會展開調查。一般來說，投訴一經記錄在案，便會馬上展開調查。但是，如果有關投訴牽涉尚在調查或審理中的刑事案件，則可能根據法律意見而將調查押後，等待有關的刑事調查或訴訟程序的結果。

「廉政公署事宜投訴委員會」的成員由行政長官委任，委員會每年舉行三次會議，職權範圍主要是監察廉署如何處理針對該署及其人員的非刑事投訴，並在其認為適當情況下，就廉署處理投訴的方法進行檢討。當委員會發現廉署的工作程序有缺點時，會建議對有關程序作出檢討和改善。因

L Group, the Group responsible for internal investigation and monitoring, is administratively located within Investigation Branch 4 of the Operations Department, but operates under the direct command of the Director of Investigation (Private Sector). Headed by a Principal Investigator, the Group has a total of three Chief Investigators, nine Senior Investigators working in three Sections, and a small clerical team.

Under normal circumstances, allegations of corruption and non-criminal complaints against ICAC personnel are investigated by L Group. Criminal allegations that contain no element of corruption are referred to the Hong Kong Police Force or other law enforcement agencies for investigation.

All allegations of corruption against ICAC staff members are reported to the Secretary for Justice for a decision as to whether an investigation should be undertaken by the ICAC. Where it is decided to conduct an investigation, the case is normally assigned to L Group. On completion of the investigation, a report detailing the findings is submitted to the Secretary for Justice for advice. Irrespective of whether or not a prosecution ensues, the result of the investigation, together with the legal advice, is reported to the Operations Review Committee for consideration. At the conclusion of all criminal investigations or prosecutions against ICAC staff members, an assessment is made to consider the need for taking internal administrative action, or disciplinary action in respect of the officers concerned.

Non-criminal complaints against ICAC officers, which constitute the bulk of L Group's work, are reported to the Commissioner for formal registration. The complainant, the officer(s) (subject of the complaint), and the independent ICAC Complaints Committee (ICC) are then informed by letter of the registration and commencement of investigation into the complaint. Investigation will normally commence immediately after a complaint is registered, but where the complaint is inextricably linked to a criminal investigation which is sub-judice, investigation into the complaint may be deferred, on legal advice, pending the outcome of the criminal investigation.

The ICC, whose members are appointed by the Chief Executive, meets three times a year. Its terms of reference are to monitor and, where it considers appropriate, to

此，廉署在調查完結後不時會向職員發出程序指引，以防止將來發生同類投訴。廉署在2002年曾多次發出這類指引，以改善服務質素及避免職員被人投訴。

為加強廉署人員認知公眾投訴的原因，L組會發表內部報告，概述年內所接獲各類投訴的性質。報告內容亦包括有關投訴所引致的行政或紀律處分(但不會公佈個別人員的姓名)，以及在工作程序上所作的改變。

社會人士對廉署的誠信及廉署人員的道德操守均抱很高的期望。為此，L組人員除調查投訴外，還參與培訓工作，向同事講解維持專業水平和崇高品格的重要性。

review the handling by the ICAC of non-criminal complaints against the ICAC and its officers. When the ICC identifies shortcomings in ICAC procedures, it may make recommendations for those procedures to be reviewed and rectified. As a result, concluded complaint investigations occasionally result in the issue of procedural guidelines to officers in order to preclude the likelihood of future similar complaints. During 2002, a number of such guidelines were issued, thus enhancing customer service and safeguarding officers against potential complaints.

To promote a greater awareness among ICAC officers of the causes of complaints from members of the public, L Group publishes internal reports setting out, in general terms, the nature of all complaints received during the year. The report includes details of any resultant administrative or (without identifying individuals) disciplinary consequences of complaints dealt with, as well as relevant changes to procedures.

Apart from investigating complaints, L Group is also involved in providing training to ICAC officers by giving talks and addressing them on the need to maintain the highest professional and personal standards. This is done to ensure that the high expectations of the community as to the integrity of the ICAC and the conduct of its officers are met.

「跨域攜手滅貪污」－國際反貪會議－
香港廉政公署與國際刑警合辦

"PARTNERSHIP AGAINST CORRUPTION" -
THE ICAC - INTERPOL CONFERENCE 2003

朱敏健，會議總監

By Ricky CHU Man-kin, *Conference Director*

在2002年中，廉署與國際刑警達成協議，決定聯合主辦一個國際會議，用以推廣國際間的合作，打擊貪污。這個會議的主題，定為「跨域攜手滅貪污」，並訂於2003年1月於香港會議展覽中心舉行。

這個會議的籌備工作，是由一個以執行處處長(政府部門)陳德成先生為首的工作小組負責。陳先生出任會議主席，統籌規劃工作和制訂主要政策。本人則被委任為會議總監，負責執行與會議有關的職務。工作小組的其他成員由廉署內各部門員工兼任。國



國際刑警工作小組
The Interpol Working Group

際刑警方面，亦由專業顧問雷保雅先生成立一個小組配合廉署工作。

從十月起，籌備工作日漸緊迫，故此本人必須暫停處理日常的調查職務，全力投入會議的準備工作。小組面對的任務，包括：

- 與會議嘉賓、各講者及與會代表聯絡
- 與國際刑警聯絡
- 向國際社會推廣本會議
- 與各個有興趣參加會議的機構聯絡
- 辦理參與本會議者的申請
- 制訂會議日程

In mid-2002, the ICAC and the International Criminal Police Organisation (Interpol) agreed to hold a joint international conference for the purpose of fostering global support in the fight against corruption. Focussing on the theme "Partnership Against Corruption", the Conference is scheduled to take place in January 2003 at the Hong Kong Convention & Exhibition Centre.

Here in Hong Kong, an ad-hoc working group chaired by ICAC Director of Investigations (Government Sector), Mr Gilbert CHAN Tak-shing, was established to organise and prepare for the Conference. As Chairman, Mr CHAN oversees the planning arrangements and decides on policy issues. I was appointed Conference Director, with responsibility for executive decisions relating to the Conference. All three ICAC Departments are represented on the Hong Kong working group, while Mr Rainer Bühler, Technical Advisor, Interpol, established a similar working group at Interpol Headquarters in Lyon, France, to work in collaboration with Hong Kong colleagues.



廉政公署工作小組
The ICAC Working Group

By late October preparatory work had reached the point where it required my full-time involvement, and I was temporarily relieved of my operational duties to concentrate on the Conference. The tasks occupying working group members include:

- Liaison with delegates, VIP guests, keynote and plenary session speakers;
- Liaison with Interpol;
- Promoting the Conference worldwide;
- Liaison with interested parties;

- 印製會議手冊
- 制訂與會議有關的其他日程
- 其他一切與會議有關的細節安排，如場地、酒店、交通等

籌備工作開展至今，尚算順利。截至12月底，共有28名本地與海外代表概允在會上發言，其中包括來至聯合國及世界關稅組織等國際機構的代表。我們亦得到來自世界各地執法及政府機構和其他團體超過250名代表承諾參加會議。相信在聖誕新年假期之後，與會代表的數目將會達到高峰。

歷時三日的會議日程，包括有來自國內及海外執法機構的高級官員作專題演講。此外，大會並設有四個專題論壇，讓各地講者和代表就以下議題各抒己見：

- 鞏固警務人員的廉潔操守 - 經驗交流
- 切斷貪污份子的命脈
- 國際刑警反貪專家小組 - 使命與理想
- 「三管齊下」反貪策略 - 國際合作及未來部署

在第三日會議日程完結之後，各與會代表亦會被邀請到廉署訪問，與我們交流反貪工作經驗。

本會議的來臨，已逼在眉睫。整個工作小組仝人都覺得，這次能與國際刑警合作舉辦這個大型國際會議，其經驗彌足珍貴。我們每一個人都有著高昂的士氣，並確信必能達致成功。

- Processing applications for attending the Conference;
- Planning the Conference Programme;
- Production of the Conference Programme Book;
- Planning of the affiliated social programme;
- Dealing with logistics, such as venue bookings, design, facilities, hotel booking, transport arrangements etc.

Things are proceeding apace. At the end of December we had secured 28 overseas and local speakers for the three-day Conference, including representatives from international organisations such as the United Nations and the World Customs Organisation. We had also registered over 250 delegates from overseas law enforcement agencies, government and public institutions, and private sector organisations. We are optimistic that registration will peak after the Christmas and New Year holidays.

During the three-day Conference senior officials from renowned international law enforcement agencies are to deliver keynote speeches. Additionally, four plenary sessions will focus on the following topics of common interest:

- Ensuring Police Integrity - Experience Sharing
- Cutting Off the Lifeline of Corruption
- Interpol Group of Experts on Corruption - Mission and Vision
- Three Pronged Attack - International Co-operation and Future Initiatives

The Conference is now less than a month away. All of us in the Hong Kong working group value this unique opportunity to join together with Interpol to hold the Conference. We look forward to what we believe will be a valuable and truly memorable event.



點豆者

The bean counters

2002年內，統計人員繼續改良組內各個資料庫，並在「執行處資訊系統」方面推行多項改善措施，提高了我們的效率及準確性。我們會繼續努力研究新方法，以改善及精簡編製數據及製備簡報的程序。

雖然2002年的貪污舉報數字仍然高企，但與近幾年比較，多年來持續上升的舉報總數總算穩定下來。

廉署在2002年共接獲4,371宗與選舉無關的貪污舉報，與2001年的4,476宗相比，跌幅為2%。然而，有關政府部門人員涉嫌貪污的舉報，則由2001年的1,587宗上升至2002年的1,638宗，升幅為3%。其中涉及警務人員的舉報由上年的513宗增至565宗，增幅達10%；而涉及其他政府部門人員的舉報，則由上年的1,074宗微跌0.1%至1,073宗。另一方面，有關私營機構人員涉嫌貪污的舉報，則由上年的2,542宗減至2,403宗，減幅為5%；而涉及公共機構人員的舉報，亦同樣減少5%，由上年的347宗減至330宗。

可追查的舉報由2001年的3,261宗減至3,245宗。但涉及政府部門人員的可追查舉報，則由2001年的1,011宗上升7%至

During the year under review our Statistical Officers have continued to fine-tune the Section's databases, implementing a number of enhancements in the Operations Department Information System (OPIS). These enhancements have improved our efficiency and accuracy and we will continue to look for ways to improve and streamline the production of statistics and preparation of briefs.

While the number of corruption reports received has remained high, we have seen a levelling off of the total corruption reports in 2002 compared with recent years.

During the year 2002 we received 4,371 non-election corruption reports compared with 4,476 in 2001, representing a decrease of 2%. In contrast to 2001, however, the number of corruption reports relating to the public sector, rose in 2002 by 3% (from 1,587 to 1,638) with reports involving the Police increasing by 10% (from 513 to 565), with the rest of the Government sector down by 0.1% (from 1,074 to 1,073). Reports concerning the private sector on the other hand, decreased by 5% (from 2,542 to 2,403) and those relating to Public Bodies also decreased by 5% (from 347 to 330).

The total number of reports considered capable of investigation (pursuable reports) decreased from 3,261 in 2001 to 3,245 in 2002. The number of pursuable reports

1,078宗。當中涉及警務人員的，由上年的338宗增至371宗，增幅達10%；而涉及其他政府部門人員的，亦由上年的673宗增加5%至707宗。另一方面，涉及私營機構人員的可追查舉報，則由上年的2,005宗下跌4%至1,932宗；至於涉及公共機構人員的舉報，亦同樣下跌4%，由上年的245宗跌至235宗。

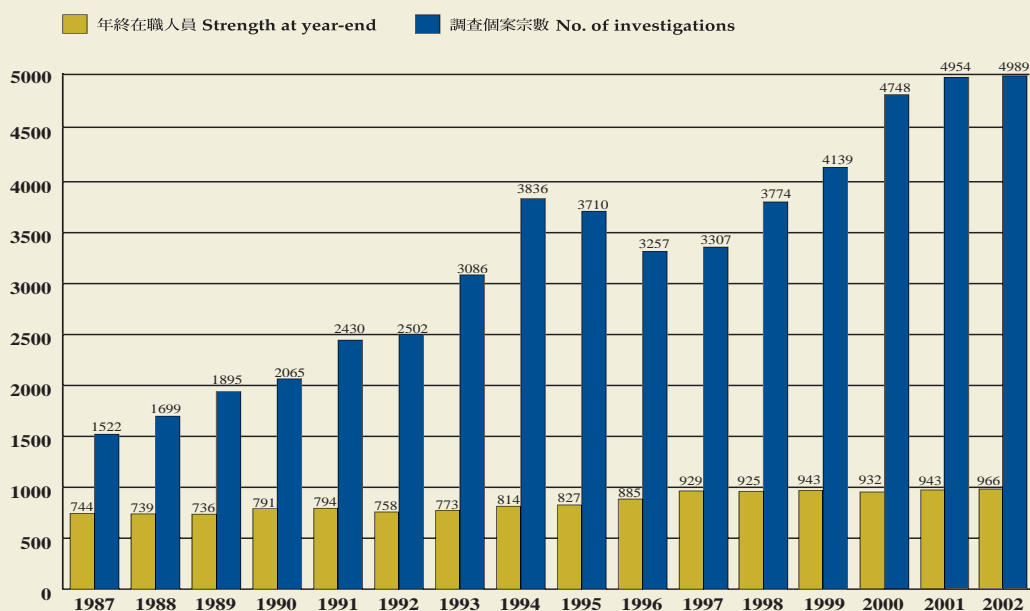
廉署在2002年共接獲14宗與選舉有關的貪污舉報，其中11宗涉及區議會選舉，其餘三宗則與鄉事委員會選舉有關。在區議會方面的選舉投訴，一宗涉及1994年的選舉、兩宗涉及1999年的選舉、一宗涉及2000年的選舉、六宗涉及2002年的選舉，而一宗則與在2003年2月進行的補選有關。在鄉事委員會方面，兩宗投訴涉及1998至1999年度的選舉，一宗則與即將在2003年進行的選舉有關。在這14宗選舉投訴當中，只有六宗涉及賄選，其餘八宗則涉及性質較輕微的違法行為，而只有10宗投訴有足夠資料展開調查。

relating to the public sector rose in 2002 by 7% (from 1,011 to 1,078) with reports involving the Police increasing by 10% from 338 to 371, and the rest of the Government sector also showing a 5% increase (from 673 to 707). Pursuable reports concerning the private sector decreased by 4% (from 2,005 to 1,932) and those relating to Public Bodies also decreased by 4% (from 245 to 235).

In 2002, we received 14 corruption reports concerning elections, of which 11 concerned the District Council elections and three Rural Committee elections. One of the District Council complaints concerned elections held in 1994, two in 1999, one in 2000, six in 2002 and one for the forthcoming by-election to be held in February 2003. Two of the Rural Committee complaints concerned elections held in 1998/1999 and one for the forthcoming elections to be held in 2003. Of the 14 complaints, only six involved bribery whilst the remainder concerned illegal conduct; 10 complaints were capable of investigation.

調查個案宗數及執行處在職人員(一九八七年至二零零二年)

Investigations Undertaken and Strength of the Operations Department (1987-2002)

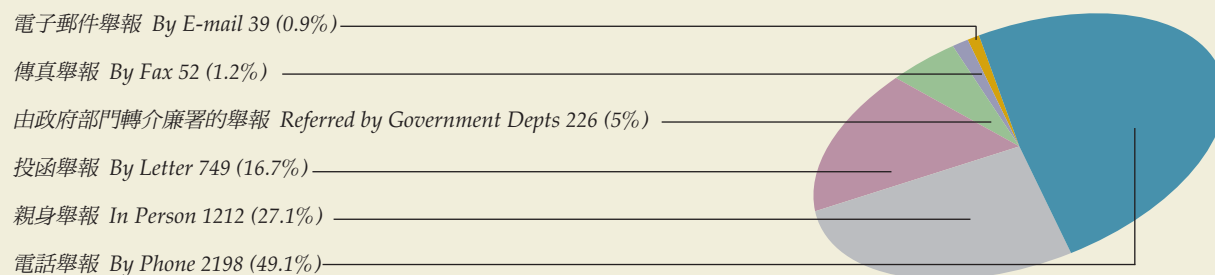


註：調查個案宗數包括在該年展開的調查個案數目以及上一年未完結的調查個案數目

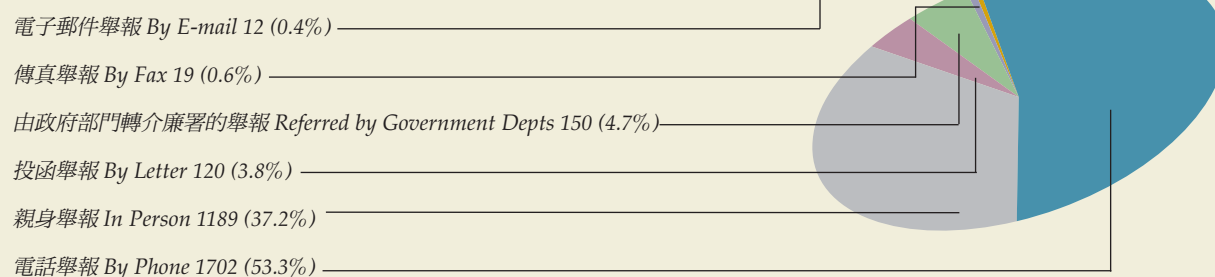
NOTE: Investigations undertaken are investigations commenced during the year + outstanding investigations brought forward from previous years

二零零一年接獲之貪污舉報 (不包括與選舉有關的舉報) - 依舉報形式分類 Methods of Reporting Corruption (Excluding Election Reports) - 2001

接獲之舉報宗數 All Reports

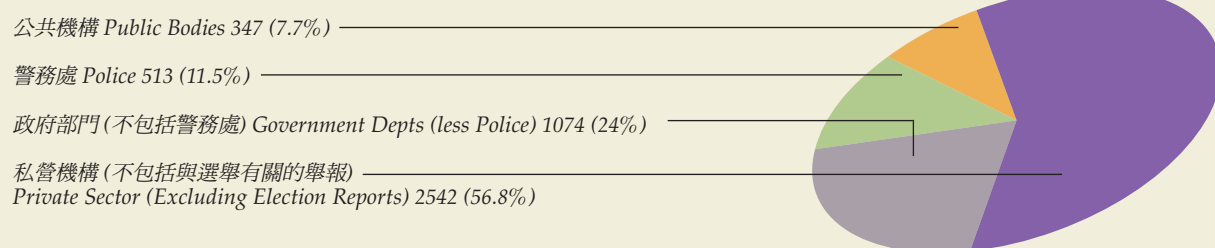


具名舉報 Reports by Identified Complainants

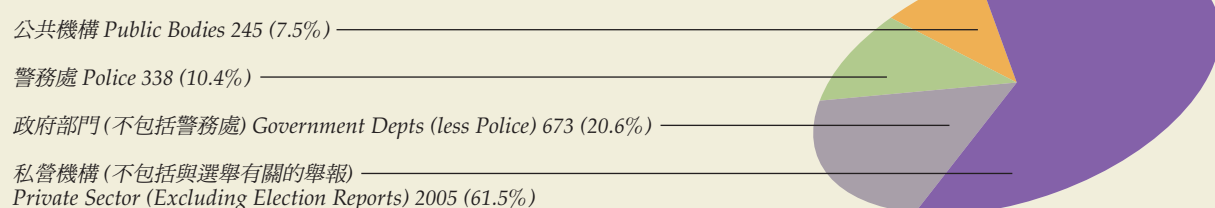


二零零一年接獲之貪污舉報 (不包括與選舉有關的舉報) - 依機構分類 Corruption Reports Recorded by Sector (Excluding Election Reports) - 2001

接獲之舉報宗數 All Reports

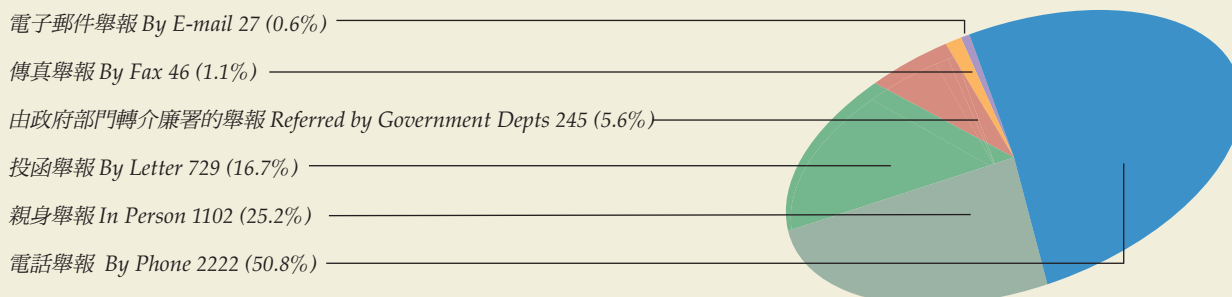


可追查之舉報宗數 Pursuable Reports

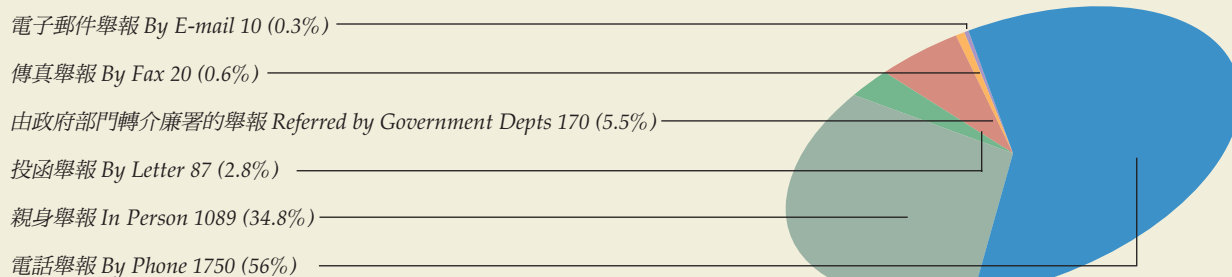


二零零二年接獲之貪污舉報 (不包括與選舉有關的舉報) - 依舉報形式分類 Methods of Reporting Corruption (Excluding Election Reports) - 2002

接獲之舉報宗數 All Reports

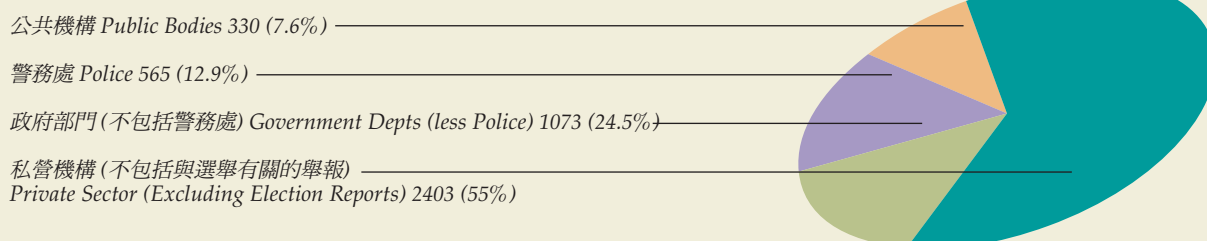


具名舉報 Reports by Identified Complainants

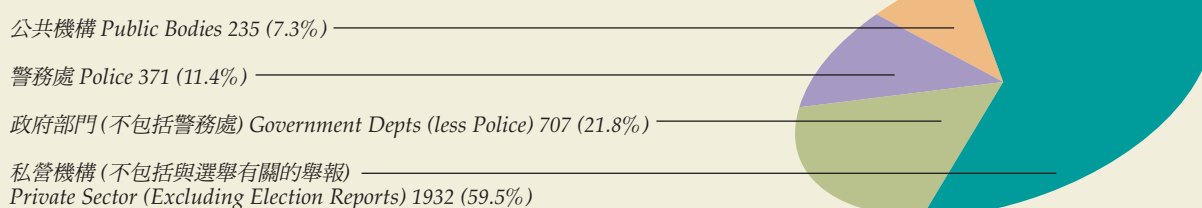


二零零二接獲之貪污舉報 (不包括與選舉有關的舉報) - 依機構分類 Corruption Reports Recorded by Sector (Excluding Election Reports) - 2002

接獲之舉報宗數 All Reports



可追查之舉報宗數 Pursuable Reports



在2002年內完成檢控的613名被告當中，587名是在錄影情況下接受問話的。其中有114人質疑問話內容，而只有20人的問話(涉及16宗案件)不被法庭接納為證供。在問話內容不被接納的16宗案件當中，六宗是由於法官或裁判官不能在無合理疑問下信納疑犯是自願招認，另外兩宗則因為未有清楚說明當事人是以證人或疑犯的身份接受問話。

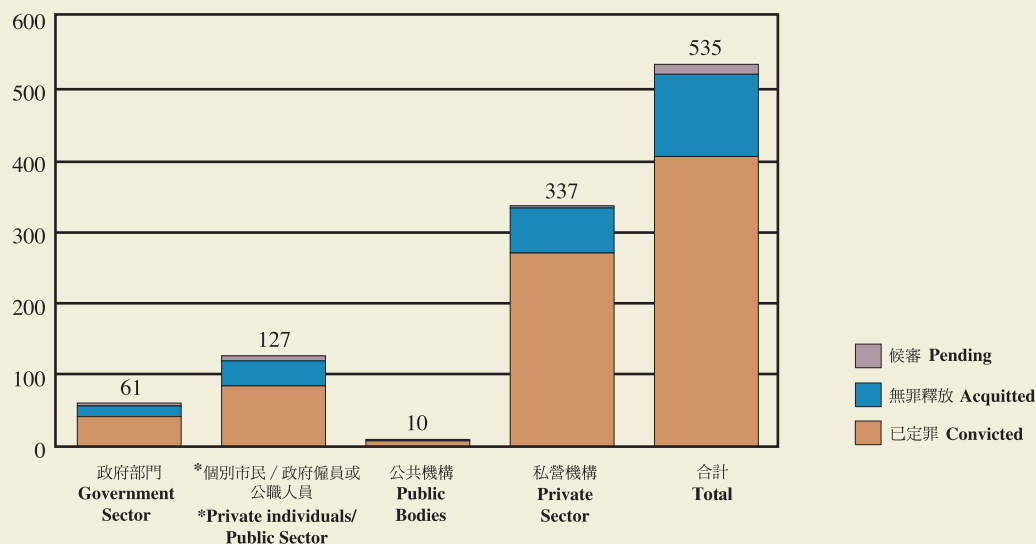
2002年共有604人被廉署檢控，包括536名私營機構人員及個別市民，當中99人是因為涉及《防止賄賂條例》第9條所指的貪污交易；19人是因為行賄政府或公職人員而被控觸犯《防止賄賂條例》第4(1)條及第8條；四人被控串謀觸犯《防止賄賂條例》第4(2)條所訂罪行；一人被控以行賄手段促使公共機構合約，違反《防止賄賂條例》第5(1)條；一人被控披露一名受調查人士的身份；兩人被控作出虛假舉報；四人被控觸犯《舞弊及非法行為條例》所訂罪行；而其餘406人則因為觸犯《廉政公署條例》所訂罪行而被檢控。警方在處理其他罪案時，拘捕了兩名行賄警務人員的人士，並在廉署同意下，負責有關的檢控工作。在2002年內完成檢控的613名被告當中，有455人被定罪。年內另有116人被施行警誡。2002年，「審查貪污舉報諮詢委員會」建議對165人採取紀律處分，較2001年的188人為少。

587 of the 613 defendants whose prosecution was completed in 2002 were interviewed on video. 114 challenged the interviews, and as a result the interviews of 20 individuals, relating to 16 cases, were ruled inadmissible. In six cases the interviews were ruled inadmissible because the judges or magistrates were not satisfied beyond reasonable doubt that the admissions made were voluntary. In another two cases they ruled that the interviews were inadmissible because the status of the suspects (i.e. witness or suspect) had not been made clear during the interviews.

604 persons were prosecuted in 2002. This total included 536 individuals in private sector cases, comprising 99 prosecuted for involvement in corrupt transactions contrary to Section 9 of the Prevention of Bribery Ordinance; 19 for offences of offering bribes to Government officers or public servants contrary to sections 4(1) and 8; four for conspiracy to commit Section 4(2) and one for offering bribes to procure a public body contract contrary to Section 5(1); one was charged with disclosing the identity of a person under investigation, two with making false reports, four with offences under the Corrupt and Illegal Practices Ordinance, and 406 for offences under the ICAC Ordinance. With the agreement of the ICAC, the Police undertook the prosecution of two persons arrested for offering bribes to police officers during police investigations into other offences. Of the 613 defendants whose prosecution was completed in 2002, 455 were convicted. A further 116 individuals were formally cautioned. In 2002, the Operations Review Committee recommended disciplinary action against 165 persons compared with 188 in 2001.

二零零一年因貪污及相關罪行及而被檢控的人數

Number of Persons Prosecuted for Corruption & Related Offences in 2001

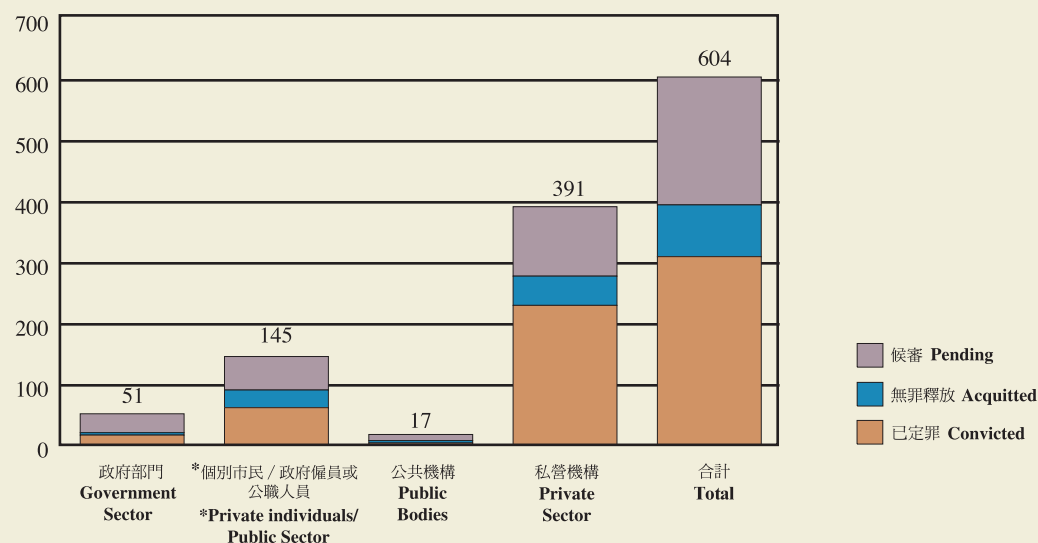


*個別市民涉及政府僱員或公職人員貪污調查而被檢控的案件

*These are cases in which private individuals were prosecuted in public sector investigations

二零零二年因貪污及相關罪行及而被檢控的人數

Number of Persons Prosecuted for Corruption & Related Offences in 2002



*個別市民涉及政府僱員或公職人員貪污調查而被檢控的案件

*These are cases in which private individuals were prosecuted in public sector investigations

聯絡資料

Liaison Contact Details

為利便聯絡，以下列出主要職員的姓名和聯絡電話：（多名首席調查主任較早前進行職位輪調）。

To facilitate liaison, a directory of personalities and their contact telephone numbers follows: (some of the officers have changed posts since their submissions to this edition of the *Review*).

職銜 POST	現任該職者 INCUMBENT	電話 TEL. NOS.
廉政專員 Commissioner	李少光 Mr. LEE Siu-kwong, Ambrose	2826 3111
副廉政專員兼執行處首長 Deputy Commissioner and Head of Operations	李銘澤 Mr. LI Ming-chak, Daniel	2826 4301
執行處處長（政府部門） Director of Investigation (Government Sector)	陳德成 Mr. CHAN Tak-shing, Gilbert	2826 4302
執行處處長（私營機構） Director of Investigation (Private Sector)	李俊生 Mr. LEE Chun-sang, Francis	2826 4307
助理處長（調查科一） Assistant Director Branch 1	黃世照 Mr. WONG Sai-chiu, Ryan	2826 4303
助理處長（調查科二） Assistant Director Branch 2	曹渭仁 Mr. TSO Wai-yan, Kenny	2826 4304
助理處長（調查科三） Assistant Director Branch 3	葛輝 Mr. Tony Godfrey	2826 4407
助理處長（調查科四） Assistant Director Branch 4	貝守樸 Mr. Mike Bishop	2826 4409
首席調查主任（A組） Principal Investigator A Group	呂樹桐 Mr. LUI Shu-tung, Tony	2826 4711
首席調查主任（B組） Principal Investigator B Group	陳礎強 Mr. CHAN Chor-keung, Stephen	2826 4282
首席調查主任（C組） Principal Investigator C Group	吳炳國 Mr. NG Ping-kwok	2826 4272
首席調查主任（D組） Principal Investigator D Group	許家民 Mr. HUI Kar-man, Ricky	2826 4248

聯絡資料 Liaison Contact Details

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首席調查主任 (E組) Acting Principal Investigator E Group	蘇永強 Mr. SO Wing-keung, Raymond	2826 4247
署理首席調查主任 (F組) Acting Principal Investigator F Group	丘樹春 Mr. YAU Shu-chun, Ricky	2826 4253
首席調查主任 (G組) Principal Investigator G Group	朱敏健 Mr. CHU Man-kin, Ricky	2826 4235
首席調查主任 (I組) Principal Investigator I Group	黃樂寧 Mr. WONG Lok-ning, Dominic	2826 4211
首席調查主任 (J組) Principal Investigator J Group	岳士彬 Mr. Gerry Osborn	2826 4305
首席調查主任 (K組) Principal Investigator K Group	蘇炳雄 Mr. SO Ping-hung, Daniel	2826 4234
首席調查主任 (L組) Principal Investigator L Group	黃兆樟 Mr. WONG Shiu-cheung, Danny	2826 4761
首席調查主任 (X組) Principal Investigator X Group	羅國忠 Mr. LO Kwok-chung, Jeremy	2826 4296
首席調查主任 (Y組) Principal Investigator Y Group	祈國利 Mr. Peter Gregory	2826 4018
首席調查主任 (Z組) Principal Investigator Z Group	李寶蘭 Ms. LI Bo-lan, Rebecca	2826 4366
首席調查主任 (SD組) Principal Investigator SD Group	李志雄 Mr. LEE Chi-hung, Denis	2826 4679
首席調查主任 (IS組) Principal Investigator IS Group	柏謹信 Mr. Neil Parkinson	2826 4061

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