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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2021-22

Director of Bureau : Commissioner, Independent Commission Against Corruption
Session No. : 6
Consolidated e-file name : ICAC-1-e1.docx

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CONTROLLING OFFICER'S REPLY

ICAC001

(Question Serial No. 2481)

Head: (72) Independent Commission Against Corruption
Subhead (No. & title): ()
Programme: Not Specified
Controlling Officer: Commissioner, Independent Commission Against Corruption
(Simon YL PEH)
Director of Bureau: Commissioner, Independent Commission Against Corruption

Question:

Please list the number of corruption complaints and pursuable corruption complaints received by ICAC involving government bureaux/departments and public bodies and the number of persons arrested, prosecuted and convicted as a result of ICAC's corruption investigations in the past 3 years.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 112)

Reply:

The number of corruption complaints and pursuable corruption complaints involving government bureaux/departments and public bodies and the number of persons arrested, prosecuted and convicted as a result of ICAC's corruption investigations in the past 3 years (2018-2020) are listed in Annexes 1 to 8.

Number of corruption complaints and pursuable corruption complaints received by ICAC involving government bureaux/departments

Government Bureau/Department	Corruption Complaints*		
	2018	2019	2020
Hong Kong Police Force	200 (138)	182 (134)	173 (116)
Food and Environmental Hygiene Department	74 (39)	100 (48)	96 (50)
Housing Department	47 (25)	33 (22)	37 (19)
Correctional Services Department	28 (20)	27 (18)	35 (30)
Lands Department	42 (23)	33 (22)	26 (17)
Leisure and Cultural Services Department	24 (19)	26 (19)	25 (19)
Fire Services Department	33 (20)	14 (8)	25 (14)
Customs and Excise Department	15 (11)	17 (14)	16 (7)
Highways Department	10 (5)	6 (4)	14 (7)
Agriculture, Fisheries and Conservation Department	8 (5)	3 (1)	13 (8)
Auxiliary Medical Service	5 (5)	4 (4)	12 (4)
Immigration Department	15 (14)	11 (4)	11 (5)
Hongkong Post	17 (12)	17 (7)	9 (7)
Transport Department	11 (7)	4 (3)	8 (5)
Marine Department	6 (2)	5 (1)	8 (2)
Department of Health	4 (4)	8 (2)	7 (7)
Home Affairs Department	11 (6)	10 (8)	7 (6)
Water Supplies Department	12 (4)	14 (3)	7 (5)
Buildings Department	14 (7)	6 (4)	6 (6)
Education Bureau	17 (11)	12 (8)	6 (5)
Electrical and Mechanical Services Department	11 (6)	13 (10)	5 (3)
Social Welfare Department	12 (8)	13 (12)	5 (1)
Judiciary	10 (7)	10 (9)	4 (3)
Architectural Services Department	12 (3)	2 (1)	2 (2)

Government Bureau/Department	Corruption Complaints*		
	2018	2019	2020
Other departments	68 (34)	77 (35)	72 (50)
Total	706 (435)	647 (401)	629 (398)

* Only the government bureaux/departments involved in a yearly average of 5 or more corruption complaints in the past 3 years are listed in the table above.

() The figures in brackets refer to the number of pursuable corruption complaints.

**Number of corruption complaints and pursuable corruption complaints
received by ICAC involving public bodies**

Public Body	Corruption Complaints*		
	2018	2019	2020
Hospital Authority	39 (28)	42 (29)	34 (23)
District Councils	19 (12)	18 (13)	26 (18)
MTR Corporation Limited	22 (16)	18 (14)	13 (11)
Hong Kong Jockey Club	10 (6)	13 (10)	6 (2)
Hong Kong Exchanges and Clearing Limited	5 (2)	5 (3)	5 (5)
Other public bodies	88 (62)	74 (55)	77 (47)
Total	183 (126)	170 (124)	161 (106)

* Only the public bodies involved in a yearly average of 5 or more corruption complaints in the past 3 years are listed in the table above.

() The figures in brackets refer to the number of pursuable corruption complaints.

**Number of government servants arrested
as a result of ICAC's corruption investigations**

Government Bureau/Department	No. of Persons Arrested*		
	2018	2019	2020
Correctional Services Department	2	2	8
Hong Kong Police Force	7 [#]	7 [#]	6
Social Welfare Department	1	1 [#]	1 [#]
Leisure and Cultural Services Department	1	1	1
Architectural Services Department		1	1
Customs and Excise Department			1
Education Bureau			1
Food and Environmental Hygiene Department	2	7	
Electrical and Mechanical Services Department		4	
Fire Services Department	1	3	
Government Logistics Department		2	
Department of Health	1	1	
Immigration Department		1	
Planning Department		1	
Lands Department	7		
Trade and Industry Department	1		
Water Supplies Department	1		
Hongkong Post	1		
Labour Department	1		
Environmental Protection Department	1		
Total	27	31	19

* The figures in the table above refer to the number of persons arrested in the year. The number of persons arrested each year does not necessarily originate from the complaints received in the same year, and the persons arrested might not necessarily be prosecuted.

Some government servants involved were arrested in different cases or at different stages of the same case. The figures above are based on the number of arrests made against them.

**Number of staff of public bodies arrested
as a result of ICAC's corruption investigations**

Public Body	No. of Persons Arrested*		
	2018	2019	2020
Vocational Training Council			4
Open University of Hong Kong	1	1	1
District Councils	1	1	1
Hong Kong Exchanges and Clearing Limited		1 [#]	1 [#]
MTR Corporation Limited			1
Hong Kong Jockey Club		8	
Education University of Hong Kong		2	
Chinese University of Hong Kong	1	1	
Wharf Cable Television Limited		1	
University of Hong Kong		1	
Hong Kong Baptist University		1	
Hospital Authority	4		
Kowloon Motor Bus Company (1933) Limited	1		
Hong Kong Housing Authority	1		
New Lantao Bus Company (1973) Limited	1		
Airport Authority	1		
Total	11	17	8

* The figures in the table above refer to the number of persons arrested in the year. The number of persons arrested each year does not necessarily originate from the complaints received in the same year, and the persons arrested might not necessarily be prosecuted.

Some public bodies' staff involved were arrested in different cases or at different stages of the same case. The figures above are based on the number of arrests made against them.

**Number of government servants prosecuted
as a result of ICAC's corruption investigations**

Government Bureau/Department	No. of Persons Prosecuted*		
	2018	2019	2020
Hong Kong Police Force	3	4	2
Leisure and Cultural Services Department		1	1
Customs and Excise Department			1
Education Bureau			1
Fire Services Department	1	3	
Correctional Services Department		2	
Housing Department	2	1	
Food and Environmental Hygiene Department	1	1	
Lands Department		1	
Water Supplies Department	1		
Home Affairs Department	1		
Social Welfare Department	1		
Former Education and Manpower Bureau	1		
Former Economic Development and Labour Bureau	1		
Department of Health	1		
Total	13	13	5

* The figures in the table above refer to the number of persons prosecuted in the year. The number of persons prosecuted each year does not necessarily originate from the complaints received in the same year as it takes time to proceed from investigation to prosecution.

**Number of staff of public bodies prosecuted
as a result of ICAC's corruption investigations**

Public Body	No. of Persons Prosecuted*		
	2018	2019	2020
Hospital Authority	4	2	2
Open University of Hong Kong			2
Hong Kong Jockey Club		2	1
Legislative Council			1
Hong Kong Exchanges and Clearing Limited			1
Chinese University of Hong Kong		3	
Hong Kong Applied Science and Technology Research Institute Company Limited		1	
Hong Kong Examinations and Assessment Authority	4		
District Councils	2		
Total	10	8	7

* The figures in the table above refer to the number of persons prosecuted in the year. The number of persons prosecuted each year does not necessarily originate from the complaints received in the same year as it takes time to proceed from investigation to prosecution.

**Number of government servants convicted
as a result of ICAC's corruption investigations**

Government Bureau/Department	No. of Persons Convicted*		
	2018	2019	2020
Leisure and Cultural Services Department			2
Correctional Services Department			2
Hong Kong Police Force	6	2	1
Housing Department	1	1	1
Fire Services Department		2	
Food and Environmental Hygiene Department	1	1	
Lands Department		1	
Former Economic Development and Labour Bureau		1	
Water Supplies Department	1		
Social Welfare Department	1		
Former Education and Manpower Bureau	1		
Hongkong Post	1		
Highways Department	1		
Department of Health	1		
Total	14	8	6

* The figures in the table above refer to the number of persons convicted in the year. The number of persons convicted each year does not necessarily originate from the complaints received or the prosecutions instituted in the same year as it takes time to proceed from investigation to prosecution and completion of court proceedings.

**Number of staff of public bodies convicted
as a result of ICAC's corruption investigations**

Public Body	No. of Persons Convicted*		
	2018	2019	2020
Hong Kong Jockey Club		1	2
Hong Kong Examinations and Assessment Authority			2
Hong Kong Applied Science and Technology Research Institute Company Limited			1
Hospital Authority			1
District Councils	1	1	
University of Hong Kong	1		
MTR Corporation Limited	1		
Total	3	2	6

* The figures in the table above refer to the number of persons convicted in the year. The number of persons convicted each year does not necessarily originate from the complaints received or the prosecutions instituted in the same year as it takes time to proceed from investigation to prosecution and completion of court proceedings.

- End -

CONTROLLING OFFICER'S REPLY**ICAC002****(Question Serial No. 2577)**

Head: (72) Independent Commission Against Corruption

Subhead (No. & title): ()

Programme: Not Specified

Controlling Officer: Commissioner, Independent Commission Against Corruption
(Simon YL PEH)

Director of Bureau: Commissioner, Independent Commission Against Corruption

Question:

In relation to building maintenance works, what were the number of corruption complaints received by ICAC and the number of persons prosecuted and convicted in each of the past 3 years? How many of them involved the Operation Building Bright, the Fire Safety Improvement Works Subsidy Scheme and the Lift Modernisation Subsidy Scheme?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 109)

Reply:

In relation to building renovation and maintenance works, the number of corruption complaints received by ICAC and the number of persons prosecuted and convicted in the past 3 years (2018-2020) are as follows:

Year	Corruption Complaints	No. of Persons Prosecuted*	No. of Persons Convicted[#]
2018	213 (187)	4	8
2019	162 (145)	3	4
2020	121 (108)	4	2

() The figures in brackets refer to the number of pursuable corruption complaints.

* The figures refer to the number of persons prosecuted in the year. The number of persons prosecuted each year does not necessarily originate from the complaints received in the same year as it takes time to proceed from investigation to prosecution.

The figures refer to the number of persons convicted in the year. The number of persons convicted each year does not necessarily originate from the complaints received or prosecutions instituted in the same year as it takes time to proceed from investigation to prosecution and completion of court proceedings.

Of the corruption complaints received between 2018 and 2020 in relation to building renovation and maintenance works, a total of 12 cases, namely 5 cases in 2018, 6 cases in 2019 and 1 case in 2020, involved the Operation Building Bright, the Fire Safety Improvement Works Subsidy Scheme and the Lift Modernisation Subsidy Scheme. No prosecution has been instituted in respect of these cases.

- End -

CONTROLLING OFFICER'S REPLY

ICAC003

(Question Serial No. 2578)

Head: (72) Independent Commission Against Corruption
Subhead (No. & title): ()
Programme: Not Specified
Controlling Officer: Commissioner, Independent Commission Against Corruption
(Simon YL PEH)
Director of Bureau: Commissioner, Independent Commission Against Corruption

Question:

Please give an account of the staff establishment and the operating expenditure of the Centre of Anti-Corruption Studies and International Training in the past 2 years and the coming year. In 2018, 2019 and 2020, which countries or regions were visited? How many training programmes were conducted, and were they conducted in Hong Kong, the Mainland or other countries and regions? How many anti-corruption agencies and related organisations were received, and which countries or regions did they come from?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 111)

Reply:

ICAC has been fulfilling its obligation under the United Nations Convention Against Corruption (UNCAC) as the authority designated by our country to assist States Parties (including Belt and Road (B&R) countries) to strengthen their corruption-resistant capacity in a bid to enhance international anti-graft collaboration.

The Centre of Anti-Corruption Studies and International Training is administered by the International Liaison and Training Group (ILT). Headed by 1 Senior Commission Against Corruption Officer, ILT is mainly supported by 1 Commission Against Corruption Officer (Upper), 3 Commission Against Corruption Officers (Middle/Lower) and 1 Project Executive in liaising with overseas anti-corruption agencies (ACAs) and providing training to their officers. In 2019-2020, ILT incurred an operating expenditure of \$1.15 million. As at the end of February 2021, the operating expenditure for 2020-21 was approximately \$850,000. The estimated expenditure for the coming year is \$1.6 million, including the expenses on daily operations, study visits to B&R countries by ICAC officers, research and capacity building training.

With regard to international anti-corruption training, ICAC has so far established connections with ACAs of nearly 60 State Parties to the UNCAC, which are also B&R

countries. In 2018 and 2019, ICAC officers visited 8 countries of the Association of South East Asian Nations (ASEAN), 3 countries in East Asia/South Asia and 5 countries in Southeastern Europe. No overseas visits were made in 2020 due to the pandemic, but close liaison with various overseas ACAs was maintained via online platforms. From 2018 to 2019, ICAC conducted a total of 13 tailor-made training programmes for overseas counterparts with 7 of them held in Hong Kong and the other 6 in their countries. In 2020, 6 online training courses were conducted. And upon the invitation of the National Commission of Supervision, ICAC shared Hong Kong's anti-graft experience through online platform with the Mainland enterprises participating in the B&R Initiative. Between 2018 and 2020, ILT also received ACAs and related organisations from the Mainland and 14 overseas countries (including 5 ASEAN countries, 7 Asian countries and 2 African countries) for in-depth exchange of anti-corruption experience and exploration of training collaboration.

- End -

CONTROLLING OFFICER'S REPLY

ICAC004

(Question Serial No. 2599)

Head: (72) Independent Commission Against Corruption
Subhead (No. & title): ()
Programme: Not Specified
Controlling Officer: Commissioner, Independent Commission Against Corruption
(Simon YL PEH)
Director of Bureau: Commissioner, Independent Commission Against Corruption

Question:

The number of cases prosecuted and convicted under section 30 of the Prevention of Bribery Ordinance in the past 3 years; has there been an upward trend in the number of such cases in recent years?

What measures have been taken by ICAC to ensure that everyone, including members of the public and complainants, clearly understands the substance of section 30 of the Prevention of Bribery Ordinance?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 153)

Reply:

Section 30(1) of the Prevention of Bribery Ordinance (POBO) provides that any person who knowing or suspecting that an investigation in respect of an offence under Part II of the Ordinance is taking place, without lawful authority or reasonable excuse, discloses to the subject person, the public, a section of the public or any particular person the identity of the subject person or the fact that the subject person is so subject or any details of such investigation, shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year. The purpose of the provision is to ensure that ICAC can effectively enforce anti-corruption laws, such as preventing subject persons from knowing that they are being investigated and therefore concealing their assets or destroying evidence, and to protect the reputation of the subject persons.

During the course of corruption investigations, when coming into contact with complainants, witnesses or other persons related to the investigations, ICAC officers will remind them of the provision to prevent them from breaking the law. ICAC will definitely follow up any complaints or allegations involving the violation of the provision according to the law. Upon completion of investigation of the cases, legal advice will be sought from the Department of Justice if necessary, and the Department of Justice will decide whether prosecution should be instituted. There have been cases of people being prosecuted and

convicted for violation of the provision. Information about such cases is revealed to the general public through press releases with a view to achieving a deterrent effect.

The number of complaints and the number of persons prosecuted and convicted in relation to section 30(1) of the POBO in the past 3 years (2018-2020) are as follows:

Year	Complaints	Pursuable Complaints	No. of Persons Prosecuted (No. of Cases Involved)*	No. of Persons Convicted (No. of Cases Involved)#
2018	20	19	1 (1)	5 (4)
2019	10	10	0 (0)	0 (0)
2020	9	9	2 (2)	0 (0)

* The figures refer to the number of persons prosecuted in the year. The number of persons prosecuted each year does not necessarily originate from the complaints received in the same year as it takes time to proceed from investigation to prosecution.

The figures refer to the number of persons convicted in the year. The number of persons convicted each year does not necessarily originate from the complaints received or prosecutions instituted in the same year as it takes time to proceed from investigation to prosecution and completion of court proceedings.

The figures above show that the number of cases related to section 30(1) of the POBO has remained steady in recent years.

As it is vital to uphold confidentiality for corruption investigations, the Community Relations Department (CRD) has been striving to promote public awareness to highlight the importance of upholding confidentiality and the substance of section 30 of the POBO via different modes and publicity channels. Among the publicity and education activities conducted for this purpose, preventive education talks and seminars were organised for public officers, employees in the private sector, stakeholders in building management bodies, students, etc., and the relevant messages were also promoted to participants of appropriate district activities such as meet-the-public sessions and community engagement programmes. Besides, CRD made effective use of social media and videos to explain the relevant provisions to remind the public of the importance of upholding confidentiality for corruption investigations.

- End -

CONTROLLING OFFICER'S REPLY**ICAC005****(Question Serial No. 2822)**

Head: (72) Independent Commission Against Corruption

Subhead (No. & title): (000) Operational expenses

Programme: (2) Operations

Controlling Officer: Commissioner, Independent Commission Against Corruption
(Simon YL PEH)

Director of Bureau: Commissioner, Independent Commission Against Corruption

Question:

Please list the number of complaints and the number of substantiated cases concerning bid-rigging in the Operation Building Bright in the past 3 years.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 28)

Reply:

In relation to the Operation Building Bright subsidy scheme, the number of corruption complaints received by ICAC in the past 3 years (2018-2020) are as follows:

Year	Corruption Complaints
2018	3 (3)
2019	6 (6)
2020	0 (0)

() The figures in brackets refer to the number of pursuable corruption complaints.

None of the above corruption complaints involved allegations of bid-rigging.

- End -