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ICAC statement

14 May 2013

Recently matters concerning the handling of official entertainment, gifts and duty visits by the former Commissioner of ICAC, Mr Timothy TONG, have been reported extensively by the media and have attracted wide community concerns, with complaints being openly made to the ICAC alleging corrupt practices. While it is the general policy of the ICAC not to comment on individual cases, the ICAC makes this statement in view of the prevailing public concern and public interest involved.

Pursuant to Article 57 of the Basic Law, a Commission Against Corruption shall be established in the Hong Kong Special Administrative Region. It shall function independently and be accountable to the Chief Executive (CE). In addition, it is stipulated in the Independent Commission Against Corruption Ordinance (Cap. 204) (ICACO) that the Commissioner of ICAC shall not be subject to the direction or control of any person other than CE. The arrangements provide for the independence of the Commission so that the Commissioner may perform his statutory duties without fear or favour and in an impartial manner.

Having sought legal advice from the Department of Justice in response to the complaints received, the ICAC has decided to take follow-up actions by commencing an investigation.

In view of the nature of the complaints and the legal advice received, the Commissioner of ICAC will lead a dedicated investigating team to conduct the investigation. The team comprises the Principal Investigator seconded from the Internal Investigation and Monitoring Group and investigators who are either serving or former officers of the Group. To ensure impartiality of the investigation, the investigating team will seek legal advice from the Director of Public Prosecutions during and after the investigation. The progress of investigation and findings will be reported to the independent "Operations Review Committee" which oversees the ICAC

investigations. In addition, in accordance with ICAC's established procedure on declaration of conflict of interest, an ICAC officer is required to declare if there is any actual or perceived conflict of interest arising from the case or any person involved in the case investigated by him. Where necessary, the officer should avoid handling or having access to the case concerned after making the declaration.

To ensure public confidence and the credibility of the ICAC, the Commissioner will uphold the principles of lawfulness, fairness and impartiality in conducting investigation, abide by the well-established system of checks and balances which has been shown to be effective over the years and, as in accordance with established practice, maintain confidentiality of matters revealed during the course of the investigation for the efficient and effective performance of his statutory duties.