

ANNUAL REPORT
BY THE
COMMISSIONER
OF THE
INDEPENDENT COMMISSION
AGAINST CORRUPTION

MICROFICHE

1975

42364

ANNUAL REPORT ON THE ACTIVITIES
OF THE
INDEPENDENT COMMISSION AGAINST CORRUPTION
FOR 1975

NCJRS

JUL 13 1977

J. CATER, C.B.E., J.P.
Commissioner of the Independent
Commission Against Corruption

ACQUISITIONS

Prepared for
Submission to His Excellency the Governor
in accordance with Section 17 of
the Independent Commission Against
Corruption Ordinance 1974

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Directorate of the ICAC

Commissioner

Mr J. Cater, CBE, JP

Deputy Commissioner &
Director of Operations

Mr J.V. Prendergast,
CMG, CBE, GM, QPM, CPM, JP

Operations department

Deputy Director

Mr G.A. Harknett, QPM, CPM

Assistant Director

Mr H.N. Whiteley, CPM

Assistant Director

Mr D.B. Sutherland

Assistant Director

Mr W.R. Young

Corruption Prevention department

Assistant Director

Mr M.D. Sargant, JP

Assistant Director

Mr J.R. Heywood, OBE, ED, JP

Community Relations department

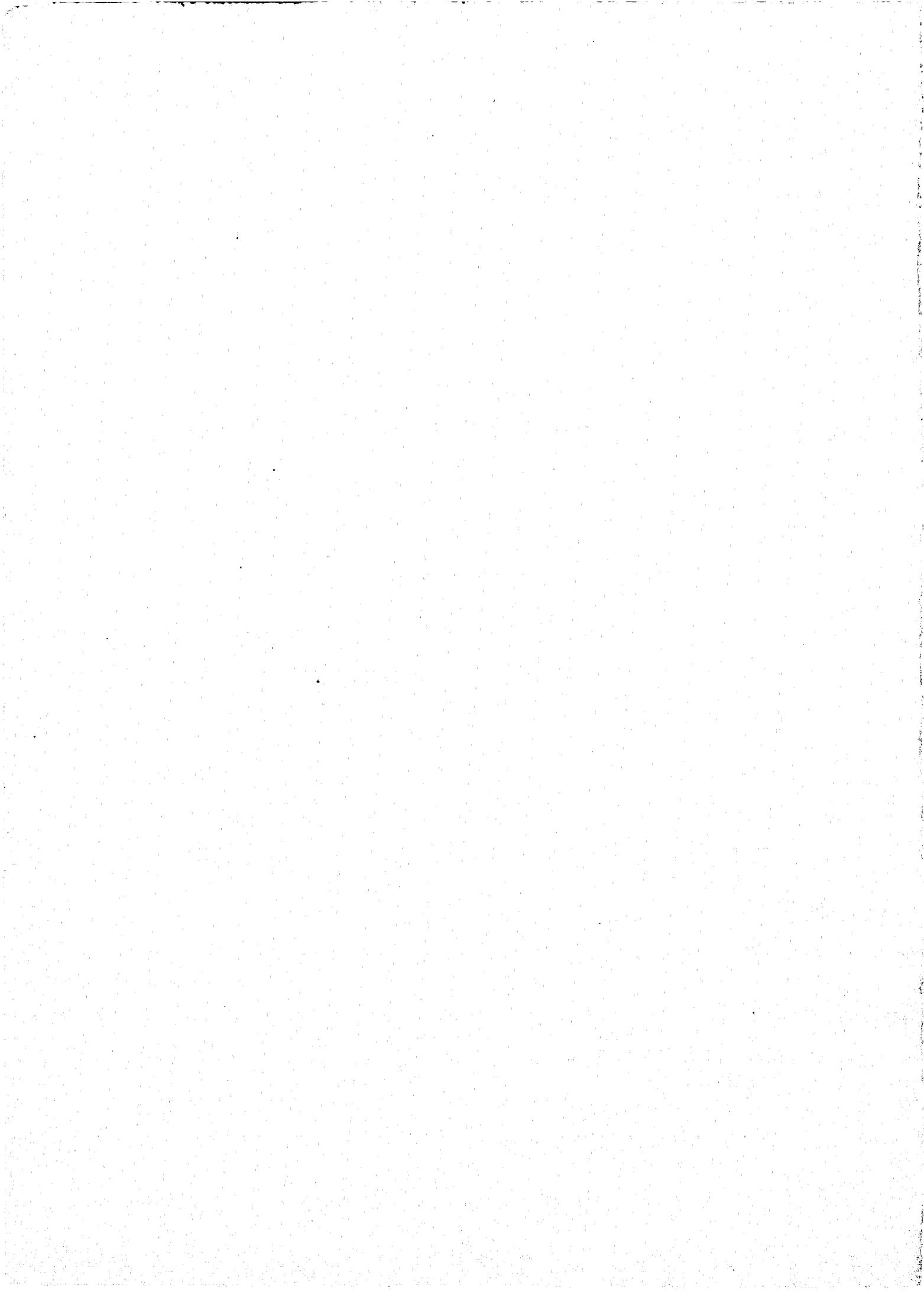
Assistant Director

Mrs Helen C.P. Lai YU

Administration branch

Assistant Director

Mr J.J. Ridge



ADVISORY COMMITTEES - TERMS OF REFERENCE AND MEMBERSHIP
(AS AT 31ST DECEMBER 1975)

A. Advisory Committee on Corruption

<u>Terms of Reference</u>	<u>Membership</u>
(1) To advise the Commissioner Against Corruption on any aspect of the problem of corruption in Hong Kong, whether within or outside the Government Service, and, to this end: (a) to keep the policies of the Commission under review; (b) to consider the annual estimates of expenditure of the Commission; (c) to scrutinise the annual report of the Commission before its submission to the Governor.	Commissioner Against Corruption (Chairman ex officio) The Honourable Sir Yuet-keung KAN, C.B.E., J.P. The Honourable R.H. LOBO, O.B.E., J.P. The Honourable Mrs. Joyce SYMONS, O.B.E., J.P. The Honourable J.H. BREMIDGE, J.P. Dr. R.L. HUANG, J.P. Secretary for Administration) Deputy Commissioner Against) (ex officio) Corruption) Secretary : An officer of the I.C.A.C.
(2) To draw to the Governor's attention, as it considers necessary, any aspect of the work of the Commission or any problems encountered by it.	

B. Operations Target Committee

<u>Terms of Reference</u>	<u>Membership</u>
(1) To receive and consider all complaints of bribery, whether against Crown servants, public servants, or other persons.	Commissioner Against Corruption (Chairman ex officio) The Honourable Mrs. Joyce SYMONS, O.B.E., J.P. Sir Ronald HOLMES, C.M.G., C.B.E., M.C., E.D., J.P. Dr. R.L. HUANG, J.P.
(2) To advise the Commissioner Against Corruption on which complaints of bribery shall be investigated and on the priority to be given to them.	Attorney General (or his representative) Commissioner of Police Deputy Commissioner Against) Corruption and Director) or their of Operations) (ex officio)
(3) To receive from the Commissioner reports on action taken by the Commission in connection with the investigation of complaints of bribery.	Secretary : An officer of the I.C.A.C.
(4) To advise the Commissioner on what information concerning complaints of bribery shall be passed to the Government or to those bodies listed in the Schedule to the Prevention of Bribery Ordinance, Cap. 201.	

C. Corruption Prevention Advisory Committee

<u>Terms of Reference</u>	<u>Membership</u>
(1) To receive and call for reports from the Commission about practices and procedures of Government Departments, public bodies and the private sector which may be conducive to corruption and to advise the Commissioner what areas should be examined and the degree of priority to be accorded to each.	Commissioner Against Corruption (Chairman ex officio) The Honourable R.H. LOBO, O.B.E., J.P. The Honourable J.H. BREMIDGE, J.P. Mr. Eric CUMINE, O.B.E, J.P. Miss Pauline CHAN, O.B.E. Colonel I.G. DANIEL, M.B.E., E.D., J.P. Mr. S.V. GITTINS, Q.C., J.P. Mr. G.M. MACWHINNIE, J.P. Ms Sansan CHING
(2) To consider recommendations arising from such examinations and to advise the Commissioner on further action to be taken.	Dr. L.K. DING Mr. Edmond T.C. LAU Secretary for Administration } (ex officio) Director of Corruption Prevention }
(3) To monitor action taken to implement recommendations made on the advice of the Corruption Prevention Advisory Committee.	Secretary : An officer of the I.C.A.C.

D. Citizens Advisory Committee on Community Relations

<u>Terms of Reference</u>	<u>Membership</u>
(1) To advise the Commissioner Against Corruption on the measures to be taken to enlist and foster public support in combatting corruption and to educate the public against the evils of corruption.	The Honourable Sir Yuet-keung KAN, C.B.E., J.P. (Chairman) Commissioner Against Corruption (Vice-chairman ex officio) Miss Sally AW Sian, O.B.E., J.P. Rev. J.M. BENNETT Mr. Louis L.Y. CHA Mr. CHAN Kwok-keung Mrs. Selina CHOW Mr. George HO., J.P. Mr. Henry H.L. HU, O.B.E. The Honourable Mrs. KWAN KO Siu-wah, M.B.E., J.P. Mrs. LEE LO Yuk-sim Miss LIN Hon-ying Fr. Patrick MCGOVERN S.J. Mr. NG Wah Miss Patricia NYE Mr. D.M. de M. ROGRIGUES, J.P. Dr. Daniel C.W. TSE Mr. Andrew W.F. WONG
(2) To receive and call for reports on action taken by the Community Relations Department of the Commission in pursuance of (1) above.	Secretary for the New Territories } (ex officio) Director of Community Relations }
(3) To monitor community response to the Commission's work and public attitudes towards corruption in general.	Secretary : An officer of the I.C.A.C.

Introduction

The Independent Commission Against Corruption (ICAC) was brought into existence on 15th February 1974 with the enactment of the Independent Commission Against Corruption Ordinance 1974.

2. Prior to this, detection and investigation of corruption were the responsibility of the Anti-Corruption Office of the Royal Hong Kong Police Force. In June 1973, a former Police Chief Superintendent left Hong Kong while the Anti-Corruption Office was considering action against him under the Prevention of Bribery Ordinance. Consequently, His Excellency the Governor appointed the Honourable Mr Justice Blair-Kerr as a Commission of Inquiry to report on first, the circumstances in which the officer was able to leave Hong Kong, and secondly, to examine and report on, amongst other matters, the effectiveness of the Prevention of Bribery Ordinance and to suggest amendments to the law and any other changes in current arrangements considered necessary.

3. Following publication of the Second Report of the Commission of Inquiry, and in response to public opinion, His Excellency the Governor announced at the opening session of the Legislative Council on 17th October 1973 the decision to transfer responsibility for the detection and investigation of corruption from the Police Force to an independent organisation which would stand apart from any department of the Government and which would answer directly to the Governor.

Constitution

4. The Commission derives its existence and charter from the Independent Commission Against Corruption Ordinance 1974. The independence of the Commission is established by the Commissioner being apart from the Civil Service and formally responsible directly to the Governor. The Commissioner and his staff are not subject to the purview of the Public Services Commission and are therefore not part of the Civil Service.

Finance

5. The Commission is financed from a single expenditure vote in the Estimates. All requirements for funds are processed by the Colonial Secretariat through the Finance Committee of the Legislative Council. The Commission administers its estimates of expenditure in accordance with the usual Government procedures.

6. Use is made of Government block votes where the Commission is able to comply with the rules governing their control. However, where the Commission is unable to comply or compliance could prejudice operational efficiency, financial provision is included within the Commission's own estimates.

Responsibilities of the Commissioner

7. The Commissioner is directly responsible to His Excellency the Governor for the duties set out in Section 12 of the Independent Commission Against Corruption Ordinance. These are given in detail at Appendix I.

Establishment and Organisation

8. The Commission comprises the Office of the Commissioner and three functional departments - Operations, Corruption Prevention and Community Relations - serviced by a central administrative unit. The establishment of the Commission numbers 905 posts, deployed in the various branches as shown in Appendices II to V. As at 31st December 1975, the Commission stood at a strength of 652 : 429 in Operations, 64 in Corruption Prevention, 111 in Community Relations and 48 in Administration.

Chapter 1

Commissioner's Review

"The past year has been one of consolidation" The reader may be forgiven for thinking that any annual report which begins in that way is likely to be followed by a series of dreary reasons for lack of progress, a catalogue of boring excuses for failure. For the ICAC this was a year in which 218 prosecutions were brought, and they include the Godber trial, the Bayview conspiracy case, the trial of AU YEUNG Kwan and TSANG Kai-wing and the Paul LEE case. This can therefore scarcely be termed a year lacking in progress or success. Indeed, 1975 proved to be an important period for the Commission and in particular for the Operations department which has developed impressively under the outstanding and energetic leadership of Mr John Prendergast and his senior officers : this is quite clear from Mr Prendergast's detailed report on his department at Chapter 3.

1.2 Yet, essentially, 1975 was a year of consolidation - of consolidation and of preparation for the titanic struggle which lies ahead. For our aim is to break the back of organised, syndicated corruption within the next year or two. 1976 and 1977 are going to be crucial and testing years both for the Commission and for the community of Hong Kong.

1.3 The Commission will be two years old on 15th February 1976. It is, perhaps, a little too soon to attempt an assessment of any real achievements, but of some matters it is possible to report with certainty. There seems little doubt, for instance, that the community in general is now aware of the problem of corruption in our society; many are aware of the existence of the ICAC itself and its work and aspirations. There is also evidence that there is now somewhat less overt corruption in Hong Kong. This does not necessarily mean there is less corruption but, judging from information received from local community leaders and members of the public, it seems that corruption may be less blatant and obvious than it used to be. I am told that there is now less ostentation, less show of wealth, by many suspected of being corrupt and perhaps, too, it is becoming less fashionable for the corrupt to boast about their ill-gotten gains.

The departments

Operations

1.4 From the outset it was clear that priority in terms of resources had to be given to the Operations department. It was vital to establish a real deterrent quickly, a force capable of striking fear into the hearts of the corrupt in our society. This achieved, and with a Commission credibility established, then it would be possible to undertake the more positive areas of our work - corruption prevention and public education.

1.5 The first task of the Operations department was to change an essentially Police formation into a civilian organisation. This has involved mammoth recruitment exercises and intensive training. To provide the essential investigatory expertise it has been found necessary to recruit experienced officers from the United Kingdom police forces : by the end of the year there were 43 such officers serving with the Commission with a further two to come.

1.6 The Operations department has already made a substantial impact. During the year, 218 prosecutions for corruption and related offences had been made against a wide variety of Government servants and members of the public. Figures, of course, can be misleading, and it should be remembered that one case may occupy teams of investigators for many months, while another, from the initial report to the magistrate's sentence, may be completed within a few days. Neither do the statistics reveal the degree of corruption. One case may simply involve a member of the public offering a sum of money to a policeman to ignore a driving offence, whereas another may be deeply concerned with the horror of drug distribution.

1.7 Mr Prendergast reports that the Operations department is now gathering strength for the main offensive against syndicated and deep-seated corruption. This is a very special and particularly unpleasant problem, as shown by the "Bayview conspiracy" case which provided the Hong Kong public with what was probably its first real glimpse of the extent and degree of organisations of syndicated corruption. Until the last few months of 1975, the Operations department was essentially responsive, capable of little more than handling the corruption reports made to it by members of the public. With increased staff, and ever increasing experience, the department is now in a position to take the offensive, using intelligence gathered from its own resources. The prime target will be syndicated corruption.

1.8 In that it has a measure of flexibility, the Operations department's policy is to concentrate on the Civil Service. This is being done in the full knowledge that corruption is widespread in the private sector also. I believe, however, that the community has a right to expect an honest and efficient Civil Service and that the Commission must focus its attentions on the Government first. By law, of course, the Commission is bound to consider and investigate, wherever practicable, all allegations of corruption, and whenever a report is made concerning the private sector, then that report is considered and investigated with just as much determination and energy as if it were a report about a civil servant.

1.9 Concern has been expressed by some businessmen that even this amount of involvement by ICAC with the private sector might be harmful to Hong Kong. "Hong Kong's business has been built on the commission system", I have been told. And, no doubt, there is some truth in that statement. But the law (Section 9 of the Prevention of Bribery Ordinance) recognises and allows the

Hong Kong practice of paying and receiving commissions, provided that the principal or employer of the recipient permits the soliciting or acceptance of the advantage or commission.

1.10 One of the aims of the ICAC is, through public education, to change the community's attitudes towards corruption, to raise standards of honesty and integrity. It is simply not possible, and certainly not desirable, to have a rule which states that it is legally wrong to bribe a government servant, but perfectly legitimate to give and receive bribes in the private sector : there is no room for such double standards in Hong Kong today. It is not as though a law on corruption in the private sector is anything new : it was included in the 1948 Prevention of Corruption Ordinance and, in its present form, became law in May 1971 after much public debate during 1970.

1.11 A particularly encouraging aspect of our relations with the public has been the improving quality of reports of corruption to the Commission. When operations began early in 1974, two thirds of all complaints received were anonymous. By the end of 1975 anonymous reports overall were only slightly over half of the total number received. This is a tribute to the public and indicates determination on their part to fight corruption. The increase in reports being made by identifiable people in person has had far-reaching effects. It is most frustrating to receive an anonymous report which appears to be authentic but which misses out vital details and which cannot be checked at its source. The improvement in the quality of reports is well illustrated by the fact that during 1974 it was only possible to pursue one report in three, whereas the ratio now is about one in two. With the decrease in overt corruption, it must be expected that there will be a corresponding decrease in the total number of reports made. This will not, of course, reflect a lack of co-operation or support from the public; it will be because the nature of corruption itself is already beginning to change noticeably.

1.12 Up to the end of 1975, the Commission had received over 13,000 reports. Over half of these were not directly related to our interests; many of them were concerned with inefficiency or rudeness by public servants in Government departments, public utilities and so forth. Some members of the public, it seems, are tending to regard the Commission as an Ombudsman. These non-corruption reports are encouraging in that they indicate the degree of confidence which certain members of the public have in the Commission. Non-corruption complaints are not investigated : they are passed on to the department, utility or body concerned and it has been gratifying to note that in most cases we have been informed by the recipients of the complaints as to what action has been taken, although there is no obligation to do this.

1.13 ICAC investigating officers were exempted from the Arms and Ammunition Ordinance early in the year under the Arms and Ammunition (Exemption) Order 1975. This was expressly designed for the purpose of permitting ICAC personnel to carry firearms in situations considered dangerous. It is the intention that the

carrying of arms will be permitted only in controlled circumstances and by officers properly and well trained in their use. In the event, it was not found necessary for the Commission to arm any member of the Operations department during the year.

Corruption Prevention

1.14 The need to build up a powerful investigatory arm, coupled with the financial stringencies of the time, meant that other Commission activities had to be substantially limited. Corruption prevention was the area that suffered, but by the end of the year it was possible to unfreeze development, and recruitment was again under way. In May, the department lost the services of its Director (Mr P.T. Warr) who left the Commission for family reasons.

1.15 Corruption prevention is an entirely new concept in public administration and this means that there is no bank of previous experience to consult or to rely upon for guidance and advice. Inevitably, this has meant that the department has had to remain flexible in its attitudes towards its work, its methods of operation and procedure. The task of the department is to seek out and to eliminate as far as practicable corruption opportunities in the Government and in public bodies. This involves taking a hard and incisive look at laws, rules and regulations, methods of procedure and so on. It was early established by the fledgling department that unenforceable laws, cumbersome and woolly methods of procedure and areas of delay are danger points. Despite staff limitations it was still possible during 1975 to start 35 new assignments and 34 reports were completed.

1.16 The characteristics of corruption opportunities are discussed at some length at Chapter 4, but one of particular note is that to do with accountability. Experience has shown that, in spite of good existing reporting systems, in spite of on-the-surface excellent rules and guides as to supervision of staff and so forth, that in many assignments undertaken by the Corruption Prevention department there is occasion to point up the necessity for special consideration of accountability. Accordingly, the Corruption Prevention Advisory Committee has recommended that the department should make an in-depth examination of accountability, applicable on a service-wide basis.

1.17 Accountability is a rather imprecise term, but the kind of thing we have in mind is the attitude adopted by the New York Police Department; although the concept can readily be applied to public servants generally. Some time ago, the Commissioner of the New York Police, concerned at the widespread illegal activities which were rife in the City of New York, and worried that this was so because of corruption, said: "..... when I speak of accountability I do not mean that a commander is automatically and personally responsible, like an insurer, for every instance of misconduct or inefficiency that takes place within his command. That standard would be unrealistic and unfair." He then went on to say that "superior officers would be accountable only when the

act in question was so serious, repeated, or widespread that he knew, or by reasonable diligence should have known, of it or that the conditions would not have developed or persisted if he had demonstrated a level of leadership and supervision commensurate with his assignment".

1.18 The success of the Corruption Prevention department will depend to a large extent on the co-operation of heads of departments and their staff. It is with pleasure, therefore, that I am able to report that from the very start we have received a high measure of willing assistance from heads of departments and civil servants in those areas in which there have been Corruption Prevention assignments.

Community Relations

1.19 Important though detection, punishment and prevention may be, in the long run the battle against corruption must be won by the community itself. The Community Relations department was established as the medium through which the public and the Commission may meet to pursue their common goal of eradicating corruption in our society. This means establishing personal contacts with as many individuals and organisations as possible and using the mass media to put across the anti-corruption message. The essential intent of this department is to help change public attitudes towards corruption. This means nothing less than a vast public education - or re-education - exercise.

1.20 Unfortunately, the Community Relations department, too, fell victim to the financial restrictions of 1975 and had to limit its plans and development in order to allow the Operations department to build up its strength.

1.21 Even so, as is evident from Chapter 5, the Community Relations department achieved a very great deal during the year. This undoubtedly was largely due to outstanding work on the part of Mrs Helen YU and her band of keen young officers. Mrs YU was originally in charge of the planning of the department and now has the responsibility of putting these plans into action. This department is essentially Chinese (it has only one expatriate) - and young : its enthusiasm and dedication are infectious and I am fortunate indeed to have such an able public servant as Mrs YU in charge of it at the present stage of development.

1.22 Perhaps the biggest disappointment which the financial restrictions brought was that the plans to open eight Commission sub-offices in high density areas had to be cut down to only three, two in Kowloon and one in the New Territories at Tsuen Wan. Our sub-offices are of critical importance in the campaign to involve the public in the fight against corruption, because they not only receive reports of corruption but also serve as focal points for the Commission at grassroots level from which Community Relations staff can establish and maintain contact with the local population. With the release of the necessary funds, the original plans can now be re-scheduled and it is expected that

the remaining five sub-offices will be sited and established during the coming year. Other postponed plans included the establishment of the Public Education and Community Research units, both of which will now be formed early in 1976.

1.23 In last year's report, written before the Community Relations department had begun its work, I mentioned that the younger generation in particular appeared determined to have a cleaner and better Hong Kong. This has certainly been proved by the initial work of our first three sub-offices. Response to the talks and visits by Community Liaison officers, especially by schools and youth organisations, has been encouraging and promises well for the future.

Complaints Against ICAC Officers

1.24 During the year 16 complaints of corrupt conduct were received against ICAC officers. The allegations referred to activities on the part of persons either in the Commission or prior to joining it. All complaints were investigated. Two were proved to be cases of impersonation; 10 complaints were so imprecise and vague as to prevent the full development of an enquiry; and four investigations resulted in the imprisonment of one officer and the dismissal from the Commission of five others. In all cases the Commission followed the procedure in respect of allegations of corruption against Commission staff laid down by His Excellency the Governor and announced by the Acting Colonial Secretary in Legislative Council on 10th April 1974 :

"..... if any such allegation is received either by the Commission or by any public officer it must be referred immediately to the Attorney General, who will decide whether the allegation warrants special consideration, in which case he will refer it to the Governor, or whether it warrants an investigation by the Commission itself, or whether it does not warrant any further action.

Where the Attorney General considers that an investigation should be undertaken by the Independent Commission Against Corruption he will inform the Commissioner Against Corruption, who will pass the allegation and the Attorney General's view to the Commission's Operations Target Committee. The Commissioner will in due course report what action has been taken both to the Attorney General and to the Operations Target Committee.

In cases where the Attorney General considers that no further action is warranted he will pass the allegation together with his view on it to the Commissioner, who will inform the Operations Target Committee in case the Committee may consider that an investigation is called for."

Advisory Committees

1.25 The advisory committee is an established feature of the system of the Government in Hong Kong. It is often maligned and frequently misunderstood, but for those of us who have worked with good advisory committees there can be no doubting their value to the community in the interests of good government.

1.26 The ICAC has four non-statutory advisory committees with a membership based on expertise in specialised fields and widely representative of the community as a whole. These committees, apart from allowing for the important citizen involvement in the work of the ICAC, have proved to be an invaluable aid towards the progress of the Commission as a whole.

1.27 It is my pleasure to acknowledge with gratitude the wise counsel and guidance, the enthusiasm and support shown throughout the year by members of the Commission's advisory committees.

The Staff Club

1.28 1975 saw the establishment of the ICAC Staff Club. The objects of the Club are to promote sports and recreational activities among members; to provide means of relaxation after working hours; and to promote good staff relations.

1.29 Support for the Club has been most encouraging : the inaugural meeting was held in October, and by the end of the year 443 Commission officers had enrolled as members. A temporary club room has been established but it is intended to find suitable accommodation in the future for a permanent Club House.

1.30 The undoubted initial success of the Club owes a very great deal to the dedication and enthusiasm of its Committee and Chairman, Mr Len Spark. They are doing a fine job for their fellow staff members which is very much appreciated.

Staff

1.31 I must now pay tribute to members of the Commission itself. The fact that we have, in less than two years, established from nothing an organisation which has now developed a high standard of operational efficiency in so many fields, is quite an achievement and a testament to the skills, hard work and devotion to duty of the Commission officers.

The Future

1.32 I have said publicly (and again in this report) that our aim is to break the back of organised, syndicated corruption within the next year or two : that 1976 and 1977 would be crunch years for the Commission, and for the community of Hong Kong.

1.33 This is not idle boasting nor wishful thinking. There are three specific reasons for my forecast.

1.34 Firstly, John Prendergast has done a remarkable job in recruiting and training his detective force : by the early summer of 1976 that force will number over 500. It happily combines a large number of highly experienced men (many of them from the United Kingdom) together with a dynamic, well-educated group of men and women from a civilian background who, over the past two years, have received intensive training in their new role. In other words, we now have a detective force to be reckoned with - a force which will be at its maximum strength by mid-1976.

1.35 Secondly, as more and more people are finding the confidence and the courage to report to the Commission in person, so has the quality of reports improved beyond all reasonable expectations : and this improvement is confidently expected to continue with the opening of more ICAC sub-offices.

1.36 Thirdly, there is the impressive build-up of the Operations department's own intelligence and information concerning corruption generally, and syndicated corruption in particular.

1.37 And what of the years beyond 1976 and 1977?

1.38 Of paramount importance will be the attitude and the will of the community as a whole. Last year I warned that, as the Commission gained strength and stepped up its activities against the corrupt in our society, so there may appear those fainthearts among us who would like to see the Commission curb its activities. And so it has proved : but in spite of the feelings of concern that some businessmen have expressed about ICAC activities in the private sector, there are nevertheless a very large number who warmly welcome them. Indeed, the most important single thing that has happened in this sector has been the vigorous soul-searching on the part of the Americans. Hard on the heels of Watergate they are now over-turning corruption in Big Business. Their methods may appear to be blunt and the results may in the short-term be traumatic for some, but I am convinced that what is being done is for the good - not only of American business, but of the whole of the international business world, and therefore for the good of Hong Kong business too. Many people have discussed this matter with me and it is clear that the vast majority would wish to do business on the basis of honest competition - on competition based on efficiency and price and design, productivity and quality and delivery dates - rather than in terms of how much somebody is prepared to pay "under the table".

1.39 The lesson is there for all to see : no community can be assured of the stability it needs for the prosperity and well-being of its citizens if corruption and the corrupt are allowed to prosper openly and widely at the expense of morality and the honest.

1.40 In Hong Kong, all this must be seen against the back-drop of China. There can be no doubt that the elimination of corruption from many areas of life in that country has had a powerful demonstration effect on many young Chinese in Hong Kong.

For this and many other reasons, I have great faith in the young people of Hong Kong. There can be no doubting where the majority of them stand on the question of corruption. They are sickened by it, they want a cleaner and a better Hong Kong in which to live and in which to bring up their families.

1.41 And so my optimism for the future.

Chapter 2

Administration

2.1 The Administration branch, headed by the Secretary to the Commission, is responsible for the management of the establishment, general and accounting services of the Commission. The structure and establishment of the Administration branch is shown at Appendix II.

Establishment and Recruitment

2.2 The establishment of the Commission numbers 905 posts deployed between units as shown in Appendices II to V. Special grades have been established for the Commission with the titles and salary scales shown below :

Senior Commission Against Corruption Officer
(\$7,210 - \$7,810 p.m.) - Grade I

Commission Against Corruption Officer
(\$2,040 - \$6,910 p.m.) - Grade II

Assistant Commission Against Corruption Officer
(\$1,150 - \$1,940 p.m.) - Grade III

Directorate posts and posts for supporting general grades staff attract the same salaries as their counterparts in the public service. Appointments are normally on gratuity-bearing agreements.

2.3 Post allowances, representing a non-gratuity earning supplement to salary, are paid to Commission staff in accordance with the following scale :

	<u>Allowance Per Month</u>
Staff paid on Directorate salaries point 2 (\$9,650) and on points 46 - 48 (\$7,210 - \$7,810) of the Master Pay Scale	\$1,000
Staff paid on points 20 - 45 (\$2,040 - \$6,910) of the Master Pay Scale	\$ 700
Staff paid on points 11 - 19 (\$1,150 - \$1,940) of the Master Pay Scale	\$ 400
Staff paid on points 1 - 10 (\$615 - \$1,070) of the Master Pay Scale and on the MOD 1 Scale	\$ 200

2.4 Section 8 of the ICAC Ordinance provides for the Commissioner to follow the rules which apply generally to the public service, but the Commissioner may, with the prior approval of His Excellency the Governor, by standing order modify the application of these rules to meet the special requirements of the Commission. There are three areas in which discretion has been allowed to the Commissioner in this manner. These are :

Equal Pay A policy of "equal pay for equal work" - offering men and women the same pay for the same work - has been observed by the Commission from the outset, while the Civil Service did not move to this position until 1st April 1975.

Acting Pay In certain exceptional circumstances, acting pay may be awarded in the Commission at the rate of 100% of the difference between an officer's substantive salary and the salary of the post in which he is acting; usually, however, the Commission follows the normal Civil Service practice of paying 90%, (except for heads of departments and officers who act continuously for six months, who receive 100%).

Incremental Credit on Appointment In special circumstances, it has been necessary to determine entry salaries, exceptionally, on "service need" grounds, deviating from the rules which apply generally to the Civil Service.

In approving the standing orders, His Excellency the Governor directed that all such deviations regarding acting pay and incremental credit on appointment should be reported to the Advisory Committee on Corruption.

2.5 During the year, the Administration branch continued to be busy engaging staff for the Commission. Vacancies in the Commission Against Corruption Officer cadre at all levels were advertised in the local press and at the Middle/Lower level, circularised to the universities, the Baptist College and the Polytechnic.

2.6 These advertisements attracted a very favourable response. Almost 10,000 applications were received and some 1,500 candidates were interviewed. At 31st December 1975, 318 appointments had been made, bringing the Commission's strength to 652, against the approved establishment of 905 posts. An analysis of the Commission's staffing position is at Appendix VI.

2.7 In April, Finance Committee approved the provision of an additional 223 posts for the Operations department, increasing its establishment to 524. Owing to the shortage of experienced investigators locally, it was once again necessary to conduct a recruitment exercise in the United Kingdom. As a result, 36 experienced police officers were selected for appointment. The majority of these had assumed duty by the close of the year.

Financial and Accounting Arrangements

2.8 Finance and accounting controls are exercised by the Finance Section of the Administration branch and the Commission's accounts are subject to examination by the Director of Audit. The Statement of Accounts for the year ended 31st March 1975, as required by Section 15(2) of the Independent Commission Against Corruption Ordinance, together with the Director of Audit's report thereon, is at Appendix VII.

2.9 The original and revised estimates for 1975/76 and the Commission's draft estimates for 1976/77 are shown in tabulated form at Appendix VIII.

Accommodation

2.10 Office accommodation has continued to pose problems for the Commission. During the year under review, the Operations department moved from the 5th floor, Sincere Building to the 6th and 7th floors, Hutchison House; the Corruption Prevention department moved from its temporary accommodation in 1A Garden Road to the 5th floor, Sincere Building and the Community Relations department from the 11th floor, Sincere Building to United Chinese Bank Building, 11th and 12th floors. The Administration branch vacated its offices in Central Government Offices and Beaconsfield House and moved to Hutchison House in January 1975. In August of the same year the branch again moved to temporary accommodation in New Rodney Block to make room in Hutchison House for the expanding Operations department. As the current leased accommodation, totalling approximately 51,000 sq. ft., is insufficient to meet the full requirements of the Commission, efforts are being made to secure permanent office space sufficient for the entire Commission to be accommodated under one roof.

Advisory Committee on Corruption

2.11 During the year under review the Advisory Committee on Corruption, which is serviced by the Administration branch, met on five occasions. The Committee advised the Commissioner on policy matters affecting the Commission's establishment, financial estimates, administration and operations. In addition, the advice of Members was sought on proposed amendments to the Prevention of Bribery Ordinance and the Independent Commission Against Corruption Ordinance. The activities of the three departments of the Commission were reported to the Advisory Committee on Corruption at each meeting.

Discipline

2.12 During the year the appointments of six officers were terminated under Section 8(2) of the ICAC Ordinance. This section empowers the Commissioner to terminate the services of an officer without giving any specific reason provided he is satisfied that it is in the best interests of the Commission to do so. All

dismissals in this category are reported to the Advisory Committee on Corruption. In addition to the above, the appointments of a further three officers were terminated on grounds of misconduct under Clause 10 of the Memorandum of Conditions of Service.

2.13 The Commission's internal monitoring system is referred to in the Operations chapter paragraph 31.

Chapter 3

Operations

3.1 The Operations department is responsible for the investigation of any alleged or suspected offences under the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance. A senior professional officer, who is supported by Crown Counsel, is attached to the department from the Attorney General's Chambers and directs the prosecution of corruption cases, on behalf of the Attorney General.

3.2 The development of Operations department, as the investigation arm of the Commission, has continued to be conditioned by the need to maintain the momentum of investigation while, at the same time, building up and training a mainly civilian-manned organisation to a level which could not only react speedily to complaints received, but could exploit the experience and information obtained during investigations to go over to the offensive and uncover cases for itself. This transitional stage can now be said to have ended and the department is providing very much more of the intelligence on which it acts.

3.3 The majority of Royal Hong Kong Police Force (RHKPF) officers, whose background and experience have been invaluable, have now returned to the Police Force, there remaining 28 within the department at the end of the year.

Structure and Establishment

3.4 The establishment and structure of the department, when first set up, was adopted from that existing in the former Anti-Corruption Office (ACO) but it was appreciated that this would not be adequate to cope with the greatly enhanced workload which was anticipated : experience proved this to be correct. One area where the burden proved exceptionally heavy was in the investigation of Personality Targets, that is of Government servants whose assets or standard of living appeared disproportionately high. All such investigations and enquiries require detailed and laborious work, akin in every respect to the most complicated type of fraud enquiry, because of the devious methods used to conceal wealth. Another area which previously had been virtually untouched was the private sector. Complaints relating to corruption in the commercial field have proliferated, necessitating the deployment of resources to investigations in this area. It was, therefore, decided that a radical restructuring was needed and proposals for a second phase expansion were put forward : these entailed an increase from 301 to 524 posts. Details of the present organisation are given at Appendix III. In deciding on this organisation, careful consideration was given to balancing the need for more men to get to grips with deep-seated areas of syndicated corruption against problems of dilution of expertise by bringing in too many officers whose lack of experience would limit

their usefulness for some time. The implementation of the new organisation was therefore delayed until November 1975, when a sufficient number of key men had been found to make it viable.

3.5 A new branch has been formed to deal with specially Selected Targets and to provide support services, both administrative and technical, for the rest of the department. This branch will investigate cases of particular complexity and delicacy. It will also be concerned with the collection and collating of intelligence from all available sources and its dissemination within the department : the intention is to build up a larger and more effective data bank to provide the essential backing for the intensified attack on all aspects of corruption which is now underway.

3.6 Further establishment proposals are to be put forward for 1976/77, but these are on a very much smaller scale and are primarily concerned with the regrading of certain posts. These proposals, if agreed, will bring the establishment of the department to 531.

Staff

3.7 The continuing problem in bringing the new organisation into effect was the lack of trained and experienced officers to take charge of additional investigation groups and sections. As soon as the new establishment was approved, a recruitment drive was launched locally, but it was quickly apparent that this was not having the hoped-for response from people with the appropriate investigation experience and expertise needed to fill senior and mid-level posts. The alternatives were, to slow down expansion until the new and enthusiastic staff had gained experience, or to recruit talent from abroad, the best source being UK police forces because of the similarity of law and procedures. The first alternative was unacceptable because it would mean delays in getting to grips with the hidden and more dangerous depths of syndicated corruption and shelving cases until staff was trained. It was therefore decided to mount another overseas recruiting campaign. This was conducted in UK in the summer of 1975, and was aimed specifically at obtaining experienced police officers to provide the backbone of expertise needed for the new structure. Thirty-seven officers were engaged and, by 31st December, 34 had arrived to join the 9 officers, recruited from UK in 1974, who had already made a major contribution to the development of the department. A further two are shortly to join. There were still some 90 vacancies, mainly in the lower grades for which there are 25 candidates under consideration. To fill these gaps, another local recruitment campaign is under way and further promotion exercises are planned within the Commission.

Training

3.8 The small training staff, although part of Operations department, serves the Commission as a whole. In 1975, it ran 21 courses for a total of 234 officers : of these, 5 courses for 75 officers were organized for Corruption Prevention and Community

Relations departments. The majority of the courses were to train new recruits, but there were also 2 promotion courses for local officers, in-service training seminars, and conversion courses for experienced officers joining from abroad. In addition, this section has issued a number of training bulletins covering many aspects of investigation work, legal and court procedures.

Move to Hutchison House

3.9 In January 1975, Operations department was concentrated in Hutchison House. This is, however, only a temporary home and the search continues for a permanent base where the whole Commission can be accommodated.

Complaints and Reports

3.10 These are received in three ways :

- (a) By the Report Centre which is manned 24 hours a day. The majority of the complaints and reports are made by telephone, but more people are coming to report in person.
- (b) By Sub-Offices (See Chapter 5 paragraph 19) In each of these, there is a Referral Office, manned daily between 8:00 a.m. and 10:00 p.m., which is, in effect, an outstation of the Report Centre. Complaints received are passed on to the Report Centre. It is a measure of the close liaison which exists that, on one occasion, a complaint to a Referral Office led within three hours to the arrest of a corrupt Government servant.
- (c) By Letter through P.O. Box 1000, General Post Office, Hong Kong direct to the Commission or forwarded by Government departments.

3.11 A total of 7,294 complaints and reports was received during 1975, of which 3,179 were concerned with corruption. In some ways it is a little disappointing that so large a proportion is about matters outside the Commission's area of responsibility. Where possible such complaints are passed directly to the Government department concerned, with the complainants' permission, and those who telephone or come in person are always told where to refer their problems. An encouraging aspect is the increasing number of informants who are prepared to identify themselves and come in person. This is particularly so at the Referral Offices.

3.12 The pattern of complaints and reports is well illustrated by the letters received in 1975. There were 3,327 as against 3,332 received from 15th February to 31st December 1974. The proportion of non-corruption complaints was about 42%, which was higher than in 1974 but lower than the overall average of 57% for all complaints received in 1975. As a counter-balance, there has been an improvement in the quality of reporting of corruption

in letters and an increase in the number of writers who do not shelter behind anonymity.

3.13 Details of modes of reporting and a breakdown of corruption complaints are given at Appendices IX and X.

Processing of Complaints

3.14 Permission to start an investigation is only given when there are grounds to believe that a corruption offence has been committed. All allegations received by the Report Centre are collated centrally, checked against records held within the department, and considered at a meeting held every morning under the chairmanship of the Director of Operations. If it is decided that enquiries are justified, the Director orders that they begin. On occasions, instructions are given to obtain more information from the complainant so that a more accurate assessment can be made of whether the allegation is pursuable. The same principles are followed in dealing with anonymous letters, except that the decision on whether a complaint is to be pursued or not is ratified by the Anonymous Communications Sub-committee (ACSC), details of which are given at paragraph 3.18. The ACSC also monitors the decisions made by the Director's morning meeting by checking again all corruption complaints which have been assessed as unpursuable.

3.15 Four principles are followed in dealing with complaints:

- (a) An investigation is begun as soon as possible into any complaint where there are grounds to believe a corruption offence has been committed, and a report is made, in due course, to the Operations Target Committee.
- (b) Information on corruption which cannot be investigated at that time is recorded for possible investigation later and, where applicable, is passed to Corruption Prevention or Community Relations departments of the Commission for their action.
- (c) Information which is not concerned with corruption is passed on to Government departments so that any action required can be taken without delay.
- (d) The names of complainants are not disclosed to persons or organisations outside the Commission without their agreement, unless the law demands that these details be given i.e. where there is evidence of a crime other than corruption.

3.16 Unfortunately, there are still too many complaints, potentially of value, which cannot be pursued because they do not provide enough information to enable an enquiry to be carried out, and the information they give is too scanty to warrant being put

on record : inevitably this is the case in the majority of anonymous complaints. There is an allied problem, in that complainants, who are often prepared to give their names to ICAC, are reluctant to be identified to Government departments, thus impeding any corrective action which may be required. It is in the interests not just of ICAC but of Government as a whole, that people who feel they have reason to complain should be prepared to back up their belief by coming forward in person where necessary. It is regrettable that, in so many cases, insistence on anonymity prevents effective action being taken.

Operations Target Committee

3.17 It has been particularly fortunate for Operations department that the membership of the Operations Target Committee has remained unchanged, because the working relationship which has developed with individual members has been of great value and a source of encouragement to officers of the department. The Committee held eight meetings in 1975, giving advice and guidance on 404 specific cases; members have also advised in more general terms on more complex and lengthy cases under investigation, and have provided a wealth of experienced comment on a wide range of problems, both within the Administration and outside.

3.18 Responsibility for assessing anonymous and certain other complaints received in the Commission has been delegated to a Sub-Committee, which has also been given powers to advise on minor and straight-forward investigations. The Sub-Committee's recommendations are reported to the full Committee for endorsement. The Sub-Committee met on 12 occasions in 1975 under the chairmanship of members of the full Committee, sitting in rotation. A total of 3,081 communications were assessed and 544 minor investigations were considered.

Operations

3.19 During the year 3,179 complaints of corruption were received and 1,403 investigations were initiated. This is an improvement on the first year's figures, when 3,189 complaints led to 1,063 investigations. This comparison is not, however, entirely valid because an increasing number of cases, particularly in the Section 10 category (possession of disproportionate assets or maintaining a disproportionately high standard of living), have resulted from the exploitation of material gathered in the course of other enquiries. The trend towards the development of cases from within Operations department resources should continue and become more marked in the future. A breakdown of complaints of corruption received and investigated, and a breakdown by Government departments of complaints of corruption investigated are at Appendices XI and XII.

3.20 The number of prosecutions brought in 1975 was 218. Forty-three cases are still the subject of court proceedings and there were 136 convictions, 122 of which were for bribery and related offences. Of these 122, 13% were fined, 27% were given suspended sentences and 38% were sent to prison for 9 months or

less. Nolle prosequis were entered in 11 cases and there were 28 acquittals. Details of prosecutions are at Appendix XIII, and a breakdown by types of offence is at Appendix XIV.

3.21 Included in these totals are 44 cases which were prosecuted by the Police on behalf of the ICAC : these are cases where a bribe is offered to a police officer in the course of his duty. It has been agreed that all such offers should be reported to Operations department, and on each a decision has to be taken at Directorate level whether the follow-up should be by the Police or the department. The aim of this arrangement is to enable the case to be resolved as expeditiously as possible. It also serves as a timely reminder that the responsibility for combatting corruption does not solely rest with the ICAC, and that the Police continue to make a very considerable contribution to the fight.

3.22 Statistics cannot give a balanced picture of the Operations department workload. On the one hand, there are the mainly straight-forward cases handled by the General Targets branch which could well result in a successful prosecution being brought within a few days of the first report. On the other, there are the infinitely complex and detailed investigations carried out by Personality and Selected Targets branches which are aimed at a prosecution either under Section 10 or for conspiracy. These can take up to a year and more to prepare and a further period of months to exhaust the full process of trial and appeal. The only way to break up syndicated corruption is by painstaking collection and collation of evidence, but it is necessarily slow work and is becoming more difficult, as the corrupt are able to improve their defences. Additionally ICAC investigational methods are becoming known through exposure during court cases. Nevertheless, painstaking efforts and tenacity in investigation will continue to bring results and will ultimately break up corrupt syndicates. It should be borne in mind that of the 434 cases under active investigation, 165 are Personality Targets : there are in addition, a substantial number of cases where sufficient information is held to warrant an investigation, as and when staff becomes available.

Prosecutions

3.23 Of the 218 people charged during 1975, 96 were Government officials and 122 were members of the public. Six prosecutions were of particular importance.

- (a) Peter Fitzroy Godber was brought back to Hong Kong on 7th January 1975 charged under the old Prevention of Corruption Ordinance with one offence of conspiracy and one of corruptly accepting \$25,000. He was sentenced to 4 years imprisonment on 25th February 1975 and was finally refused leave to appeal to the Privy Council. This was the culmination of over 5 years work by the old Anti-Corruption Office and ICAC. It was an important milestone in the advance of the Commission.

- (b) Roy Sturgeon was sentenced to $3\frac{1}{2}$ years imprisonment on 6th August 1975 on one count under Section 10 of being in control on 28th December 1972 of assets disproportionate to his then past or present emoluments. His appeal was dismissed on 5th November 1975. The judgement laid down a number of guidelines in relation to control of assets.
- (c) AU YEUNG Kwan together with TSANG Kai-wing, respectively a retired Detective Station Sergeant and a retired Station Sergeant, were convicted on 13th March 1975 of conspiracy to solicit and obtain rewards, and sentenced to twelve months imprisonment each. TSANG's sentence, however, was suspended for one year. On the 30th April, the Attorney General successfully applied for review of these sentences, and both were increased to three years imprisonment. TSANG had meanwhile absconded and a warrant for his arrest has been issued by the Court.

On 22nd December, AU YEUNG Kwan was further convicted under Section 10 of having had control, on 16th December 1973, of assets disproportionate to his then past or present official emoluments, and was given a four year sentence to run concurrently with the remainder of the previous sentence. In addition, he was ordered by the Court to pay \$6,155,030 - the amount of his excess assets - to the Crown, and to pay a fine of \$60,000. This is by far the largest amount ordered to be paid to the Crown under Section 12 of the Prevention of Bribery Ordinance and this sum illustrates graphically the vast amounts of money made by comparatively low-ranking officers involved in syndicated corruption.

- (d) Paul LEE The disclosures of syndicated corruption on work sites, which stemmed from this investigation, resulted in 16 prosecutions, apart from that of the principals. The prosecution of Mr James DUNCAN, a senior PWD Highways Engineer, under Section 3, for accepting an advantage also arose from this investigation. Mr Duncan pleaded guilty, was fined \$12,000 and subsequently had his services terminated.
- (e) First National City Bank This was the first major case in the private sector. A sum of over \$1 million was involved. The five defendants were found guilty of a total of 25 charges under Section 9 of the Prevention of Bribery Ordinance and were sentenced to terms of imprisonment ranging from one to four years.

- (f) Norman Edward Temple was sentenced to one years imprisonment on 14th February 1975 on one count under Section 10(1)(b) of having control of assets disproportionate to his then present or past emoluments. This was the first case where there was a voluntary return of assets (£80,000), held by the accused in accounts outside Hong Kong.

3.24 The abscondment of suspects during an investigation has, unfortunately, brought a number of cases to a premature halt but this cannot be regarded entirely as loss, since a corrupt individual has been expelled from the system and can do no further damage. As ICAC investigations developed, the trend emerged of targets, particularly low-ranking Chinese Government servants, fleeing as soon as they became aware that they were under enquiry: this has occurred even when travel documents have been held by ICAC. There is a well-established network which clandestinely transports people out of Hong Kong for a substantial fee; one member of this network was placed on a bond of good behaviour by a magistrate under the Public Order Ordinance after his part had been discovered by the ICAC. In all, 22 such people fled from Hong Kong in 1975, twenty of whom were under active investigation.

3.25 In 75 cases, the attention of a Government department has been drawn to the conduct of one of its members as a result of a report considered by the Operations Target Committee. Two officers have been dismissed, two compulsorily retired or ordered to resign, and lesser disciplinary action has been taken against others. Thirty cases are still under consideration. Government disciplinary procedures are cumbersome and lengthy: suggestions have been made which would speed them up when ICAC investigations have indicated that an offence has been committed. A breakdown of cases referred to Government for in-service disciplinary action is at Appendix XV.

Financial Penalties

3.26 Since 15th February 1974, the courts have ordered that a total of \$10,297,456.19 be repaid to Government in fines, restitution and forfeitures. It is estimated that a further \$8,069,025 has been saved because of the cancellation of the entitlement of convicted or absconded Government officers to terminal grants and pensions. A sum of \$537,072.36 has been repaid to civilian firms and individuals in restitution. It is also not generally realized that all monies, even those obtained by corrupt means, are subject to tax. As a matter of policy, the Commission informs Inland Revenue Department of all apparently untaxed sums found in possession of suspects and their relations during the course of an investigation.

Patterns of Investigation

3.27 The Government department whose members have been the subject of the greatest number of investigations has been the RHKPF. Recent court cases have revealed a disturbing picture of

syndicated corruption, and the resultant publicity has contributed to the number of complaints received against the Force. It is essential to keep this situation in perspective : not only is the RHKPF the only Government agency with constant and continuing contacts with the public at every level for 24 hours every day, it is also the largest, having a total strength, including auxiliaries and civilian employees, of roughly 24,000, which is about one fifth of the whole Civil Service. Inevitably there are more complaints against individuals in the RHKPF, and equally inevitably the percentage of unsubstantiated complaints is high.

3.28 Members of the Prisons Department have also been the subject of a large number of investigations, with nine officers, mostly very junior, being prosecuted. The problems caused by drug addiction have been highlighted by these investigations, the majority of which were for involvement in the smuggling of drugs or money to prisoners. ICAC investigations have contributed significantly to the Commissioner of Prisons' efforts to combat the drug menace in prisons.

3.29 Fourteen officers in Public Works Department have been prosecuted, primarily as a result of information obtained during the investigation into the Paul LEE case. The revelation of syndicated corruption on work sites was disturbing and demonstrates the extent to which corrupt practices appeared to be taken for granted in parts of the construction industry. One judge has commented on the potential threat to public safety which could result.

3.30 Perhaps the most startling increase has been the number of cases in the private sector. Despite the wealth of detail provided by complainants, some of these develop into complex and long drawn out investigations. An essential element is that the principal must be prepared to testify in court that a subordinate was forbidden to take private commissions : too often, the principal is not prepared to do this, or his company's rules are too imprecise to support his testimony.

Security

3.31 Each succeeding case reveals that the sums of money paid out for corrupt purposes are far larger than was at first believed. Inevitably, since big money interests are at stake, the probability exists of attempts to penetrate Operations department. Two such attempts were quickly discovered : as a result of one, a former officer of the department was sentenced to two years imprisonment. In addition, six officers, whose probity was in serious doubt, have been dismissed. The threat of subversion has been recognized by the formation of an internal monitoring unit, and steps have been taken to ensure that attempts to penetrate the organisation are quickly identified and dealt with. Members of the Commission are subjected to a higher degree of security checking than is applied generally in the Government service.

Effects of Corruption

3.32 Experience in 1975 has confirmed that, while it is the poor upon whom the main effects of corruption fall most heavily, there is no one whose life is unaffected. The recent Bayview conspiracy trial proved once again that very large sums of corrupt money come from gambling, drug addiction and prostitution: some of this money flows back into other illegitimate concerns, thus compounding the threat to the security of the community. This threat is increased by the fact that some corrupt officers have been shown to have given more attention to their corrupt empires than to their proper job, while maintaining sufficient activity to appear to be carrying out their duties efficiently: a terrifying picture has emerged of officials sworn to uphold the law working hand in glove with drug den operators and the like. Although a great deal of corrupt money comes from gambling, drug trafficking and prostitution also contribute considerable amounts; thus the sum of human misery and degradation inevitable in these vices is increased by corruption. There is a general acceptance that drug barons and those who batten on young women and organize their forcible detention in brothels deserve very severe punishment: recent court cases brought by RHKPF against such people have resulted in as heavy sentences as the law permits. There is no reason why those who assist in drug trafficking or prostitution by purposeful neglect of duty should not be punished with similar severity, either under the Prevention of Bribery Ordinance or, where applicable, under other criminal legislation carrying heavier penalties. Such people do not deserve any leniency for, in addition to their direct or indirect participation in vice rackets, they have betrayed both the trust and the power placed in their hands.

3.33 The damage caused by the payment of "under the table" commissions in the private sector should not be under-estimated: for the small businessman compelled to pay commissions he cannot afford, it can mean ruin; for men desperately seeking a job, premiums demanded by agents of employers can spell the end of any hope of employment; and to everyone, the outcome is an increase in prices so that squeeze payments can be made. It has been depressing to discover that it is not only smaller firms, but also big enterprises which turn a blind eye to "under the table" commissions and, indeed, in some cases, encourage them.

The Future

3.34 The reorganized Operations department is now gathering strength for the main offensive against syndicated and deep-seated corruption. The success of this offensive depends as much upon the willing and courageous cooperation of the public as on the efforts, not only of the ICAC but of the whole Civil Service. In the last analysis, only a realization that corruption directly affects each one of us, and a general revulsion of feeling against the corrupt at every level, can guarantee that bribery in its many insidious forms is rooted out in Hong Kong.

Chapter 4

Corruption Prevention

While the Operations department is responsible for investigating alleged and suspected offences under the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance, the Corruption Prevention department was set up with the aim of advising Government and the public bodies defined in the Prevention of Bribery Ordinance on how best to eradicate, or at least, to reduce substantially, the opportunities for corruption existing in their practices and procedures. Under section 12(e) of the Independent Commission Against Corruption Ordinance, it is also the duty of the Commissioner to advise and assist any person, on the latter's request, on ways in which corrupt practices may be eliminated.

4.2 It must be emphasised at the outset that the presence of corruption opportunities by itself does not indicate that such opportunities are being exploited.

Corruption Prevention Advisory Committee

4.3 In carrying out his functions in corruption prevention, the Commissioner is advised by the Corruption Prevention Advisory Committee. The Committee held ten meetings in 1975. A Sub-Committee of the Main Committee also meets monthly to advise the Commissioner on the degree of priority that should be accorded to the reports and allegations received concerning corruption opportunities. It met on twelve occasions during the year.

Structure and Establishment

4.4 Corruption prevention is a new concept in public administration, and it was, therefore, not possible to determine easily, in advance, the organisational structure best suited for this purpose. The structure and establishment shown in Appendix III to last year's Report was provisionally approved on the understanding that it would be revised, as necessary, in the light of operational experience. After a period of experimentation, the department evolved into an organisation consisting of two Divisions, each headed by an Assistant Director, responsible for conducting studies, and a Management Group which provided administrative and other supporting services. There are three Assignment Groups, each consisting of a Group Head and four other officers, under each Division. Shortly after this structure was adopted, some degree of specialisation was found necessary, not according to the types of corruption opportunities as originally envisaged, but according to organisations and/or functions. This is because certain areas of study are particularly complex and/or require specialised knowledge or experience. Specialisation by organisations or functions also enables the Assignment Groups to accumulate gradually a wealth of knowledge about the organisations

or functions for which they are responsible and avoids duplication of effort by different Groups within the department.

4.5 The post of Director of Corruption Prevention has been vacant since June 1975 and is temporarily filled by the Commissioner. The structure and strength of the department as at 31st December 1975 is shown in Appendix IV. The approved establishment of the department is 123, but to enable the Operations department to increase its staffing capacity, the interim establishment was frozen at 74. Considerable difficulty was also encountered in recruiting experienced staff to senior posts; the response from local candidates with the necessary qualifications and experience was particularly disappointing. Consequently, the department was seriously under strength in 1975 and, at the end of the year, only 64 officers, including secretarial and other supporting staff, were in post.

4.6 Although further adjustments may, in due course, be necessary, the existing structure of the department appears to suit present requirements and those in the immediate future. By the end of the year, recommendations were in hand for the creation of a number of additional senior posts, offset by a reduction of a larger number of posts at the lower levels. To secure the experience, depth of knowledge, maturity and ability to conduct a study independently, the increase of senior staff has been proved necessary. However, in the longer term, it should be possible for the department to develop senior staff from its own ranks, and, to this end, considerable attention is being given to in-service training.

Methods of Operation

4.7 Studies conducted by the Corruption Prevention department are based on information received from any one of the following sources :

- (a) members of the public;
- (b) the Operations Target Committee;
- (c) Government departments, public bodies and organisations in the private sector;
- (d) professional, regional and district organisations; and
- (e) assignment staff of the Corruption Prevention department.

A total of 562 reports were received by the department in 1975. These reports cover most Government departments, in particular, Housing Department, Public Works Department, Police, New Territories Administration, Urban Services Department, Education Department, Medical & Health Department and Immigration Department, and 15 public bodies are also the subject of reports. However, information is inevitably and significantly lacking in areas where there is a "satisfied customer" element. Nevertheless, such areas are covered by regular consultations with the Operations department.

4.8 All reports received by the department are presented to a Sub-Committee of the Corruption Prevention Advisory Committee for consideration and grading into various priority categories. Reports relating to organisations which are not public bodies are held in reserve until such times as the organisations are defined as public bodies. In determining priority, a number of factors are taken into consideration, including :

- (a) whether the practices and procedures under complaint affect a large number of people or those in particularly vulnerable positions;
- (b) whether they give rise to other serious problems : do they, for example, lead to other illegal activities or result in a substantial loss of revenue?
- (c) whether the system concerned is of current interest because of, for example, a recent court case or other forms of publicity; and
- (d) whether the study must be conducted before a particular time - this is particularly relevant to new practices and procedures which are about to be introduced.

It should be pointed out that a single report does not constitute an area of study. They are grouped into meaningful areas relating to particular systems or procedures. At the end of 1975, there were 175 areas of activities awaiting study by the Corruption Prevention department, 10 of which were in the "Top Priority" category. The Commission has a statutory responsibility towards the Government and public bodies under section 12(d) and (f) of the Independent Commission Against Corruption Ordinance. For this reason, priority has been given to studies relating to Government departments and public bodies, with preference being given to the former. In view of limited staff resources, the department has not, as yet, been able to respond to requests for advice from the private sector.

4.9 New areas of study are selected from the list of "Top Priority" items by the Group Head in consultation with his Assistant Director. The officer assigned to the study carries out preliminary research of the problems involved, after which discussions at a senior level are conducted with the client organisation. The area of the study is then defined, followed by an in-depth examination of the system, having particular regard to aspects of policy, law, procedure, staffing structure and publicity. In the course of the study, there are extensive consultations not only with the staff concerned, but also with management and persons having a particular interest in, or knowledge of, the system. When all required data have been collected, weaknesses in the system which create opportunities for corruption are identified and recommendations made for their elimination or reduction. Subject to any advice which the Corruption Prevention Advisory Committee may have, the department's findings are presented to the client organisation in a Corruption

Prevention assignment report. Once the recommendations have been accepted by the client organisation, their implementation is closely monitored by the department.

4.10 The progress made by the department during the year was severely hampered by staff shortages and the lack of experienced officers. Considerable time was also invested in training and testing various methods of operation. In spite of this, 35 new studies were undertaken and 34 reports were completed.

Characteristics of Corruption Opportunities

4.11 In the studies of Government practices and procedures conducted so far, a number of recurrent features giving rise to opportunities for corruption have been identified. As these characteristics are present, in varying degrees, in all studies, they are discussed in some detail in the following paragraphs.

4.12 Outdated or Inadequate Policy Fundamental to each study is the policy behind the practice or procedure under review. In a number of studies, it has been found that the basic fault is an obsolete policy or the total lack of policy so that procedures may exist, either wholly or partly, to give effect to a policy that is no longer relevant or necessary. In effect this could mean that no one in the department has any knowledge of what is required, leaving scope for staff at all levels to create their own aims and objectives, perhaps with corrupt ends.

4.13 Unenforced or Unenforceable Legislation It has been found, too, that legislation, often the first and most important means of giving effect to policy aims, is an area requiring careful study in almost every case. Whether or not a policy exists or is adequate and up-to-date, legislation can, on its own, provide opportunities for corruption, particularly if it is unenforced or unenforceable. The continued existence of out-of-date, inadequate legislation may be due to the failure of departments to review their own legislation or a lack of communication between the enforcement agency and the law-making authority. Whatever the reason, however, corruption opportunities exist in abundance for law enforcement staff if they have laws at their disposal which cannot be enforced consistently, are unenforceable, or it is known by the public that they can be varied in their application by relatively junior officers. Toleration of illegal practices, then, especially when condoned by senior members of the department, render all staff who are in contact with the public particularly vulnerable to offers of corruption.

4.14 Inadequate or Excessive Instructions Most Government departments supplement legislation with their own departmental operating instructions. What has been said above about legislation applies equally to departmental instructions. Although one of the aims of departmental instructions is to maintain parity of treatment in all matters affecting the public, inadequate instructions may result in the grant of discretion to staff who are perhaps not paid, or equipped, for the sort of

decision-making they have to exercise. Conversely, of course, excessive instructions may stifle initiative and personnel development and give rise to other opportunities for corruption elsewhere in the system, such as delays.

4.15 Unnecessary Procedures As out-of-date or inadequate legislation can provide scope for corruption, so too can out-of-date, inadequate or, indeed, unnecessary procedures. Hong Kong is a small but dynamic community and the ever-changing scene of economic and social life must result in corresponding changes in the pattern of public administration. It might seem obvious to cancel old procedures and practices when they become obsolete, but corruption prevention studies to date show that this is not always the case. Any procedure or practice which is no longer essential inevitably provides scope for procrastination, inefficiency and delay and, therefore, opportunities for corruption. And, of course, delay on its own, whatever the cause, provides obvious scope for corruption, as long as there are people who are prepared to pay and/or there are public servants who demand or accept bribes for expediting a case.

4.16 Lack of Supervision and Accountability Mention has been made of the problems resulting from inadequate or excessive instructions. However, even if adequate instructions exist, there must be a supervisory presence to ensure that they are being properly carried out. A common feature in many studies undertaken so far is a lack of supervision of junior staff, particularly those who operate away from an office. Understandably, supervisory staff are often preoccupied with their other duties, mostly of an administrative nature, which keep them to their desks most of the time. Furthermore, the relatively comfortable office environment may also account for a certain reluctance to visit the scenes of action. Attempts to supervise are often made merely by correspondence on file : apart from being an ineffective supervisory measure, this may constitute an unnecessary procedure in itself and lead to further delays.

4.17 Not only is there often inadequate supervision, studies undertaken by the Corruption Prevention department frequently suggest that in many instances Government officers, especially those charged with monitoring and inspectorate duties, often perform their duties perfunctorily and, in some cases, with what seems to be little sense of responsibility. The Corruption Prevention department will shortly commence a special study on the subject of accountability which, of necessity, will involve a study of Government's code of disciplinary practice. It is expected that any recommendations emerging from this study could have service-wide application.

4.18 Insufficient Publicity In recent years, the Government has made laudable attempts to publicise its policies, practices and procedures, through the public enquiry service in City District Offices, the mass media and improvements in departmental reception facilities. However, a number of departments are still reticent about publicising their policies and procedures, while others seem simply to have overlooked the need for publicity. In

several studies carried out by the Corruption Prevention department, it has been found that the lack of publicity on Government practices and procedures may create opportunities for manipulation by dishonest officers. Not only should the public be made aware of Government's aims and procedures, they should also be educated to realise, and therefore, to exercise, their rights as members of the community.

Corruption Prevention Studies

4.19 In the previous paragraphs, characteristics that create a working environment conducive to corrupt practices have been examined. A number of studies carried out by the Corruption Prevention department are outlined in the following paragraphs to illustrate some of these characteristics.

4.20 One of the earliest studies made by the department related to illegal burials in the New Territories. In this study, the main problem appeared to be one of policy. The right to bury genuine indigenous New Territories villagers in traditional village burial grounds seems to have resulted from a policy decision made at the turn of the century. However, there is obvious difficulty in proving the bona fides of a villager these days and a system for authorising and controlling such burials has not been established. The problem is further compounded by an almost total lack of enforcement staff and the significant demand for burial sites. This presents a lucrative area of activity for the corrupt. What is wanted is an updating and a clear statement of Government policy, a re-enactment of fresh legislation as necessary and adequate control on the ground. The matter now rests with the Secretary for the New Territories.

4.21 Another study in which attention has been focussed sharply on policy is one relating to the Labour Department's toleration of certain illegal factories, particularly those in residential buildings. In this study, it was found that, although Government's policy is to recognise the necessary existence of certain workplaces in buildings not really designed for industrial activities by provisionally registering them in practice, many registrable workplaces are allowed to exist or are "tolerated" without any form of registration. As it is Government's present policy to register all registrable workplaces, registration should be enforced. A situation which places Government officers in a position where they are aware of unlawful activities which, nevertheless, are being tolerated provides obvious opportunities for corruption. This matter is being pursued in the Colonial Secretariat and, in the view of the Commission, the policy should be re-stated and the law and departmental practice reconciled.

4.22 In a study on Urban Council elections and associated practices, two points of particular interest have emerged. One is a legal loophole in the Corrupt and Illegal Practices Ordinance which could give rise to electoral malpractices - an example that the inadequacies of the law may foster corruption. Although it was pointed out by the Anti-Corruption Office of the Police

several years ago, it has not yet been remedied. The second point concerns the need to translate the Ordinance into the Chinese language, so that corruption opportunities may be averted by making the general public aware of Government's aims and intentions and the law.

4.23 An activity of much public concern, because it affects a large number of often vulnerable members of the community, is the alleged soliciting of tips by amahs and minor staff in Government hospital wards. Although nursing officers in charge of hospital wards are expected to supervise amahs and minor staff, the nursing staff are overworked for the main part and are required to work in wards which are often filled with patients well above the planned capacity. The result is that minor staff, who are not always trained for the work they have to perform, often work without the degree of supervision which they should receive. The department's recommendations on this problem will shortly be forwarded to the Medical & Health Department which has been participating in the various enquiries involved.

4.24 A study of quarantine procedures was undertaken following a complaint alleging the premature release of an animal from quarantine by a junior officer. The Director of Agriculture and Fisheries promptly tightened up procedures in this area, as soon as he realised the degree of unmonitored discretion available to junior members of his staff. However, this case has illustrated that a situation where instructions are inadequate and supervision is ineffective may be exploited by Government officers to further their own ends.

4.25 Other studies in response to complaints of corruption by members of the public, or undertaken at the request of heads of departments, include an examination of the procedures of the Tenancy Inquiry Bureau. Here it was possible to suggest changes to reduce corruption opportunities available to unsupervised field staff and arising from the exercise of wide discretionary powers in a situation where the public at large was poorly informed. Anti-corruption measures have also been recommended to the Environment Branch for procedures relating to a "Permission System" designed to allow the change of use of land in re-zoned areas, and to a system permitting the acceleration of private development schemes of community value.

4.26 Recommendations to eliminate or at least substantially reduce opportunities for corruption have been made to the Housing Department in respect of both the appointment of contractors to carry out work on public housing estates and flat allocation procedures. Other recommendations have been made in respect of the stores procedures of the Government Supplies Department and the Mass Transit Railway Corporation. In these areas, the possibility of collusion for corrupt purposes between public servants and private sector interests was the principal target.

4.27 Studies in progress include the operational procedures of the Fire Prevention Bureau and Government policies, practices

and procedures relating to the control of Crown land, both in the urban area and in the New Territories, and to the application of the Buildings Ordinance. In these situations, extensive opportunities for corruption have been identified, arising from what often appears to be the selective and inconsistent application of the law, and remedial measures are being studied.

4.28 As described in paragraph 4.9, when the Corruption Prevention department has completed its study of an area, a report is sent to the client organisation. A list of all such reports sent to client organisations during the year under review is at Appendix XVI. It should be noted that some of these studies were started when this department was first established at the end of 1974 : no particular degree of priority was assigned to them, an important factor in their selection being the need to give officers of the department working experience in a variety of Government departments and public service situations. This phase is now well past and priority of action is determined in accordance with the arrangements listed at paragraph 4.8 above.

Chapter 5

Community Relations

"..... there will be a Community Relations department headed by a Director, responsible for publicity and public education and for the involvement of the public in the fight against corruption. This will involve the influencing of public opinion through the mass media, education in schools and various representative bodies."

These were the terms of reference for the ICAC Community Relations department stated in Legislative Council by the Colonial Secretary on 30th January 1974 when he moved the second reading of the Independent Commission Against Corruption Bill. The Community Relations department aims therefore to educate the public against the evils of corruption and enlist and foster their support in combatting corruption. These aims are far-reaching and involve not only the promotion of greater civic awareness in the community but inevitably also a fundamental change of public attitudes towards corruption and the development of higher moral, social and ethical standards in Hong Kong.

General Review

5.2 The start of 1975 saw the department just beginning to function with a staff of 28 in post or under training. By about March the department had begun to take shape with some semblance of a structured organisation and the establishment of recognisable central headquarters units for the department's activities through the mass media and by direct personal liaison. In May, His Excellency the Governor appointed the Citizens Advisory Committee on Community Relations to guide and advise the department in its work. On 31st July, the first ICAC Sub-office, staffed by Community Relations personnel, was opened at Mei Tung Estate, Kowloon City. Two further sub-offices were opened later in the year : at Fuk Loi Estate, Tsuen Wan on 28th August and in Hung Yu Building, Sham Shui Po on 29th October.

5.3 It is a matter of regret that the department's development in 1975 has been limited severely by financial restraints. Originally, the plan was to open eight sub-offices in high-density population areas during 1975 : four in Kowloon, two in Hong Kong and two in the New Territories. In the event, because of financial restraints, only three sub-offices were opened. Other plans that had to be shelved included the setting up of a Public Education unit for work with formal education institutions and a Community Research unit to monitor changes in public attitudes towards corruption and community response to the Commission's efforts.

5.4 The "freeze" has unquestionably made for unevenness and improper balance in the development of the ICAC's programme for publicity and public re-education. However, disappointing though it has been not to have the complete department established as quickly as originally planned, there is now a firm base on which to build future activities quickly and effectively.

5.5 In his address opening the new session of Legislative Council in October, His Excellency the Governor stated that "the Commission should be provided with the necessary funds to develop the Corruption Prevention and Community Relations departments along the lines that honourable Members have approved". Consequently, by the end of the year a recruitment exercise had been mounted to fill remaining vacancies. It was possible, just at the turn of the year, to start the Public Education unit and to select key staff for Community Research. The original plans for the further five sub-offices were revived and the target is now to have them in full operation during 1976.

5.6 Community response to the media publicity and community liaison activities of the department has been generally encouraging. Liaison staff have taken part in literally hundreds of public discussions and forums and have answered questions from and exchanged views with a wide cross-section of the community. There are indications that this personal contact has helped to strengthen public awareness of and confidence in the aims, aspirations and activities of the Commission as a whole. During 1976, with the enhanced liaison capability through additional sub-offices and increased mass media programmes, the Community Relations department will be able to make a wider impact and, in time it is hoped, a lasting effect on the community of Hong Kong in the Commission's attempt to change the deeply ingrained attitudes towards corruption.

Structure and Establishment

5.7 The structure and establishment of the Community Relations department are shown at Appendix V. Broadly speaking, it is organised into two main areas of activity: one working through direct personal contact with the public, individually or in groups, especially at grass-roots level; the other making a widespread impact by a publicity and public education programme through the mass media.

Media Activities

5.8 To carry the mass media programme, there are two units staffed by people experienced in mass communications. The units work closely together and complement each other. The Press Information unit collects suitable publicity material throughout the Commission and releases it as press bulletins or announcements, and generally liaises with the news media on a day-to-day basis as the ICAC spokesman. The Media Programme unit is responsible for use of more creative forms of publicity and public education, and works to produce slides, film-strips, leaflets, posters, feature

articles, visual aids for talks, radio and television broadcasts and series.

(a) Press Information

5.9 The Press Information team was one of the first units set up in the Community Relations department in order to establish and maintain an information service, round the clock, for the Chinese and English news media. Regular background briefings were established for editors of the local press. Two such briefings were held for the Chinese press and one for the English language press. In addition, more than 35 individual journalists, local and foreign, were briefed on the Commission's work. Apart from 226 press releases on ICAC Operations department investigations, it has issued 23 press bulletins, between April and December 1975, to inform the public of the Commission's powers, policies and practices and to report progress and developments.

5.10 The unit closely monitors media coverage of and comments on the ICAC and Hong Kong's fight against corruption. The English press and a wide selection of local Chinese papers are daily reviewed, and the latter are translated for circulation within the Commission to facilitate a balanced view of press and editorial interest in the local news media.

(b) Media Programme

5.11 Even at the height of economic stringency in 1975, when the Community Relations department suffered a general set-back in development, there was a conscious policy to maintain a reasonably high level of creative media activity so as to make for a wide-spread awareness in the community of the Commission's work and aspirations. Thus, the Media Programme unit, formed in early March 1975, was not unduly hampered by the cut-back of expenditure on Community Relations. Within the limitations of the Commission's policy to keep only a small complement of full-time staff and in the context of an inevitable teething period, this unit was able to plan, and implement, a fairly varied programme of activities through different media outlets and especially by the use of television. In producing programmes for the latter medium, the Commission's intention is that whilst they should be educational, it is necessary for them also to be entertaining.

5.12 Since June 1975, there have been weekly five-minute "ICAC Spot" programmes for radio and television. Initially, it was a series of 26 episodes ("Tea for Two") based on the traditional northern Chinese art of "Sheung Sing" or dialogue between two performers. From December on, this was replaced by a playlet centred on a family and their friends. These five-minute spots have the advantage over other programmes of being able to respond quickly to matters of moment and issues of public concern. This immediacy is of great value in keeping the public informed of the Commission's intentions, policies and practices.

5.13 Towards the end of 1975, following due tendering process, the Media Programme unit was busy co-producing with RTV and stockpiling for a television drama series of 13 half-hour episodes concerning corruption and allied problems, evolving round a young Chinese ICAC investigator and depicting life and social attitudes in Hong Kong. The series has been entitled "The Quiet Revolution" to reflect His Excellency the Governor's statement in Legislative Council in November 1973 that "the condition for success (in tackling corruption) is nothing short of a quiet revolution in our society". This drama series will be shown, initially on RTV Chinese channel, in February of 1976.

5.14 Other mass communications media used include radio discussions (both pre-recorded and live) and radio and television "APIs" ("Announcements of Public Interest"). A number of posters were also printed for public display. There are plans for further posters, leaflets, pamphlets and laymen's guides on various aspects of the Commission's work.

Field Liaison

5.15 The Community Relations department is essentially the medium through which the Hong Kong community and the Commission may meet to pursue the common objective of eradicating corruption. In the Commissioner's view, this means, apart from using the mass media, establishing contacts with as many individuals and organisations as possible in order to put across the ICAC's aims and aspirations on a personal basis and to answer questions and exchange views by direct liaison. These contacts can also provide some immediate, although limited, feed-back on public response to the Commission's efforts as a whole.

5.16 To ensure a comprehensive liaison programme on the ground, to establish and maintain contact with the public and to harness their support behind Hong Kong's fight against corruption, Community Relations staff operate at two levels :

at a regional or central level, from head office; and

at grassroots or district level, through ICAC Sub-offices.

(a) Regional Liaison

5.17 The Regional Liaison unit is responsible for contact and consultations with Government departments, public bodies (as defined in the Prevention of Bribery Ordinance), educational institutions, professional associations, business concerns, welfare agencies, religious groups, staff unions, generally federated bodies and other city-wide organisations that cut across district boundaries.

5.18 The unit carried out 252 meetings and discussions from its establishment about March 1975 to the end of the year. The type of contact varies with the organisation concerned. With

Government departments and professional associations, for example, meetings were usually in the form of discussion forums; whereas, those involving student bodies tended to be talks by Commission officers followed by a question-and-answer period. Staff are often invited to sessions on training courses for Government departments and often for public utilities and even private concerns; these provide good opportunities for the Commission to increase awareness of the evils of corruption and the importance of a concerted effort in rooting out corruption. Further similar training talks and discussions are planned for 1976.

(b) Community Liaison via Sub-offices

5.19 Of critical importance in the long-term programme to involve the public in the fight against corruption is the role of the local sub-office. Staff working in these offices represent the Commission to the community at large. The sub-office has dual functions : it provides a local centre to which members of the public may come to report acts of corruption or to ask about the Commission; and it serves as a focal point at grassroots level from which Community Relations staff can go out to establish contacts with the people and groups in the local areas.

5.20 Sub-offices are open 14 hours (from 8:00 a.m. to 10:00 p.m.) every day of the year, including Sundays and public holidays, the intention being that the community should be able to make reports of corruption and to turn to the Commission for help and guidance at times and locations convenient to them.

5.21 Response to the three existing sub-offices has been encouraging. From the outset, sub-office staff have received cooperation from individuals, schools, district and area committees, kaifongs, rural committees, mutual aid committees and other community groups. Local Government offices have also been very helpful in giving support. As at 31st December, community liaison staff in sub-offices had undertaken 701 talks and 659 visits (see Appendix XVII). A number of interesting features and trends have become apparent from sub-office activities. Some 40% of the talks given by sub-office staff and roughly 44% of the reports of corruption made to sub-offices have taken place outside conventional office hours and during holiday periods. Moreover, over 70% of all corruption complaints and enquiries received have been made in person.

5.22 Also of interest have been the number of complaints received at sub-offices which were not of direct concern to the Commission, but in the main were about alleged rudeness, inefficiency, administrative errors on the part of public servants or the existence of vice establishments. As such matters are outside the purview of the ICAC, they are referred to the appropriate departments and organisations for consideration. And in most cases, these departments and organisations inform the Commission of consequent action taken.

Public Education

5.23 The work of this unit will include close consultation with the Education Department, local schools, post-secondary colleges, universities, training institutions and curriculum development and examinations authorities. It will engage in activities associated with the development - in curricular and other training programmes at various levels of education - of concepts and schemes to do with changing public attitudes towards corruption, to do with the development of higher standards in respect of personal honesty, ethics, and a sense of community and to do with the restoration of faith in good government. It will attempt to motivate student bodies to take part in the movement against corruption and encourage cooperation between parents and teachers in the education of their young.

5.24 The first officer of the Public Education unit was appointed at the end of November. The unit has, therefore, not started its activities to any significant extent although much preparatory liaison work had already been done through sub-offices.

Community Research

5.25 The Community Research Officer has yet to be appointed. This is a key unit which, when established, is to provide a statistical and sociological research capability for the Community Relations department to survey, evaluate and monitor community perception of and attitudes to corruption in general, and to reflect and assess public reactions and responses to the Commission's efforts in particular. Working closely with individuals and institutions, the unit will collect and evaluate information on public perception of and attitudes towards :

- (a) corruption generally;
- (b) motivation for corrupt behaviour; and
- (c) areas most vulnerable to corrupt practices in Hong Kong.

The unit will also be responsible for regularly monitoring any changes in public perception and attitudes in response to the activities of the Commission. This will serve to indicate the emphasis required and the direction needed for the proper development of the Community Relations department and also of the Commission as a whole. When appointed, the Community Research Officer is expected to shape, set up and develop such a unit.

Citizens Advisory Committee on Community Relations

5.26 A Citizens Advisory Committee was appointed by His Excellency the Governor during the year to guide the Commission in its community relations work. Membership of this Committee is widely representative of community interests and age groups.

5.27 Since its appointment in mid-May, the Committee, under the distinguished chairmanship of the Honourable Sir Yuet-keung KAN, met on three occasions to examine the work of the various

units in the Community Relations department, and to advise on the objectives and directions for the many facets of the department's publicity and public education activities.

5.28 To assist the Main Committee in its work, three Sub-Committees have been formed. The Mass Media Sub-Committee, convened by Mr George HO, and the Public Education Sub-Committee, convened by Dr Daniel TSE, were set up in June. Meetings were held at roughly monthly intervals in order to supervise the work of the respective units in the department. In November, a Community Liaison Sub-Committee, convened by the Honourable Mrs KWAN KO Siu-wah, was formed to provide guidance for the department's work in regional and district liaison. This third Sub-Committee has so far been meeting about every six weeks. Apart from advising the department on how its liaison efforts could achieve the intended objectives of educating the public against the evils of corruption and fostering their support in the fight against corruption, members of this Sub-Committee would also be able to provide some measure of feedback from various sectors on the public's reaction to the work of not only the department, but the commission as a whole. The membership and terms of reference of the three Sub-Committees are at Appendix XVIII.

5.29 The department is very grateful to the Chairman and members of the Main Committee and its Sub-Committees for their invaluable contribution to the department's work, in terms of their time, presence and good advice.

Appendix I (see Introduction paragraph 7)

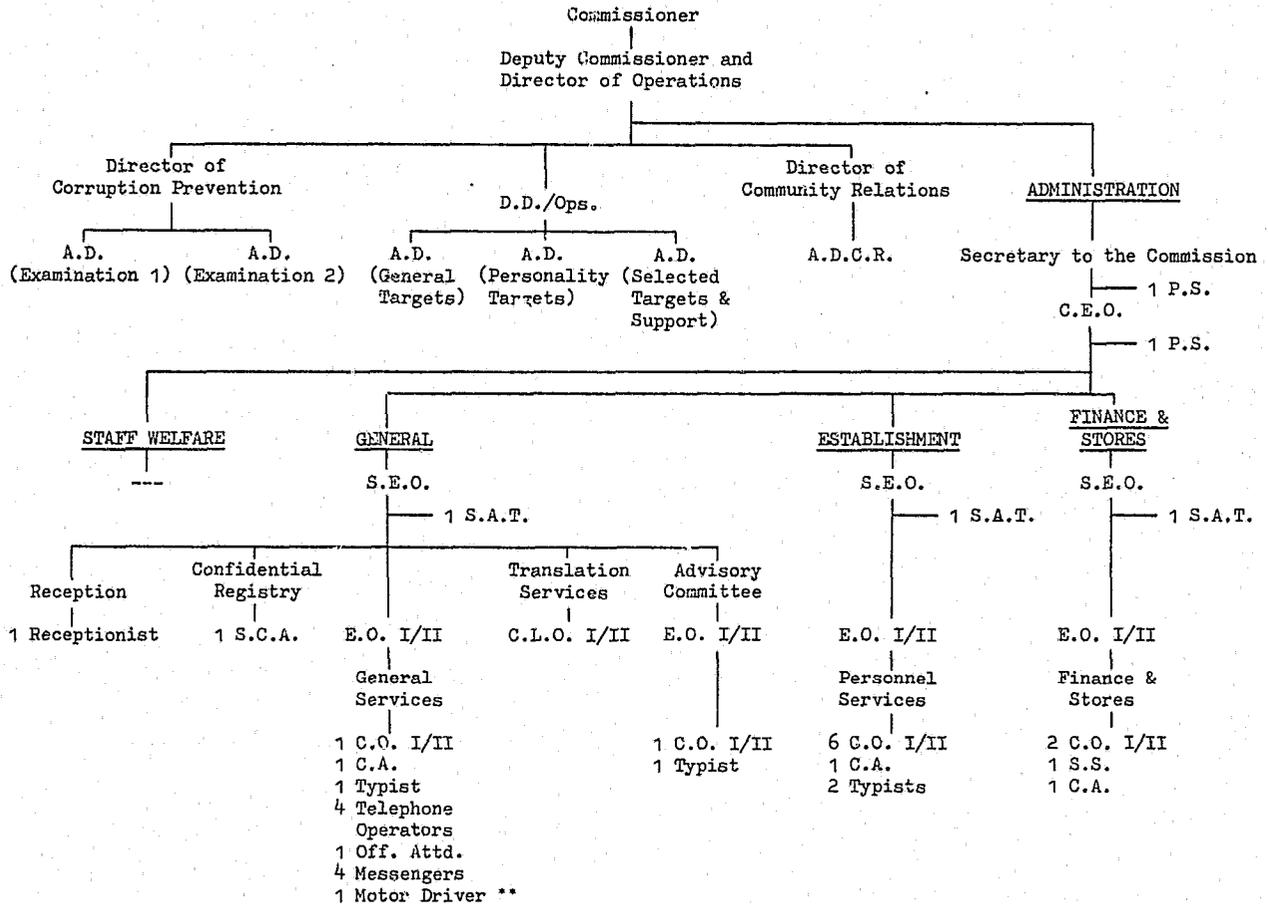
Duties of the Commissioner

The duties of the Commissioner, as described in Section 12 of the Independent Commission Against Corruption Ordinance, are as follows :

It shall be the duty of the Commissioner, on behalf of the Governor, to -

- (a) receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable;
- (b) investigate any alleged or suspected offences under the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance;
- (c) investigate any conduct of a Crown servant which, in the opinion of the Commissioner, is connected with or conducive to corrupt practices and to report thereon to the Governor;
- (d) examine the practices and procedures of Government departments and public bodies in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Commissioner, may be conducive to corrupt practices;
- (e) instruct, advise and assist any person, on the latter's request, on ways in which corrupt practices may be eliminated by such person;
- (f) advise heads of Government departments or of public bodies of changes in practices or procedures compatible with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;
- (g) educate the public against the evils of corruption; and
- (h) enlist and foster public support in combatting corruption.

INDEPENDENT COMMISSION AGAINST CORRUPTION - DEPLOYMENT OF SENIOR POSTS
ORGANISATION OF OFFICE OF THE COMMISSIONER AND ADMINISTRATION BRANCH
AS AT 31ST DECEMBER 1975



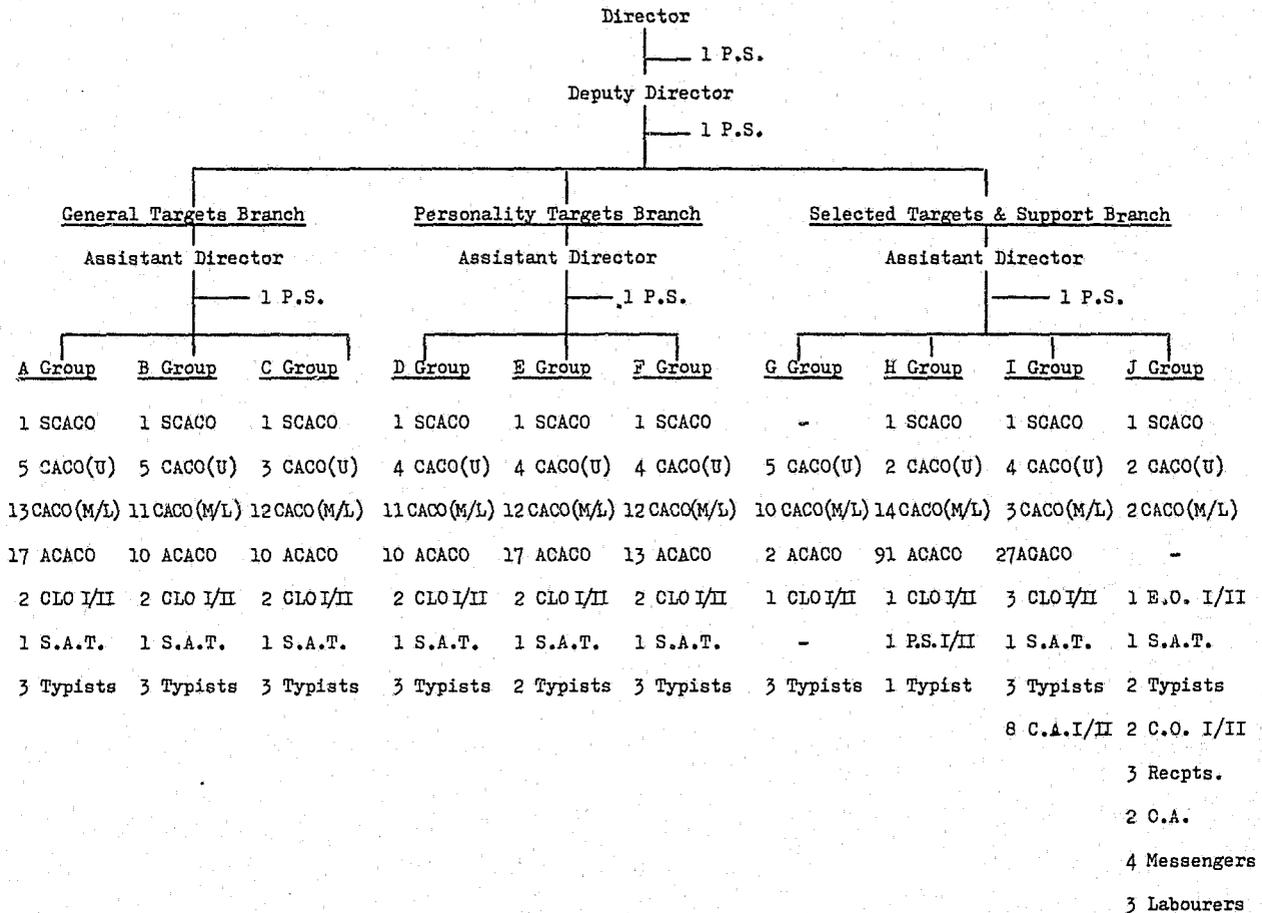
ESTABLISHMENT AND STRENGTH AS AT 31.12.75 :

	Est.	Str.		Est.	Str.
Commissioner (\$18,716*)	1	1	Clerical Officer I/II (\$1,840 - \$2,410)/(\$755 - \$1,740)	11	10
+ Personal Assistant (\$3,530 - \$4,075)	1	1	Supplies Supervisor I/II (\$1,840 - \$2,410)/(\$755 - \$1,740)	1	1
Personal Chauffeur (\$1,150 - \$1,240)	1	1	Clerical Assistant (\$615 - \$1,150)	4	3
Secretary to the Commission (\$9,650)	1	1	Personal Secretary I/II (\$2,285 - \$2,560)/(\$1,240 - \$2,160)	2	2
Chief Executive Officer (\$7,210 - \$7,810)	1	1	Shorthand/Audio Typist (\$385 - \$1,340)	4	3
CAC Officer (Upper Segment) (\$5,220 - \$6,910)	1	-	Typist (\$645 - \$1,150)	5	4
Senior Executive Officer (\$4,970 - \$6,910)	3	3	Receptionist (\$1,005 - \$1,640)	1	1
Executive Officer I/II (\$3,530 - \$4,720)/(\$1,840 - \$3,380)	4	4	Telephone Operator (\$815 - \$1,340)	4	4
Chinese Language Officer I/II (\$3,530 - \$4,720)/(\$1,840 - \$3,380)	1	1	Office Attendant (\$765 - \$845 + C.O.L.A.)	1	1
Senior Confidential Assistant (\$2,660 - \$3,080)	1	1	Messenger (\$745 - \$765 + C.O.L.A.)	4	4
			Motor Driver (\$960 - \$1,080 + C.O.L.A.)	-	1 **

* Paid from the Other Charges Item : Expenses of the Office of the Commissioner (see Appendix

** This officer is filling a supernumerary post created by the Commissioner

ORGANISATION OF OPERATIONS DEPARTMENT
AS AT 31ST DECEMBER 1975

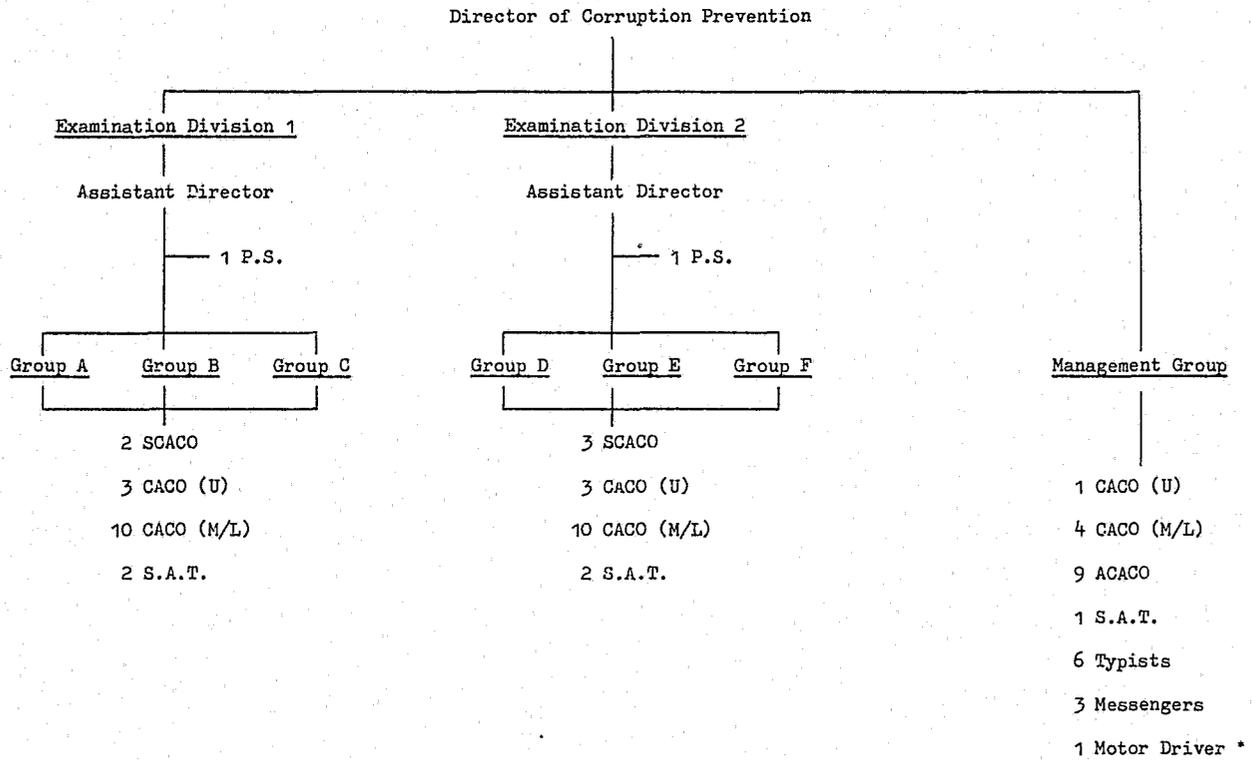


ESTABLISHMENT AND STRENGTH AS AT 31.12.75 :

	Est.	Str.		Est.	Str.
Director (\$14,700)	1	1	Personal Secretary I/II (\$2,285 - \$2,660)/(\$1,240 - \$2,160)	5	6 *
Deputy Director (\$11,950)	1	1	Confidential Assistant I/II (\$1,940 - \$2,535)/(\$1,150 - \$1,840)	8	8
Assistant Director (\$9,650)	3	3	Shorthand/Audio Typist (\$815 - \$1,340)	9	8
Senior CAC Officer (\$7,210 - \$7,810)	10	9	Typist (\$645 - \$1,150)	27	26
CAC Officer (Upper Segment) (\$5,220 - \$6,910)	39	38	Clerical Officer I/II (\$1,840 - \$2,410)/(\$755 - \$1,740)	2	2
CAC Officer (Middle/Lower Segments) (\$3,530 - \$4,970)/(\$2,040 - \$3,380)	115	100	Receptionist (\$1,005 - \$1,640)	3	3
Assistant CAC Officer (\$1,150 - \$1,940)	274	197	Office Attendant (\$765 - \$845 + C.O.L.A.)	2	2
Executive Officer I/II (\$3,530 - \$4,720)/(\$1,840 - \$3,380)	1	1	Messenger (\$745 - \$765 + C.O.L.A.)	4	4
Chinese Language Officer I/II (\$3,530 - \$4,720)/(\$1,840 - \$3,380)	17	17	Labourer (\$745 - \$765 + C.O.L.A.)	3	3

* 1 Post temporarily deployed from the Community Relations department establishment

ORGANISATION OF CORRUPTION PREVENTION DEPARTMENT
AS AT 31ST DECEMBER 1975

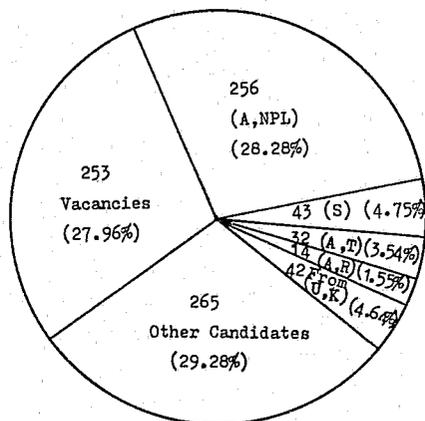


ESTABLISHMENT AND STRENGTH AS AT 31.12.75 :

	<u>Est.</u>	<u>Str.</u>		<u>Est.</u>	<u>Str.</u>
Director of Corruption Prevention (\$12,900)	1	-	Personal Secretary I/II (\$2,285 - \$2,660)/(\$1,240 - \$2,160)	3	2
Assistant Director (\$9,650)	2	2	Shorthand/Audio Typist (\$815 - \$1,340)	10	5
Senior CAC Officer (\$7,210 - \$7,810)	6	5	Typist (\$645 - \$1,150)	9	6
CAC Officer (Upper Segment) (\$5,220 - \$6,910)	14	7	Messenger (\$745 - \$765 + C.O.L.A.)	2	3
CAC Officer (Middle/Lower Segments) (\$3,530 - \$4,970)/(\$2,040 - \$3,380)	45	24	Motor Driver (\$965 - \$1,080 + C.O.L.A.)	-	1 *
Assistant CAC Officer (\$1,150 - \$1,940)	29	9	Labourer (\$745 - \$765 + C.O.L.A.)	2	-

* This officer is filling a supernumerary post created by the Commissioner

Staffing Position -- Analysis by Origin of Candidates
(as at 31st December 1975)



Total Establishment : 905

Hong Kong Government Officers

Agreement, No Pay Leave (A,NPL)	:	256	(28.28%)
Secondment (S)	:	43	(4.75%)
Agreement, by Transfer of Agreement (A,T)	:	32	(3.54%)
Agreement, After Retirement (A,R)	:	14	(1.55%)

Recruited From U.K. : 42 (4.64%)

Other Candidates : 265 (29.28%)

Vacancies : 253 (27.96%)

905 (100%)

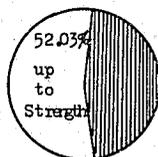
Strength by Departments
(as at 31st December 1975)



Administration Branch

Establishment	:	52
Strength	:	48
Vacancies	:	4

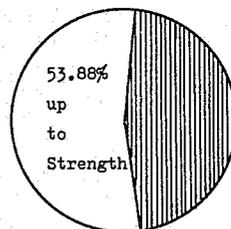
92.31% up to strength



Corruption Prevention

Establishment	:	123
Strength	:	64
Vacancies	:	59

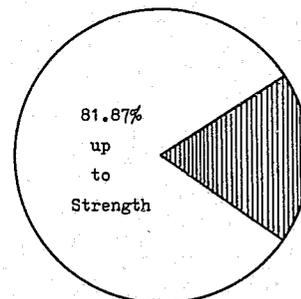
52.03% up to strength



Community Relations

Establishment	:	206
Strength	:	111
Vacancies	:	95

53.88% up to strength



Operations

Establishment	:	524
Strength	:	429
Vacancies	:	95

81.87% up to strength



Vacancies

INDEPENDENT COMMISSION AGAINST CORRUPTION
STATEMENT OF ACCOUNTS FOR THE YEAR ENDED 31ST MARCH 1975
REPORT AND CERTIFICATE OF THE DIRECTOR OF AUDIT

I have examined the attached Statement of Estimate and Actual Expenditure in accordance with the provisions of Section 16(2) of the Independent Commission Against Corruption Ordinance. Subject to the following observations, I have obtained all the information and explanations that I have required and I certify as a result of my audit that in my opinion the attached Statement is correct.

2. Rewards and Special Services. Expenditure from Subhead 10, which during the year amounted to \$1,145,660.90, was incurred under the terms of Colonial Regulation 232, which provide that any necessary expenditure on services of a confidential nature, the purpose and particulars of which cannot be made public, shall be supported in the accounts by the Governor's certificate of payment and declaration that he has satisfied himself that the money has been properly expended. In practice the certificates of payment and declarations were given under expressly delegated authority and conditions by designated senior officers of the Commission. The expenditure so covered has not been subjected to audit in the normal manner, the certified statements of payment having been accepted as an adequate discharge of expenditure against the vote.

3. Case Property Records. The Commissioner has indicated that for security reasons he must limit the degree of access which can be given to case property and related documents. It is an essential aspect of any audit examination that there should be full and unlimited access to the records to be examined and that there should be freedom to obtain all the information and explanations which may be required. It follows therefore that with limited access I would not be able to complete a satisfactory audit and in these circumstances no audit of case property has been undertaken.

4. Transport. The entries in the log books of motor vehicles do not in all cases provide full details of the nature and purpose of the journeys and I have therefore been unable to carry out an entirely satisfactory audit examination of the use of the vehicles. Following audit enquiries into home-to-office journeys undertaken over a period of several months by certain senior officers, for which charges had not been raised, retroactive authority was given to one officer permitting him to use a vehicle free of charge between his home and his office, and it was decided that a former officer should be billed what may well prove to be a substantial sum in

respect of such journeys. In other instances I have been informed that the journeys questioned were on official business connected with operations, an explanation which I have performed had to accept. It now appears that on security grounds the full details of journeys made by the Commission's vehicles will not in many cases be recorded and to this extent it will continue to be impracticable to carry out a satisfactory audit.

Signed
(G.E. LYTH)
Director of Audit

Audit Department
Hong Kong
31st December 1975

INDEPENDENT COMMISSION AGAINST CORRUPTION

Statement of Estimated and Actual Expenditure for the year ended 31st March 1975

Nature of Expenditure	Expenditure Originally Estimated	Expenditure Actually Incurred	Over the Estimate	Under the Estimate	Additional Provision		
					By Special Warrant	No.	By Re-allocation
	\$	\$	\$	\$		\$	
<u>I - Personal Emoluments</u>							
1 Personal Emoluments	8,967,400	11,033,353.35	2,065,953.35		2,700,000	42	- 238,000
<u>II - Other Charges</u>							
2 Administration	170,000	30,030.76		139,969.24			- 94,200
3 Consultations, conferences and committees	50,000	102,107.87	52,107.87				52,200
4 Entertainment	50,000	2,217.05		47,782.95			
5 Hire of services	145,000	27,258.53		117,741.47			- 96,100
6 Publicity	250,000	86,275.94		163,724.06			- 157,700
7 Relief and welfare of ICAC officers	1,800	1,800.00					
8 Remuneration of Commissioner	280,800	322,786.90	41,986.90				42,000
9 Rent	2,894,000	2,953,016.15	59,016.15				59,100
10 Rewards and special services	750,000	1,145,660.90	395,660.90				395,700
11 Stores and equipment	139,000	172,297.32	33,297.32				37,000
12 Temporary staff	3,000	—		3,000.00			
13 Training expenses	30,000	3,760.00		26,240.00			
14 Transport and travelling	57,000	33,120.58		23,879.42			
Total, Other Charges	4,820,600	4,880,332.00					
<u>III - Special Expenditure</u>							
15 Motor vehicles	—	189,364.00	189,364.00		202,000	9,21,39 & 45.	- 9,000
16 P.A.B.X.	—	5,103.00	5,103.00		32,000	9	9,000
Total, Special Expenditure	—	194,467.00					
Total:	13,788,000 ¹	16,108,152.35	2,842,489.49	522,337.14	2,934,000		
Less decrease			522,337.14				
Net increase			2,320,152.35				

- This amount comprises \$8,500,000 provided in the Government Estimates for 1974/75 under Head 52, Subhead 10 plus \$5,288,000 approved by Special Warrant No. 21/74-75. The total of \$13,788,000 was approved by the Finance Committee of Legislative Council on 13th February 1974, and also by the Governor in accordance with Section 14(1) of the Independent Commission Against Corruption Ordinance.
- Approval for the Special Warrants and reallocations has been given by the Finance Committee of Legislative Council and H.E. the Governor has also approved the final revised estimates incorporating these additional provisions.
- Other expenditure on quarters, fitting out of premises, passages, furniture and fittings, telephone rentals, printing and stationery, etc., has been charged to block votes in the Government accounts.

Signed
(J. Cater)
Commissioner of the
Independent Commission Against Corruption
5th September 1975

COMPARATIVE STATEMENT OF APPROVED AND REVISED ESTIMATES OF EXPENDITURE
AND DRAFT ESTIMATES FOR 1976/77

<u>Nature of Expenditure</u>	<u>1975/76</u> <u>Approved Estimates</u> <u>at 1.4.75</u>		<u>1975/76</u> <u>Revised Estimates</u> <u>at 31.12.75</u>		<u>1976/77</u> <u>Draft Estimates*</u> ¹	
	\$	\$	\$	\$	\$	\$
<u>I - Personal Emoluments</u>						
Personal Emoluments		<u>26,500,000</u>		<u>21,500,000</u>		<u>32,650,000</u>
<u>II - Other Charges</u>						
<u>Administration:</u>						
(1) Consultations, conferences and committees		80,000		22,000		65,000
(2) Fuel, light and power		202,000		100,000		185,000
(3) Incidental expenses		40,000		124,000		30,000
(4) Subsistence allowances		<u>4,600</u>		<u>22,600</u>		<u>25,000</u>
		326,600		268,600		305,000
Entertainment		15,000		7,000		15,000
<u>Hire of services:</u>						
(1) Cleaning of offices		85,000		50,000		109,000
(2) Payment of consultant and professional fees		<u>360,000</u>		<u>265,000</u>		<u>680,000</u>
		445,000		315,000		789,000
<u>Relief and Welfare of ICAC officers:</u>						
(1) Relief		1,700		1,700		2,500
(2) Welfare		<u>700</u>		<u>700</u>		<u>1,500</u>
		2,400		2,400		4,000
<u>Stores and equipment:</u>						
(1) Publications		47,000		23,500		30,000
(2) Hire & maintenance of office equipment		28,000		44,000		55,000
(3) Stores and equipment		<u>138,000</u>		<u>130,000</u>		<u>295,000</u>
		213,000		197,500		380,000
Temporary staff		15,000		—		15,000
Training expenses		25,000		16,000		15,000
<u>Transport and travelling:</u>						
(1) Running expenses of vehicles		40,000		29,500		40,000
(2) Travelling expenses		<u>88,000</u>		<u>54,000</u>		<u>80,000</u>
		128,000		83,500		120,000
Expenses of the Office of the Commissioner		290,000		290,000		290,000
Expenses of witnesses and suspects		40,000		20,000		40,000
Publicity		950,000		540,000		900,000
Recruiting expenses		100,000		120,000		100,000
Rewards and special services		<u>1,450,000</u>		<u>1,500,000</u>		<u>2,125,000</u>
Total, Other Charges:		<u>4,000,000</u>		<u>3,360,000</u>		<u>5,098,000</u>
<u>III - Special Expenditure</u>						
P.A.B.X.		—		42,000		—
Total, Special Expenditure:		—		42,000		—
Total Expenditure:		<u>30,500,000</u>		<u>24,902,000</u>		<u>37,748,000</u>

*¹ Estimates still to be approved by the Finance Committee of the Legislative Council.

Appendix IX (see Chapter 3
paragraph 13)

Percentage of Corruption Allegations

By Modes of Report

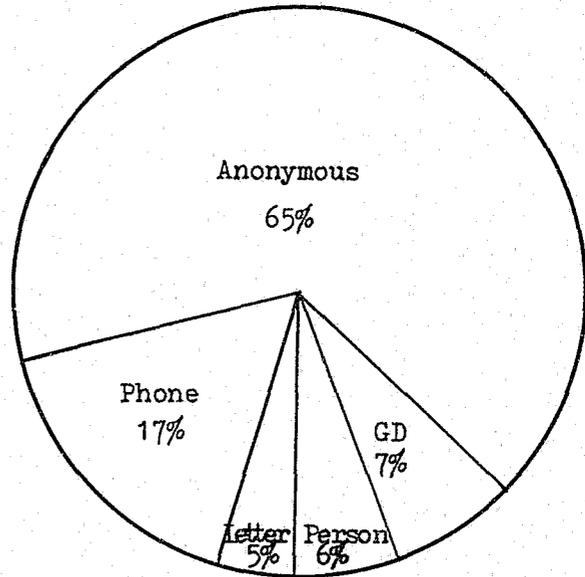
1974/75

Allegations of Corruption

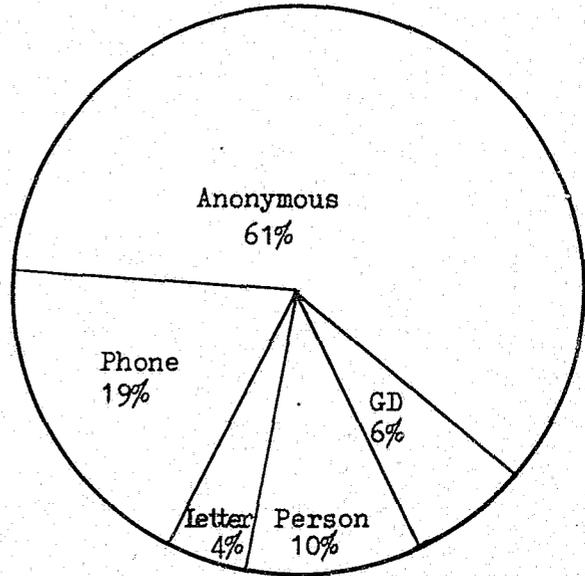
1974/75

	<u>1974</u>	<u>1975</u>
Anonymous	2080	1944
Non-Anonymous		
In Person	191	305
By Phone	551	591
By Letter	157	135
Referred by Government Department	210	204
	<u>3189</u>	<u>3179</u>

1974



1975



Appendix X (see Chapter 3 paragraph 13)

Breakdown of Complaints of Corruption
Against Government Departments and Others

1974/75

<u>Departments</u>	<u>Anonymous</u>	<u>Non- Anonymous</u>	<u>1975 Total</u>	<u>1974 Total</u>
Agriculture & Fisheries	8	2	10	11
Census & Statistics	-	-	-	2
Civil Aviation	2	1	3	5
Colonial Secretariat	2	-	2	6
Commerce & Industry				
Preventive Service	16	7	23	35
Others	10	3	13	16
Education	16	5	21	59
Fire Services	30	19	49	51
Government House	-	-	-	1
Government Supplies	6	2	8	3
Home Affairs	8	4	12	10
Housing	137	72	209	226
Immigration	33	37	70	98
Information Services	1	-	1	3
Inland Revenue	3	6	9	17
Kowloon Canton Railway	-	1	1	1
Labour	11	5	16	32
Legal	2	-	2	6
Legal Aid	-	1	1	5
Marine	6	2	8	27
Medical & Health	54	19	73	53
New Territories Administration	45	34	79	72
Post Office	12	8	20	25
Printing	1	-	1	4
Prisons	10	56	66	98
Public Services Commission	-	-	-	1
Public Works	130	39	169	96
Radio Hong Kong	1	-	1	-
Rating & Valuation	6	-	6	6
Registrar General's	2	1	3	7
Registration of Persons	2	5	7	26
Royal Hong Kong Police Force	978	514	1,492	1,443
Social Welfare	8	5	13	20
Transport	18	8	26	48
Treasury	3	-	3	7
Urban Services	114	93	207	188
<u>Others</u>				
British Armed Forces	2	6	8	6
I.C.A.C.	8	8	16	4
Judiciary	8	13	21	33
Private Sector	182	211	393	410
Public Bodies *	69	48	117	28
	<u>1,944</u>	<u>1,235</u>	<u>3,179</u>	<u>3,189</u>

* Listed in the Schedule to the Prevention of Bribery Ordinance.

Appendix XI (see Chapter 3 paragraph 19)

Breakdown of Complaints of Corruption
Received and Investigated
1974/75

<u>Department</u>	<u>Complaints - 1974</u>		<u>Complaints - 1975</u>	
	<u>Received</u>	<u>Investigated</u>	<u>Received</u>	<u>Investigated</u>
Agriculture & Fisheries	11	2	10	4
Census & Statistics	2	-	-	-
Civil Aviation	5	1	3	1
Colonial Secretariat	6	1	2	2
Commerce & Industry				
Preventive Service	35	10	23	18
Others	16	4	13	3
Education	59	10	21	3
Fire Services	51	11	49	24
Government House	1	1	-	-
Government Supplies	3	-	8	3
Home Affairs	10	-	12	-
Housing	226	75	209	75
Immigration	98	56	70	39
Information Services	3	1	1	1
Inland Revenue	17	2	9	8
Kowloon Canton Railway	1	-	1	1
Labour	32	10	16	11
Legal	6	-	2	1
Legal Aid	5	2	1	1
Marine	27	10	8	2
Medical & Health	53	21	73	19
New Territories Administration	72	24	79	43
Post Office	25	6	20	5
Printing	4	1	1	-
Prisons	98	84	66	58
Public Services Commission	1	-	-	-
Public Works	96	26	169	103
Radio Hong Kong	-	-	1	-
Rating & Valuation	6	2	6	-
Registrar General's	7	2	3	2
Registration of Persons	26	7	7	7
Royal Hong Kong Police Force	1,443	419	1,492	602
Social Welfare	20	9	13	-
Transport	48	17	26	11
Treasury	7	-	3	3
Urban Services	188	55	207	65
<u>Others</u>				
British Armed Forces	6	2	8	5
I.C.A.C.	4	2	16	16
Judiciary	33	12	21	9
Private Sector	410	163	393	217
Public Bodies *	28	15	117	41
	<u>3,189</u>	<u>1,063</u>	<u>3,179</u>	<u>1,403</u>

* Listed in the Schedule to the Prevention of Bribery Ordinance.

Appendix XII (see Chapter 3 paragraph 19)

Complaints of Corruption Investigated -
Breakdown by Government Departments and Others

1974/75

<u>Department</u>	<u>On Going Enquiries</u>	<u>Completed</u>	<u>1975 Total</u>	<u>1974 Total</u>
Agriculture & Fisheries	2	2	4	2
Civil Aviation	-	1	1	1
Colonial Secretariat	1	1	2	1
Commerce & Industry				
Preventive Service	11	7	18	10
Others	1	2	3	4
Education	2	1	3	10
Fire Services	6	18	24	11
Government House	-	-	-	1
Government Supplies	-	3	3	-
Housing	15	60	75	75
Immigration	25	14	39	56
Information Services	-	1	1	1
Inland Revenue	1	7	8	2
Kowloon Canton Railway	-	1	1	-
Labour	7	4	11	10
Legal	-	1	1	-
Legal Aid	-	1	1	2
Marine	2	-	2	10
Medical & Health	1	18	19	21
New Territories Administration	22	21	43	24
Post Office	1	4	5	6
Printing	-	-	-	1
Prisons	10	48	58	84
Public Works	66	37	103	26
Rating & Valuation	-	-	-	2
Registrar General's	-	2	2	2
Registration of Persons	4	3	7	7
Royal Hong Kong Police Force	187	415	602	419
Social Welfare	-	-	-	9
Transport	7	4	11	17
Treasury	1	2	3	-
Urban Services	11	54	65	55
<u>Others</u>				
British Armed Forces	1	4	5	2
I.C.A.C.	1	15	16	2
Judiciary	3	6	9	12
Private Sector	39	178	217	163
Public Bodies *	7	34	41	15
	<u>434</u>	<u>969</u>	<u>1,403</u>	<u>1,063</u>

* Listed in the Schedule to the Prevention of Bribery Ordinance.

Appendix XIII (see Chapter 3 paragraph 20)

Breakdown of Prosecutions by
Government Departments and Others

1974/75

<u>Departments</u>	<u>Pending</u>	<u>Convicted</u>	<u>Acquitted</u>	<u>1975 Total</u>	<u>1974 Total</u>
Fire Services	-	3	-	3	1
Housing	2	-	-	2	2
Immigration	-	-	-	-	1
Labour	-	-	-	-	1
Marine	-	2	-	2	2
Medical & Health	-	-	-	-	1
New Territories Administration	-	1	1	2	-
Post Office	-	1	-	1	-
Prisons	-	9	-	9	12
Public Works	1	4	9	14	-
Royal Hong Kong Police Force	20	27	11	58	30
Transport	-	-	-	-	1
Urban Services	-	4	-	4	2
<u>Others</u>					
I.C.A.C.	-	1	-	1	1
Government Servant/ Private Sector *	12	53	7	72	35
Private Sector **	5	28	11	44	17
Public Bodies ***	3	3	-	6	2
	<u>43</u>	<u>136</u>	<u>39</u>	<u>218</u>	<u>108</u>

* These are cases in which Government servants and members of the private sector were involved.

** These are cases in which only members of the private sector were involved.

*** Listed in the Schedule to the Prevention of Bribery Ordinance.

Appendix XIV (see Chapter 3 paragraph 20)

Breakdown of Prosecutions

by type of offences

1974/75

<u>Type of Offences</u>	<u>Police</u>	<u>Gov't Depts</u>	<u>Gov't Servant/ Private Sector*</u>	<u>Private Sector**</u>	<u>Public Bodies***</u>	<u>1975 Total</u>	<u>1974 Total</u>
<u>Soliciting/Accepting</u>							
S3 Cap 201	3	7	-	-	-	10	9
S4(2) Cap 201	16	23	-	-	5	44	32
S9(1) Cap 201	-	-	-	19	-	19	4
<u>Offering</u>							
S4(1) Cap 201	-	1	54	-	-	55	33
S8 Cap 201	-	-	1	-	-	1	-
S9(2) Cap 201	-	-	-	7	-	7	3
<u>Deceiving Principal by false document</u>							
S9(3) Cap 201	-	-	-	2	-	2	-
<u>Unexplained Resources</u>							
S10(1)a Cap 201	-	-	-	-	-	-	1
S10(1)b Cap 201	7	-	-	-	-	7	4
<u>Prevention of Corruption Ordinance</u>							
	3	-	-	-	-	3	1
<u>Related Offences</u>							
	27	3	12	4	1	47	5
<u>Other Offences</u>							
	2	4	4	13	-	23	16
	<u>58</u>	<u>38</u>	<u>71</u>	<u>45</u>	<u>6</u>	<u>218</u>	<u>108</u>
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* These are cases in which Government servants and members of the private sector were involved.

** These are cases in which only members of the private sector were involved.

*** Listed in the Schedule to the Prevention of Bribery Ordinance.

Appendix XV (see Chapter 3 paragraph 25)

Cases referred to Government
for In-Service Disciplinary Action

1974/75

<u>Departments</u>	<u>Dismissal/ Compulsory Retirement</u>	<u>Repri- mand</u>	<u>Others</u>	<u>Acquittal</u>	<u>Out- standing</u>	<u>Persons involved</u>	
						<u>1975</u>	<u>1974</u>
Agriculture & Fisheries	-	-	-	-	-	-	3
Colonial Secretariat	-	-	-	-	2	2	-
Commerce & Industry	-	-	-	-	-	-	2
Education	-	-	-	-	1	1	1
Fire Services	-	-	3	-	-	3	1
Government Supplies	1 ^b	-	-	-	-	1	-
Housing	1 ^a	3	1	-	5	10	1
Immigration	-	-	-	-	-	-	1
Inland Revenue	-	-	-	-	-	-	1
Judiciary	-	-	-	-	3	3	-
Labour	-	1	-	-	-	1	-
Kowloon Canton Railway	-	-	-	-	-	-	1
Medical & Health	-	-	-	-	-	-	2
New Territories Administration	1 ^b	-	-	2	5	8	6
Post Office	-	-	-	-	1	1	-
Prisons	-	1	-	-	1	2	-
Public Works	-	1	-	-	-	1	4
Royal Hong Kong Police Force	-	7	3	6	3	19	22
Social Welfare	-	-	-	-	-	-	1
Urban Services	1 ^a	12	1	-	9	23	7
	<u>4</u>	<u>25</u>	<u>8</u>	<u>8</u>	<u>30</u>	<u>75</u>	<u>53</u>

Notes : a - Dismissal
b - Compulsory retirement or resignation

Appendix XVI (see Chapter 4 paragraph 28)

Reports forwarded to Client Organisations by
Corruption Prevention department in 1975

I. Government Departments

Civil Aviation

Approval of minor works of commercial tenants at
Kai Tak Airport
Allocation of rented premises at Kai Tak Airport
Touting at Kai Tak Airport

Colonial Secretariat

Quarters - Government Quartering Office
Retention of gifts by Crown servants
Corruption opportunities for Crown servants arising
from visits to factories/companies when executing
duty in an official capacity

Education

Publication of school textbooks written by the
Advisory Inspectorate

Government Supplies

Inspection and quality control of unallocated stores

Housing

Approved contractors in Group A Public Housing Estates
Implementation of letting policy for non-domestic
premises
Allocation of flats in Group B Estates

Immigration

Illegal immigration from China
Proposed new immigration control procedures at Macau
Ferry Wharf
Vietnamese refugees in Hong Kong
Traffic Index

Labour

Law and policy - Toleration of innocuous trades
(Factories and Industrial Undertakings Ordinance,
Cap. 59)

Legal Aid

Assignment of Legal Aid cases to private practitioners

Medical & Health

Sale of medicine containers at Government clinics

Soliciting by minor staff in Government hospital wards

New Territories Administration

Illegal burials in the New Territories

Prisons

Approved employment for prisoners

Public Works

Amendment of Buildings Ordinance 1975

Building development - acceleration of private development schemes, processing of submissions

Reallocation of contracts abandoned by Paul Lee Engineering Co. Ltd.

Permission system for change of use of land in re-zoned areas

Rating & Valuation

Tenancy Inquiry Bureau

Transport

Procedures relating to issue of driving licences

Maintenance and repair of parking meters and collection of revenue from parking meters

Urban Services

Resiting of licensed fixed-pitch hawkers

Allocation of hard-surfaced football pitches in Victoria Park

Practices and procedures association with slaughtering animals

II. Public Bodies

Mass Transit Railway Corporation

Administration procedures - Purchase of stores and general tendering procedures

Urban Council

Urban Council Election

III. Others

Proposed classification of HATS as a public body

Appendix XVII (see Chapter 5 paragraph 21)

Visits & Talks by Staff of ICAC Sub-offices

As At 31st December 1975

Note : During 1975, three ICAC sub-offices were set up : Mei Tung (Kowloon City) in July; Fuk Loi (Tsuen Wan) in August and Hung Yu (Sham Shui Po) in October.

	<u>Number of Visits</u>	<u>Number of Talks</u>
Adult Education Institutes	12	19
Colleges (Post Secondary)	-	7
Schools (Primary)	47	119
Schools (Secondary)	39	143
Clansmen/District/Kai Fong Associations	16	7
District/Area/Rural Committees	1	59
Mutual Aid Committees	55	49
Religious Bodies	111	59
Welfare/Charitable/Voluntary Bodies	102	80
Youth/Federated Student Bodies	104	81
Factories	7	6
Trade Unions/Professional Associations	-	5
Government Departments (Staff)	165	67
TOTAL :	<u>659</u>	<u>701</u>

Terms of Reference and Membership of Sub-Committees
of Citizens Advisory Committee on Community Relations
(As At 31st December 1975)

A. Mass Media Sub-Committee

<u>Terms of Reference</u>	<u>Membership</u>
(1) To call for reports from the Media Programme and Press Information Offices of the Community Relations department;	Mr. George HO, J.P. (Convenor) Miss Sally AW Sian, O.B.E., J.P. Mr. Louis L.Y. CHA Mr. CHAN Kwok-keung
(2) To advise the Main Committee on the means to foster public support in combatting corruption through the various forms of mass communication; and	Mrs. Selina CHOW Mrs. LEE LO Yuk-sim
(3) To monitor public and media reaction to the mass media programmes of the department.	

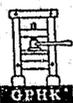
B. Public Education Sub-Committee

<u>Terms of Reference</u>	<u>Membership</u>
(1) To call for reports from the Public Education Office of the Community Relations department;	Dr. Daniel TSE (Convenor) Rev. J.M. BENNETT Mr. CHAN Kwok-keung
(2) To advise the Main Committee on how to put across the anti-corruption message through curriculum development and group training especially in institutions; and	Mr. Henry H.L. HU, O.B.E. Mr. NG Wah Mr. Andrew W.F. WONG
(3) To monitor community and media response to the public education activities of the department.	

C. Community Liaison Sub-Committee

<u>Terms of Reference</u>	<u>Membership</u>
(1) To call for reports from the Community Liaison Unit and the Regional Liaison Unit of the Community Relations department;	The Honourable Mrs. KWAN KO Siu-wah, M.B.E., J.P. (Convenor) Mr. Henry H.L. HU, O.B.E. Mrs. LEE LO Yuk-sim
(2) To advise the Main Committee on the means to foster public support in combatting corruption through liaison work at all levels; and	Madam LIN Hon-ying Miss Patricia NYE Secretary for the New Territories
(3) To monitor public response to the work of the Community Liaison and Regional Liaison Units.	

一九七五年總督特派廉政專員年報



F340575 HK\$5.00

香港政府印務局印

總督特派廉政專員公署

一九七五年

工作年報

依據總督特派廉政專員公署條例

第十七條奉呈

督憲察照

總督特派廉政專員

姬達

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廉政公署處長級職員名錄

廉政專員

姬 達先生

副廉政專員兼執行處處長

彭定國先生

執行處

副處長

夏 烈先生

助理處長

韋達理先生

助理處長

岑德亮先生

助理處長

容敬賢先生

防止貪污處

助理處長

沙敬德先生

助理處長

希 活先生

社區關係處

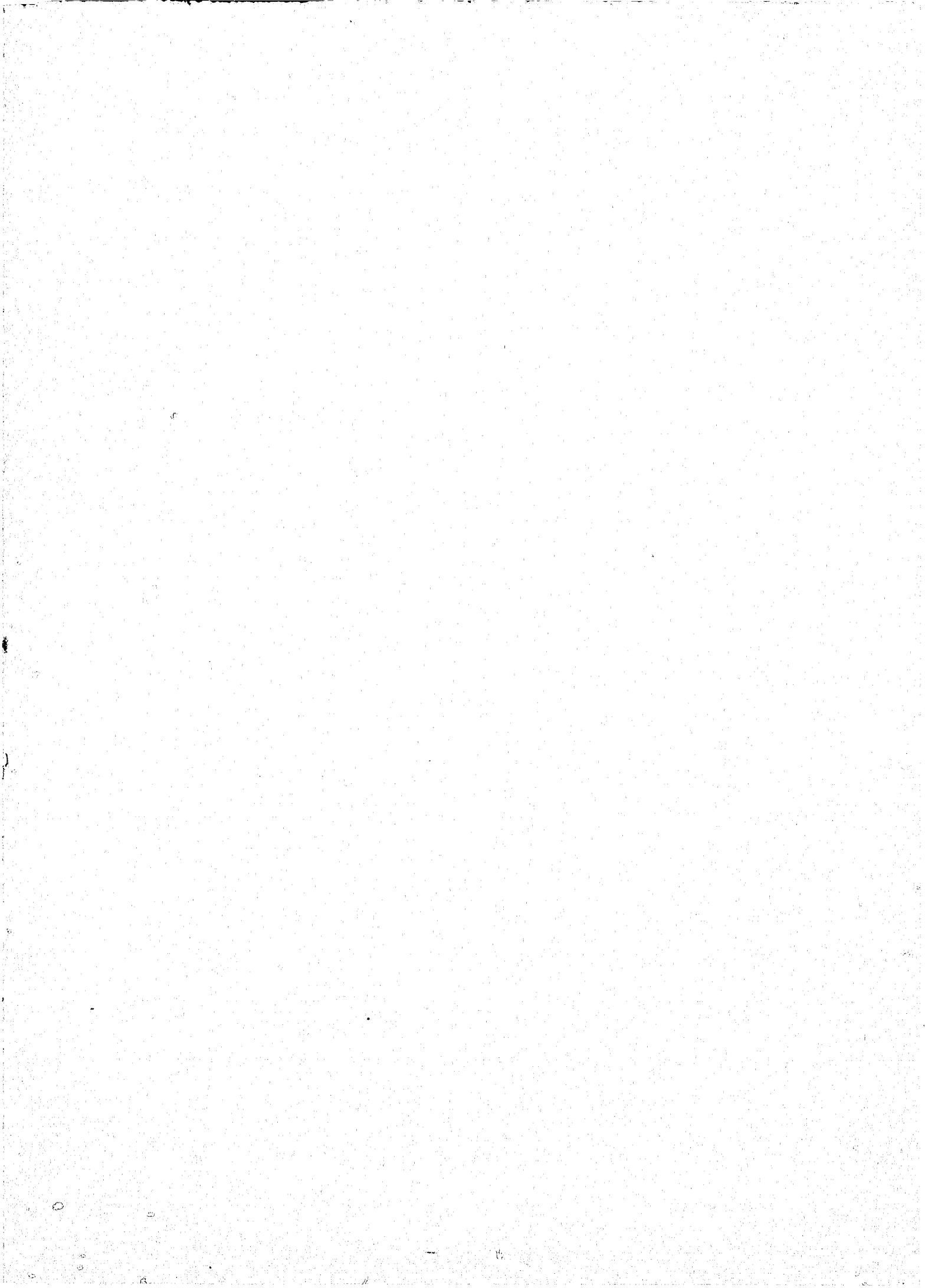
助理處長

余黎青萍女士

行政總部

助理處長

李迪智先生



諮詢委員會——職權範圍及委員名錄

(一九七五年十二月卅一日)

甲、貪污問題諮詢委員會

職權範圍

(一) 就有關政府內部或以外的香港貪污問題任何一方面向總督特派廉政專員提供意見，並就此目的：

- (甲) 經常檢討廉政公署的政策；
- (乙) 審察廉政公署每年的開支預算；
- (丙) 在廉政公署之週年報告提交港督前予以審閱。

(二) 在需要時，促請港督注意廉政公署任何一方面的工作或該署所遇到的任何問題。

乙、「審查貪污舉報」諮詢委員會

職權範圍

(一) 接受及考慮一切有關政府僱員、公共機構僱員，或其他人士有關貪污事件的投訴。

(二) 向廉政專員建議對有關貪污事件的調查及先後次序。

(三) 接受廉政專員所提交有關調查貪污事件投訴報告。

(四) 向廉政專員建議應將某些貪污事件的投訴轉達政府或公共機構(見香港法例二〇一章防止賄賂條例附表)。

委員

總督特派廉政專員(當然主席)
議員簡悅強爵士
羅保議員
議員西門士夫人
畢力治議員
黃麗松博士
行政司 (當然委員)
副廉政專員 (當然委員)

祕書：廉政公署職員

委員

總督特派廉政專員(當然主席)
議員西門士夫人
何禮文爵士
黃麗松博士
律政司(或其代表)
警務處處長
副廉政專員兼執 } 或副處長
行處處長 } (當然委員)

祕書：廉政公署職員

丙、防止貪污諮詢委員會

職權範圍

- (一) 接受及要求廉政公署報告有關政府各部門，公共機構及私人機構在工作方式及程序上容易導致貪污之處，並提示廉政專員應予以審查的地方及審查之先後次序。
- (二) 考慮根據此等審查工作而作出的各項建議，及提示廉政專員應採取的進一步行動。
- (三) 監察將「防止貪污諮詢委員會」所作建議付諸實行的工作。

委員

廉政專員 (當然主席)
羅志議員
畢力治議員
甘 洺先生
陳蕉琴女士
丹尼爾上校
吉定時御用大律師
麥蘊利先生
程德智女士
陳立橋醫生
劉定中先生
行政司
防止貪污處處長 } (當然委員)

祕書：廉政公署職員

丁、「社區關係」市民諮詢委員會

職權範圍

- (一) 向廉政專員建議應採取何種方法以求在反貪污工作方面獲取市民的支持及引導市民認識貪污的害處。
- (二) 接受及要求廉政公署社區關係處報告就上文(一)項所進行的工作。
- (三) 衡量市民對廉政公署工作的反應及彼等對一般貪污問題的態度。

委員

議員簡悅強爵士 (主席)
廉政專員 (當然副主席)
胡 仙女士
班佐時牧師
查良鏞先生
陳國強先生
周梁淑怡女士
何佐芝先生
胡鴻烈先生
議員關高峇華女士
李盧玉蟬女士
林漢英女士
孟家華神父
吳 華先生
鍾彌搢芬女士
羅德禮先生
謝志偉博士
黃宏發先生
新界政務司
社區關係處處長 } (當然委員)

祕書：廉政公署職員

一九七四年總督特派廉政專員公署條例於二月十五日正式生效，總督特派廉政專員公署（廉政公署）亦於同日正式成立。

二 在此之前，偵察及調查貪污事件的工作是由皇家香港警務處轄下反貪污部負責。於一九七三年六月，當反貪污部考慮依據防止賄賂條例向一名前總警司提出起訴時，該警司僭離本港。因此總督委任百里渠法官成立調查委員會，首先就上述政府人員究竟如何能離開香港一事作出報告，其次是審察及報告防止賄賂條例之功效及其他有關事宜，並按照所需，提出修訂該條例及改善目前安排的建議。

三 在該調查委員會的報告書公佈後，加上輿論的影響，總督在一九七三年十月十七日立法局首次會議中宣佈，決定將偵查貪污事件的責任由警務處移交一個不隸屬於任何政府部門，而直接向總督負責的獨立機構。

體制

四 廉政公署之成立及權力是由一九七四年總督特派廉政專員公署條例所賦予。廉政專員是直接向總督負責，由此確立公署的獨立性。廉政專員及其轄下職員均不受公務員叙用委員會之職權管制，故不是公務員。

經費

五 公署的經費是從政府預算案中一個單項撥支。所有關於經費的申請均由布政司署通過立法局財務委員會辦理。公署亦依照政府通常的程序自行支配。

六 如開支項目符合管理政府各項統一開支規例，則公署可從政府的統一開支預算中獲得撥款。但如未能符合該等規例，或如遵照該等規例即會影響公署的工作效率，則費用可從公署本身

的預算項下撥支。

廉政專員的職責

七、 廉政專員直接向總督負責列於「總督特派廉政專員公署條例」第十二條的職責。（見詳列於附錄一）。

編制及組織

八、 公署包括廉政專員辦事處和三個專責部門，即執行處、防止貪污處及社區關係處。公署內的行政均由中央行政單位負責。廉政公署的編制為九百零五人，分任公署各職，詳見附錄二至五。截至一九七五年十二月三十一日止，公署之在職人數為六百五十二人：即執行處四百二十九人、防止貪污處六十四人、社區關係處一百一十一人及行政總部四十八人。

「廉政公署在過去一年致力於鞏固根基……」讀者可能以為這種說法是為了解釋過往一年內缺乏進展的理由，甚至是掩飾工作失敗的託詞，但在廉政公署來說，在一九七五年內被提堂檢控者凡二百一十八宗案件，包括葛柏案、銅鑼灣集團貪污案、歐陽坤與曾啓榮案、及李保羅案。因此公署在過去一年並不能說是毫無進展或表現。相反地，一九七五年實在是一段重要的時期，特別是公署的執行處，在彭定國先生及他的高級職員卓越和有利的領導下，更有長足的發展。彭定國先生在第三章有關執行處的詳細報告即足以說明。

「二」 但基本上，廉政公署在一九七五年的確是着力於鞏固根基，為應付未來更艱鉅的工作，作好充份的準備。公署的目標旨在未來一兩年內擊破有組織性貪污的集團，因此對公署及本港市民來說，一九七六年及七七年將是極端重要及充滿考驗的年份。

「三」 一九七六年二月十五日，公署之成立將屆兩週年。現時要衡量公署的實際成就未免言之過早，但某些事情則可作出確定的報告。例如一般市民均已認識到我們社會的貪污問題，而很多市民都知道廉政公署的存在，它的工作及抱負。至於公開的貪污行為，也顯得較前為少，當然這並不一定表示貪污實際上已經減少。而是根據本港社團領袖及市民提供的資料顯示，貪污已不像已往一般顯著。本人獲悉很多涉嫌貪污者現在已甚少向別人炫耀他們的財富；貪污份子亦不再任意誇張他們的不義之財。

廉政公署的各部門

執行處

「四」 自公署成立伊始，便需要將人力、物力優先給予執行處。廉政公署必須盡速建立一種阻嚇力量，一種能令我們社會的貪污份子感到悚然畏懼的力量。只有當公署產生這種力量和建立威

信後，才能夠採取較為積極的措施——如從事防止貪污及社會教育工作。

一五 執行處的首要工作是將一個基本上是警察組織改變為一個文職機構。這包括大規模的招聘工作及嚴格的訓練。為使公署具有必需的專門調查技能，公署曾自英國招聘經驗豐富的警務人員。截至本年底為止，已有四十三名英國的警務人員在廉政公署服務，另有兩名亦快將抵港。

一六 執行處現時已產生相當的影響力。在過去一年內，有二百一十八宗貪污和有關罪行的案件被檢控。都是涉及不同政府部門的公務員或其他人士的。數字當然很易令人產生錯覺：我們要知道，某宗案件可能需動員數組調查員和費時數月去調查，但另一宗案件則可能由接獲投訴至法庭判決也只不過費時數日便已了結。統計數字往往亦不能反映貪污的嚴重情度，例如一宗案件可能涉及一名涉嫌觸犯駕駛規例的市民向警員行賄，以求他不採取行動，但另一宗案件則可能與可怕的販毒活動有密切關係。

一七 彭定國先生報告謂執行處現正加強人力以備採取攻勢去對付集團式和根深蒂固的貪污。這是一項十分特殊和令人不安的問題。「銅鑼灣集團貪污案」，也許使本港市民初次認識到集團式貪污組織的程度及範圍。直至一九七五年最後數月，執行處在調查貪污罪行，可說是被動的，是以處理市民的貪污舉報為主。隨着人手的擴充和經驗的增進，該處現已能夠利用本身搜集的資料去採取主動，而集團式貪污將是調查的首要目標。

一八 執行處若然有權決定調查的先後次序，則其一貫政策仍以調查公務員的貪污事件為主。當然該處亦充份了解到貪污事件在私人機構方面也同樣普遍。但本人認為市民有權要求公務員具備良好的辦事能力及廉潔的操守，因此公署必須先着力處理政府的貪污問題。法律規定廉政公署必須考慮及盡可能調查一切指控貪污行為的舉報。所以每當接獲一宗有關私人機構的舉報，公署必須以同樣的決心及幹勁去進行調查。

一九 部份工商界人士曾表示，即使廉政公署對私人機構採取上述行動，仍可能對香港不利。有人說：「香港的工商業乃基於回佣制度。」無可否認，這種說法有些真實性。但法律（防止賄

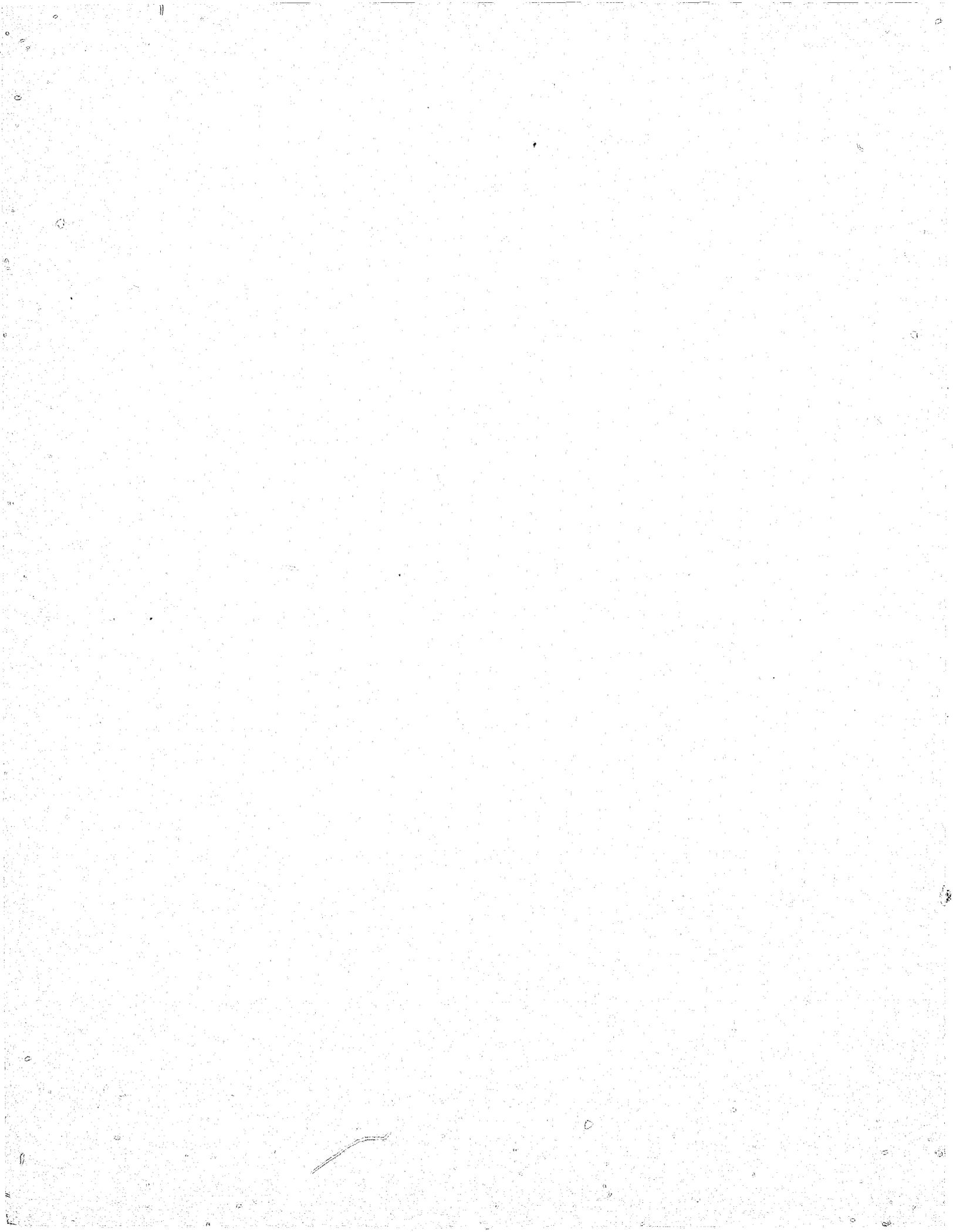
賂條例第九條）並不反對本港佣金授受的習慣，只不過規定在索取或收受「利益」或「佣金」時，均需獲得受方委託人或僱主的同意。

一六 廉政公署的一個目標是要借助社會教育去改變市民對貪污的態度，及提高他們廉潔的意識。如果法例指定公務員的貪污是非法行爲，而私人機構方面的賄賂却是絕對合法，這簡直是不公平和不可行的事，今日的香港再不能容許這種「雙重標準」的存在。管制私人機構貪污行爲的法例絕非新近訂立的：一九四八年的防止賄賂條例已有同類的規例，而現行的防止賄賂條例則幾經社會人士公開討論，才於一九七一年五月成爲法例。

一七 在公署與市民關係方面，一個特別令人興奮的現象便是公署收到的舉報在質素上均續有改善。當公署在一九七四年初開始工作時，匿名的舉報，是所有貪污舉報的三分二；但在一九七五年年底已減至約半數。這是市民的功勞，同時也顯示出他們撲滅貪污的決心。記名的親身舉報之增加具有深遠的影響，因爲最令執行處感到困難的事，莫如接獲一個看似真實的匿名舉報，却沒法與舉報人聯絡，以便查詢所欠缺的重要資料。除了記名舉報之增加外，舉報的質素亦有提高：在一九七四年，每三宗舉報中只有一宗是可供調查的，但現在的比例已增加至每兩宗舉報中便有一宗可以跟查的。隨着公開貪污的減少，舉報的總額必將相繼減低。這當然並不表示公署得不到市民的合作及支持，只不過因爲貪污的性質已開始有明顯的改變。

一八 截至一九七五年底，廉政公署接獲的舉報已逾一萬三千宗。但這些舉報有半數以上均與公署的工作無直接關係，其中很多是指責政府部門或其他公共機構的公職人員的工作不力或無禮態度。部份市民似乎有傾向把廉政公署視作「冤情大使」。然而，這些與貪污無關的舉報也有人鼓舞的一面，因爲它們顯示出市民對公署的信心。公署並不調查與貪污無關的投訴，只將它們轉遞與有關的政府部門或其他機構，而令本署感到欣慰的，接獲這些投訴的部門或機構雖然並無義務通知本署它們所採取的行動，則它們大多數都會這樣做的。

一九 根據一九七五年槍械及彈藥（豁免）令，廉政公署的調查人員在一九七五年初獲准免受槍



CONTINUED

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械及彈藥條例的管制。是項豁免令旨在使廉政公署人員可以在危險的情況下攜帶槍械。公署的政策是只有在可以控制的情形下，和只有正式受過槍械使用訓練的廉政公署人員才會獲准攜帶槍械。一九七五年間未有任何執行處的人員需要配帶槍械。

防止貪污處

一、由於公署需先行建立一個强有力的調查部門，加以當時財政緊縮關係，致使其他活動受到限制，防止貪污方面的工作亦因而受到打擊。但在七五年年底時，該處已能如常發展，並再行招聘職員。在五月時，該處的處長（華爾雅先生）因家事而離職。

二、防止貪污是一項嶄新的公共行政觀念，因此該處亦無法從往昔經驗中獲取指引。而該處的工作態度、工作方法及程序均需保持彈性。該處的主要工作是設法找出政府及公共機構內易於導致貪污的機會，及盡可能消除這些機會。這包括仔細及敏銳地審視各項法例、規則及工作程序等。這個萌芽中的部門在成立初期便已列出一些易於導致貪污的危機：例如不加以執行的規例，不明確而又累贅的工作程序及手續上的延誤等等。雖然該處人力有限，但一九七五年間仍然進行了三十五項新的審查工作，並已擬就三十四個報告。

三、第四章將詳細討論貪污機會的特徵，但其中值得特別注意的一點便是「承擔責任」的問題。經驗顯示，縱使目前各部門均有優良的報告制度或有表面上完善的規則及訓示去管理職員，防止貪污處所進行的多項審查研究中，往往發覺需要特別考慮「承擔責任」的問題。防止貪污諮詢委員會因而建議防止貪污處應深入研究「承擔責任」的問題，以便引用於全部公務員身上。

四、「承擔責任」這個名詞似乎有點不大明確，但我們欲仿效的是類似紐約警察局對警務人員所採取的態度，其實這種觀念亦可引用於其他公職人員身上。不久之前，紐約的警察局長對紐約市罪行充斥的情形感到十分關注，並憂慮此種情形乃由於貪污造成。他表示：「……承擔責

任並不是說一位主管人需像保險的承保人一樣，不問情由地親自承擔屬下一切的行為不規則或辦事的不力。如要一位長官這樣承擔責任，未免不切實際和有欠公平。」他並繼續說：「假如下屬的過錯是嚴重、經常、或普遍的，以致上級必已知悉或理應知曉的，上級職員則應當承擔責任。另一種情形便是上級職員監察不週及領導無方而致上述的過錯惡化或延續亦應承擔責任。」

「六」 防止貪污處的成功將有賴各政府部門首長及彼等屬員的合作。因此本人很慶幸在這裡報告，各部門首長及其他公務員自一開始時，即自動協助防止貪污的審查研究工作。

社區關係處

「六」 雖然偵查、懲罰及防止貪污均是重要的工作，但長遠來說，撲滅貪污實有賴市民本身的努力。廉政公署因此設立社區關係處，作為公署與市民聯繫的媒介，共同達成肅貪倡廉的任務。這表示社區關係處需盡力與衆多機構及個人建立緊密聯繫，及運用大眾傳播媒介傳達肅貪倡廉的訊息。這個部門的主要目標是致力改變市民對貪污的態度，亦即是說，社區關係處需推行龐大的社會教育，或「再度教育」計劃。

「六」 社區關係處在一九七五年亦受到財政緊縮的影響，限制了部份發展計劃，以使執行處能優先發展。

「七」 即使如此，社區關係處在七五年仍有相當成就。無可否認，這一切大部份應歸功於余黎青萍女士及她屬下一群幹勁十足的青年的表現。余女士本來是負責策劃成立社區關係處，現在則負責將這些計劃付諸實行。該處的職員大多是華籍人士（其中只有一位是歐籍的），而且多數是年青人，他們熱誠及真摯的工作態度至為感人，而本人能得到像余女士這樣能幹的公職人員主管這個部門，實是十分欣幸。

「七」 財政緊縮最令人感到遺憾的，可算是分處發展的擱置，原定計劃是要在人口稠密地區成立

八個分處，而至今只能開設三個：兩個在九龍和一個在荃灣。在肅貪倡廉的任務中，廉政公署分處所擔任的角色極為重要，它們不僅接受貪污舉報，更負責聯絡社會各階層人士，加強公署與市民的聯繫。隨着財政狀況的好轉，公署現已能從新籌備實施原訂的計劃，預料其餘的五個分處將分別在七六年間成立。其他被擱置的，包括社會教育組及社區研究組的成立，這兩個組別亦將於七六年初成立。

一五 去年社區關係處尚未成立之際，本人在年報中曾提及：本港的市民，特別是年青的一代，均決意使香港成爲一個更廉潔美好的社會。目前一般市民，特別是學校及青年團體，對社區關係處社區聯絡人員所作的研討座談及訪問，均有良好反應，故該處未來的工作相當樂觀。

有關公署職員的舉報

一六 去年共有十六宗指控廉政公署人員貪污的舉報。這些指控均涉及他們加入公署之後或之前的行爲。所有舉報均被調查，證明其中兩宗屬冒認公署人員事件；十宗則內容含糊不清，致無法進行詳細的調查；其餘四宗則導致一位公署職員被判入獄及五位職員被撤職。在調查這些案件時，公署均依循港督規定及經署理布政司於一九七四年四月十日在立法局公報的程序處理：「如廉政公署或任何公務人員接獲任何指控公署人員貪污的舉報，應即轉交律政司，以決定該宗舉報應否交由港督處理，予以特別考慮；抑或應由廉政公署自行調查，或是不值得採取進一步的行動。」

如律政司認爲某宗舉報應由廉政公署調查，他將通知廉政專員，由專員將該宗舉報及律政司的意見轉達公署的「審查貪污舉報」諮詢委員會。廉政專員並需在適當時間向律政司及該諮詢委員會報告已採取的行動。

假若律政司認爲某宗舉報毋需作進一步調查，他便將該項舉報及其意見轉達廉政專員，再由專員通知「審查貪污舉報」諮詢委員會，以備該委員會可能認爲須要調查。

諮詢委員會

一、諮詢委員會是香港政制的一個特色。雖然它們很多時遭受非議及被誤解，但曾與這些能幹的諮詢委員會一起共事的人會知道，它們在改善政制方面對市民的貢獻是很可貴的。

二、廉政公署共有四個非法定的諮詢委員會。被委任的委員均在有關方面具有專門認識及能廣泛代表民意。除使市民有機會參與廉政公署的工作外，這些諮詢委員會對促進公署的發展實有莫大幫助。

三、本人衷心感謝公署各諮詢委員會的委員一年來給予公署的珍貴意見和指導，更多謝他們所表示的熱忱與支持。

廉政公署康樂會

一、廉政專員公署康樂會於一九七五年成立。該會的目標旨在提倡會員間的體育及康樂活動，為他們在工餘時間提供娛樂消遣，及促進同僚間的情誼。

二、康樂會的成立典禮在七五年十月舉行，受到各職員踴躍支持，截至七五年年底為止，共有四百四十三名職員參加。康樂會現時已有一個暫時性的會所，但仍計劃找尋適當的地點設立永久性的會所。

三、無可否認，康樂會之得以成功，康樂委員會及其主席史柏先生的努力居功至偉。各同僚對他們所提供的優秀服務咸表謝意。

廉政公署的職員

三、本人必須在此向廉政公署各職員表示謝意。公署之所以能夠從一無所有在兩年內發展至在多方面均具有高度的工作成就，實應歸功於公署各職員努力不懈的工作態度及優良的技能。

未來的計劃

一、美 本人曾公開表示（並在此再重復）公署的目標是在未來的一兩年內擊破本港有組織及集團式的貪污。而一九七六年及七七年將是公署及全港市民予貪污份子以迎頭痛擊的時刻。

一、美 這並非浮誇之言或個人奢望。這預言乃基於下列三個特殊因素。

一、美 首先彭定國先生在招聘及訓練調查人員方面已有顯著的成就。到七六年初夏時，公署將有五百名以上的調查人員，他們包括大量經驗豐富的人士（多名來自英國），及一群曾受良好教育與充滿活力的男女文職人員。在過去兩年間，這些文職人員均曾接受嚴格的訓練。換言之，公署現已擁有一支不容忽視的調查隊伍，而在一九七六年中，這調查隊伍將全數上任。

一、美 第二，愈來愈多市民有信心和有勇氣向廉政公署親身舉報貪污，同時舉報的質素亦超乎意料地大有改進，而且隨着更多分處的開設，公署深信舉報的質素將續有改善。

一、美 第三，執行處本身已能有效地蒐集一般貪污的資料，尤其是涉及集團式貪污者。

一、美 一九七六及七七年以後又如何呢？

一、美 最重要的當然是整個社會的態度及決心。去年本人曾警告謂：當廉政公署逐漸加強力量去對付社會上的貪污份子時，一些意志薄弱的人便會希望公署壓制自己的活動。本人這個說法已有事實證明；不過儘管有部份工商界人士對公署在私人機構方面的活動表示憂懷，但仍然有極多人對這方面的工作極表歡迎。事實上，以整個世界趨勢而言，美國人積極的自我反省對這方面的發展可說是最為重要的。緊隨着水門事件後，他們現在又翻尋大機構中的貪污行爲。他們使用的方法表面似乎近於粗率，在短期內，可能會使一些人受創，但本人肯定他們這樣做不只對美國有益處，就是對整個國際商場以至及本港的商界均有益處。很多人曾與本人討論這問題，很明顯地，他們大多希望能在忠誠競爭下進行貿易，以效率、價格、設計、生產率、產品質素、及交貨日期等因素與別人競爭，而不靠「枱底交易」的黑錢數額的多少。

一、美 我們需要注意的實在很明顯：假如我們縱容貪污及貪污份子公開地、廣泛地滋長，致使社會的道德淪亡、誠實守法的市民受害，我們的社會斷不能確保安寧，市民的福利更無法保障。

「學 在香港，這一切均應以中國的情形作為參考。無可否認，中國之能夠把貪污從社會多方面剷除，對香港很多年青人實有重大的感染力。由於這個原因及很多其他因素，本人對香港的年青人深具信心。他們大多對貪污問題的立場是不容置疑的——他們厭惡貪污，並希望能夠在一個更廉潔、更美好的香港社會生活及培育下一代。」

「學 因此，本人對未來充滿信心。」

第二章 行政總部

二一 行政總部由廉政公署行政秘書主管，負責管理公署的行政事宜、總務及會計工作。行政總部的組織編制具見附錄二。

編制及招募工作

二二 廉政公署的編制為九百零五人，分任公署各職，詳見附錄二至五。公署之職級、名稱及薪酬如下：

高級廉政主任（一級）

（月薪七千二百一十元至七千八百一十元）

廉政主任（二級）

（月薪二千零四十元至六千九百一十元）

廉政助理（三級）

（月薪一千一百五十元至一千九百四十元）

處長級及普通輔助職級人員的薪酬則與同等職位的公務員無異。通常各職級人員均以合約形式聘用，任期完滿結束時有約滿酬金。

二三 公署人員均可獲得職位津貼，惟此項津貼不歸入可賺取約滿酬金的基本薪酬內計算：

每月津貼

處長級薪酬第二點（九千六百五十元）及公務員薪級制之第四十六至第四十八點（七千二百一十元至七千八百一十元）之人員

一千元

公務員薪級制第二十至第四十五點（二千零四十元至六千九百一十元）之人員

七百元

公務員薪級制第十一至第十九點（一千一百五十元至一千九百四十元）
之人員

每月津貼

四百元

公務員薪級制第一至第十點（六百一十五元至一千零七十元）及公務員
標準薪級第一級之人員

二百元

二四 廉政公署條例第八條規定廉政專員必須遵照適用於政府僱員之一般規則，惟廉政專員在認為有需要時，可於獲取總督同意後，依據公署核准的常務規條而將該等規則修改，以便適合公署的特別需要。廉政專員曾在下列三方面運用此權力作出修改：

「同等薪酬」

廉政公署一經成立，即開始實行「同工同酬」即相同職位之男女職員獲同等薪酬，而政府機構則自一九七五年四月一日始實行此政策。

「署理薪酬」

在特殊之情況下，廉政公署內署理高級職位之職員可獲得其所署理職位與其本身職位薪酬之全部差額；但通常公署遵照政府慣例只支付該差額的百分之九十，（部門首長及署理連續六個月之職員則例外，可獲百分之百）。

「聘用時薪酬遞增」

公署曾在特別之情形下需依據「工作需要」而特別決定職員之上任薪酬，因而有異於政府機構之一般規則。

於批准公署之常務規條時，總督會指示公署應將此等有別於政府慣例的署理薪酬及聘用時薪酬遞增事件向貪污問題諮詢委員會報告。

二五 本年內行政總部仍忙於為公署各部門招募工作人員。公署會在本港各大報章刊登招聘各級

廉政主任之廣告，並曾通告兩間大學、浸會學院及理工學院有關廉政主任（乙／丙）級之職位空缺。

二六 此次招募反應甚佳。公署共接獲約一萬份應徵信，並曾接見一千五百名應徵人士。截至一九七五年十二月三十一日，公署共委任職員三百零一十八名，令公署之在職人數達六百五十二人，而編制人數則為九百零五人，有關公署編制人員的統計分析具見附錄六。

二七 本年四月，財務委員會核准執行處增設二百二十三個職位，使該處之編制達五百二十四人。由於本港有經驗的調查員頗為缺乏，故公署需一再要在英國進行招聘，結果取錄三十六名經驗豐富之警務人員，大部份經已於本年底上任。

財政及會計的處理

二八 行政總部之會計科負責公署的財政及會計工作，而公署的帳目是由核數署長審核。依據總督特派廉政專員公署條例第十五條第二款之規定，公署將截至一九七五年三月三十一日止的一二三年內帳目報表連同核數署長的報告書列於附錄七。

二九 一九七五至七六年度的預算草案及修訂預算案以及一九七六至七七年度的預算草案具見於附錄八。

辦公地方

三〇 公署的辦公地方問題仍待解決。在本年內，執行處由先施大廈五樓遷往和記大廈六樓及七樓；防止貪污處由花園道一號A臨時辦事處遷往先施大廈五樓，而社區關係處則由先施大廈十一樓遷往中國聯合銀行大廈十一樓及十二樓。行政總部於一九七五年一月由中區政府合署及拱北行遷往和記大廈。再於同年八月遷往樂禮大廈臨時辦事處，使擴展中的執行處得以使用其在和記大廈的辦公地方。目前公署租用的辦公地方共約五萬一千方呎，並不足以供應全部需求。公署現正設法獲得一永久辦事處，使各部門可在同一幢樓宇之內辦公。

貪污問題諮詢委員會

二六 在本年內，由行政總部負責的貪污問題諮詢委員會共舉行會議五次。負責就影響公署的編制、財政預算、行政及工作的政策問題向廉政專員提供意見。此外，公署亦會就建議修訂防止賄賂條例及總督特派廉政專員公署條例事宜徵求各委員的意見。每次會議中，公署均向委員會報告三個部門的工作進展。

紀律

二七 本年內公署會根據廉政公署條例第八條第二款將六名職員解僱。該條文授權廉政專員可在認為對公署有利的情況下，將任何職員解僱而無需向其解釋任何理由。此等解僱事件均須向貪污問題諮詢委員會報告。此外，另有三名職員因行為不檢而被公署根據僱用條例中之第十條解僱。

二八 有關公署內部的自律制度詳見執行處章第三十一段。

第三章 執行處

三一 執行處的責任，乃調查一切涉嫌觸犯防止賄賂條例或舞弊及非法行為條例的罪行。該處駐有一名律政司署高級專業官員及協助其執行職責的檢察官，代表律政司，指導把貪污案件提交法庭審訊的事宜。

三二 作為公署內專責調查工作的一個部門，執行處的發展，仍受若干因素限制。在調查方面，該處須保持調查工作之進度。在另一方面，更要建立一個主要由文職人員組成的機構，及給予訓練，使之達至一個水平，可以迅速根據收到的投訴而採取行動，及能夠利用從過往調查工作獲取的經驗和資料，積極揭發貪污案件。這段過渡時期，現在可以說是已經結束，而執行處根據本身提供之情報進行工作的情形亦較前增加了許多。

三三 在執行處工作之警務人員，其智識及工作經驗對執行處有極大之幫助，此等人員大部份已返回皇家香港警察隊伍。於本年年杪，留在執行處工作的警務人員，只餘二十八名。

組織及工作人數

三四 最初，執行處的編制及組織，係沿自前反貪污部採用的制度。惟當時，已經明瞭沿用的組織及編制實不能應付預期激增的工作負荷，而經驗證明，亦確如是。在執行處職責範圍內，有一類工作的負荷，顯得額外繁重。這就是指「人物目標」方面的工作，亦即調查財富總額或生活水準與薪酬不相稱的公務員。此類工作，與最複雜的訛騙案件，在調查方面同樣繁瑣而艱巨，因為疑犯隱藏財富的方法，層出不窮，詭秘難測。執行處另一工作，為私人機構貪污行為的調查。該類案件，以前為數不多，現在因為舉報商業機構及其職員涉嫌貪污的投訴，數量較前有很大的增加，因而需要派遣較多的人力、物力，進行調查工作。有鑒於此，執行處銳意改革其編制，並提議着手第二期的擴展，包括將三百零一個職位增至五百二十四個。執行處現時的組織及編制詳列於附錄三。在擬定這個組織時，曾作審慎研究及衡量，務使有更多人員得以認

識根深蒂固的集團貪污行爲，而又不曾因太多缺乏經驗而尙未能發揮作用的職員參加工作，而減弱本處工作之效能。因此，新擬的組織及編制，延遲至一九七五年十一月方予推行。當時，執行處已聘有足夠的人員，填補主要的職位。

三五 在新編制下，成立了一個部門，負責「特別目標」的調查工作及向執行處其他部門提供行政上、技術上的輔助服務。這個新成立的部門專查特別複雜的案件。其另一項工作，爲搜集由各來源得到的情報，加以整理後分發處內有關人員，目的在建立一個龐大而更有效的資料庫，支持目前進行的肅貪工作，以及爲將來更進一步的奮鬥，作好準備。

三六 關於一九七六／七七年度的工作人數及編制，執行處將會提出進一步的建議，惟該等建議影響的範圍很小，而且主要是關乎若干職位等級的更改。倘若當局接納建議，執行處的工作人數將會增至五百三十一名。

職員

三七 推行新訂組織的困難，仍舊是缺乏訓練有素及饒有工作經驗的職員，以掌管新設的調查組及調查小組。當局批准新擬的編制和工作人數後，執行處即開始在本港徵聘職員，但很快便發覺，具有適當調查工作經驗及專長技能以勝任高級及中級職位的人士，反應並不熱烈。故此，權充的辦法則爲減緩擴展速度，待熱誠於工作的新聘職員獲得足夠的經驗；或從外地招聘能幹的人材。最佳方法乃招聘英國的警務人員，因爲該地的法律及法律程序，與本港現行者全無迥異。上述的第一個權充辦法，不可予與接納，蓋因擴展之放緩以待新職員取得經驗，會拖延調查貪污集團之掩蔽而危害社會之實況，及致令若干案件束諸高閣，不能加以辦理。因此，執行處便決定再度在本地招聘職員，一九七五年夏天曾在英國進行這項工作，目的是僱請當地豐富經驗的警務人員，作爲新訂組織及編制的骨幹。終於，聘得三十七名人員。在十二月三十一日，共有三十四名先後抵港，與早在一九七四年由英國到港加入執行處的九名警務人員，併肩工

作。該九名人員，在執行處擴展方面，已經作出很大的貢獻。此外，仍有兩名英國警務人員，將於不久抵港上任。目前，執行處的職員編制，仍有大約九十個空缺。該等空缺，主要是較低等級的職位，有二十五人之申請仍在考慮中，執行處刻下又再次正在本港進行招聘，且計劃在處內擢升適當的現職人員。

訓練

三六 負責訓練課程的職員，雖屬於執行處，也為公署內其他各處提供服務。於一九七五年內，這個工作單位共開辦二十一個課程，訓練二百三十四名職員。二十一個課程當中，有五個是為七十五位防止貪污處及社區關係處的職員而設。大部份的課程，係訓練新聘的職員。其中有兩個課程，乃為準備本地職員的晉升而設。此外，更有在職訓練研討會及為由外國招聘而來的幹練警務人員而設的訓練課程。除負責訓練課程外，這個工作單位會撰寫若干通訊，闡釋調查工作，法律及法庭訴訟程序。

遷往和記大廈辦公

三九 一九七五年一月，執行處各辦事處全部移往和記大廈。不過，和記大廈的辦事處只屬暫時性質。有關之負責人員，目下仍在找尋一處地方，能夠容納整個廉政公署轄下所有部門，作為其永久性的辦事處。

投訴及舉報

三六 投訴及舉報，分以下列三種方法到達執行處：

(甲)「舉報中心」 每日工作二十四小時。此中心接獲的投訴及舉報，大部份係以電話方式投報。不過，親自到中心舉報的人數，已有增加。

(乙)「分區辦事處（請參閱第五章第十九段）」 在每一個分區辦事處內，設有轉遞舉報服

務，每日工作時間，由早上八時開始直至晚上十時止。事實上，這服務有若舉報中心分駐各區的辦事處。該辦事處接獲投訴後，便將之轉遞舉報中心辦理。各分區辦事處與舉報中心的互相聯繫，非常緊密。曾有一次，在轉遞接獲投訴後三小時，執行處已逮捕了一名嫌疑貪污的公務員。

(丙)「投函舉報」 致香港郵箱一千號廉政專員收，或經由其他政府部門轉交。

三六 於一九七五年，執行處接獲的投訴及舉報，共達七千二百九十四宗。其中只有三千一百七十九宗，是與貪污有關。從某角度來看，這個現象似乎令人失望，因為大部份接獲的投訴及舉報，是關乎公署職責範圍以外的事情。對於這類投訴，在可能情形下，執行處會先得投訴人的同意，然後將其函件轉交有關政府部門辦理。假若投訴者是以電話方式或親身到舉報中心投訴者，舉報中心的當值職員，會指示投訴人應與何處接觸。令人鼓舞者，則為願意表明身份及親身舉報的投訴人，數目有所增加。此等情形，在分區辦事處之轉遞舉報服務開辦以來，尤為顯著。

三七 一九七五年中接獲的信件，可以說明市民投訴及舉報的方式。在一九七四年二月十五日至十二月三十一日的一段時間內，執行處接獲的信件有三千三百三十二封；而在一九七五年內，則共有三千三百二十七封。在三千三百二十七封信件中，約百分之四十二是與貪污無關的舉報，這比率較一九七四年的為高。但較一九七五年的全年以各方式接獲非貪污舉報的百分之五十七為低。不過，舉報貪污的函件內容及質素較前為佳；而願意署名舉報者，尤有顯著的增加。

三八 舉報貪污的方法及貪污投訴的分類，詳列於附錄九及十。

投訴的處理過程

三九 接獲投訴後，只有在確實有理由相信已經有貪污罪行發生的情況下，執行處才批准展開調查。接獲的全部投訴，舉報中心均予以集中整理，並核查執行處內存有的紀錄。之後交由每早

舉行的會議研究；該晨早會議由執行處處長主持。倘若會議認為對某宗投訴應該展開調查，執行處處長即令進行。很多時會議的決定可能是要向投訴人取得更詳細的資料，俾能對投訴作出一個更準確的審評，以決定該投訴是否可以展開調查。在處理匿名信件方面，執行處亦遵照同樣的原則，惟關於一封匿名投訴函件是否可以追查的決定，則由審查匿名舉報小組委員會追認為審閱執行處處長及其晨早會議認為無可追查的貪污投訴，檢討該等決議。

三、處理投訴的工作，係遵照下列四項原則進行：

(甲) 接獲投訴後，若有理由相信確有貪污罪行存在者，則立即展開調查，而調查報告會在適當時候，交審查貪污舉報諮詢委員會審閱。

(乙) 倘有關貪污的情報資料，未能進行調查者，則予以存案，俾日後於可能情形下會展開調查。如果認為適宜，便將情報資料轉交防止貪污處或社區關係處辦理。

(丙) 遇有與貪污無關的情報資料，則轉交有關的政府部門，使彼等能立即採取適當的行動。

(丁) 投訴人的姓名，絕不能未得投訴人同意而向公署以外的人士或機構透露。惟獨依據法律須要如此時，則屬例外。例如：有證據證明犯有除貪污外之其他罪行。

三、執行處仍有接獲很多不能追查的投訴。該等投訴，可能很有價值，不幸者是未有提供足夠的資料，故難展開調查，甚至不能將之存案。絕大多數的匿名投訴都是如此。此外，還有一個類似的問題。投訴人時常願意向廉政公署透露姓名，却又不想其他政府部門知道彼等的身份，因此就是有此需要，亦不能採取矯正弊端的行動。市民若感覺有理由投訴，應該在需要的情況下，挺身而出，義不容辭。這樣，不但對廉政公署給予幫助，而且對整個政府亦有所裨益，在很多個案中，舉報人堅持要隱匿姓名，以致公署不能採取有效的行動，這是令人感覺遺憾的。

三七 審查貪污舉報諮詢委員會的成員，並沒有改變。這對執行處來說，是一件非常幸運的事，因為該處與委員會的成員間，已有一個良好的工作關係存在，而這個關係對執行處的職員，確是很有價值的幫助及鼓舞。在一九七五年間，審查貪污舉報諮詢委員會一共召開會議八次，審閱四百零四宗特別的案件，及給予意見與指導。此外，委員會的成員會就若干仍在調查中的複雜而冗長的案件，提供意見。對於一些範圍廣泛的問題，不論其屬於政府範圍之內與否，該等委員會成員亦會根據所積的經驗，給予指導。

三六 審評接獲的匿名投訴及若干其他投訴的工作，是交由審查匿名舉報小組委員會負責。該小組委員會，對於規模較小及比較簡單的調查工作，亦有權提供意見。惟所提出之意見，須向審查貪污舉報委員會報告，及得到該委員會的贊同。在一九七五年中，審查匿名舉報小組委員會一共召開會議十二次，每次會議的主席由審查貪污舉報委員會的委員輪流擔任。審查匿名舉報小組委員會會經審評的舉報，共有三千零八十一宗，而研究的規模較小的調查工作，計有五百四十四件。

調查行動

三五 在過去一年內，執行處共接獲三千一百七十九宗貪污投訴。進行調查的有一千四百零三宗。這個數字比前一年較高。執行處在前一年，接獲到三千一百八十九宗貪污投訴，而予以調查的，有一千零六十三宗。惟這樣的比較，並不完全適當。因為在過往一年中，利用從其他調查得到的資料而着手的貪污案件（尤其是觸犯防止賄賂條例第十條，即擁有財富及生活水準與薪酬不相稱的案件），有所增加。執行處利用本身情報資料而展開調查的工作趨勢，將會繼續下去，而且更會有顯著的增長。接獲及調查的投訴分類表，調查有關政府部門的貪污投訴分類表，分列於附錄十一及十二。

三六 在一九七五年內，執行處調查的起訴案件，計有二百一十八宗。目前，計有四十三宗仍待

審訊。一百三十六宗已判處罪名成立，其中一百二十二宗因犯貪污及有關的罪行。在這一百二十二宗案件中，百分之十三被判罰款，百分之二十七判處緩刑，而百分之三十八判獄九個月或以下。有十一宗案件是不予起訴，而有二十八宗係判以無罪釋放。起訴的案件分類表列於附錄十三，而所犯罪行的分類表則列於附錄十四。

三三 在上述的起訴貪污案件中，有四十四宗係由警務處代廉政公署辦理，因為該等案件涉及市民向正在執行職責的警務人員行賄。警務處及廉政公署之間，有一項協議；所有此類向警務人員行賄案件，警務處有關人員應向執行處報告。執行處的處長級人員，隨即會研究有關的案情，並決定應交警務處或由執行處本身負責調查及起訴的工作。這個警務處與廉政公署的協議，目的在使貪污案件得到迅速而有效的處理。此外，更恰好證明，撲滅貪污並不只是廉政公署的責任。對於撲滅貪污工作，警務處仍繼續作出很大的貢獻。

三三 統計數字並不能為執行處的工作負荷，提供一個均衡的描述。一方面，執行處內負責調查一般目標的部門，主要是處理比較簡單的案件。在接獲初步報告後，只需數日便調查完畢及順利完成起訴程序。但另一方面，負責調查人物目標及特別目標的其他兩個部門，辦理的是極端複雜及迂迴曲折，觸犯防止賄賂條例第十條或涉嫌串謀貪污的案件。此等調查工作可以花上一年或更長時間，而法庭審訊及判罪後犯人提出的上訴，亦會費時數月。撲滅集團貪污罪行的唯一方法，是不辭勞苦，搜集及整理證據。這類調查工作，因各種因素而必須謹慎進行，不能操之過急，兼會遭遇很多困難，因為貪污份子已懂得怎樣更有效地維護自己。此外，廉政公署調查貪污案件的方法，時常在法庭審訊中，公開描述給人知道。不過，執行處調查案件不辭勞苦及不屈不撓的努力，必將獲致更多的成就，最後定會粉碎貪污集團。在四百三十四宗仍在調查的案件中，有一百六十五宗是屬於人物目標。執行處目下掌握着很多貪污案件的情報資料，一俟獲得所需的人手，即會展開調查。

檢控案件

三三 執行處在一九七五年共檢控了二百一十八人，其中九十六人為政府人員，其餘一百二十二
人則為其他人士。以下是檢控案件中較為重要的六宗：

(一) 葛柏——於一九七五年一月七日被引渡返港，被控一項串謀罪名及收受二萬五千元，違反年前的「防止貪污條例」。一九七五年二月二十五日，葛柏被判入獄四年，其後亦未獲准向樞密院上訴。這是舊有的反貪污部與廉政公署五年多工作的最後成績，亦是公署發展史上一個重要的里程碑。

(二) 施德全——於一九七五年八月六日被判入獄三年半，其罪名是在一九七二年十二月二十八日擁有財富與官職收入不相稱，違反防止賄賂條例第十條。其上訴亦於七五年十一月五日被駁回。這宗案的判決對擁有不相稱財富一類的案件提供了不少有用的指導。

(三) 歐陽坤及曾啓榮——前者為一名退休之刑事偵緝處警署警長，後者則為退休之警署警長。二人同因串謀索取及收受金錢而於七五年三月十三日被判罪名成立，分別被判入獄一年。但曾啓榮則獲准緩刑一年。同年四月三十日，律政司要求覆判的申請獲得批准，結果歐陽坤及曾啓榮的刑期均被增加至三年。但在此期間，曾啓榮已僭逃離港，法庭因而發出拘捕令，緝拿曾啓榮歸案。

同年十二月廿二日，歐陽坤又因在一九七三年十二月十六日擁有與官職收入不相稱的財富，觸犯防止賄賂條例第十條。被判有罪及入獄四年，惟此項刑期可與其服刑中的刑期同時執行。此外法庭又下令沒收其六百一十五萬五千零三十元不相稱之財產及繳付罰款六萬元。截至目前為止，這是法庭根據防止賄賂條例第十二條下令沒收的最大的一筆款項。該筆款項充份顯示出在集團式貪污中，即使是較低級的職員也能獲取鉅額的黑錢。

(四) 李保羅——由於調查此案而揭發建築地盤上的集團式貪污行徑。結果除僱主外，有十六

人被檢控。工務司署一名高級（路政）工程師鄧瑾，亦由於此案而被發現觸犯防止賄賂條例第三條。經檢控後，鄧瑾承認罪名，被罰一萬二千元，並於稍後被革職。

(五) 萬國寶通銀行——這是檢控私人機構的首宗重要案件，涉及的款項達一百萬元。案中五名被告合共被控二十五項違反防止賄賂條例第九條的罪名。在罪名成立後，各被告分別被判入獄一至四年不等。

(六) 譚保禮——因擁有與官職收入不相稱的財富而被控觸犯防止賄賂條例第十條（乙），並於七五年二月十四日被判入獄一年。這是首次有被告人將其存於海外的不相稱財產（八萬英鎊）自動交出。

三、由於嫌疑犯在調查期間僭逃致使一些案件的調查工作不幸被迫中斷。但這並不能視作一種失敗，因為貪污集團中的一份子已被摒除，不能再為害社會。隨着公署調查工作的發展，嫌疑犯有一種傾向，特別是職位較低的華籍公務員貪污嫌疑份子，他們一旦發覺被廉政公署調查，便設法逃走。即使當他們的旅遊證件已被公署扣留也會發生這類事件。嫌疑犯多由一個頗具規模的非法集團將他們偷運離境，代價是一筆可觀的費用。廉政公署會揭發該組織的一名份子，並由裁判司根據公安條例判其簽守行爲。一九七五年間共發生二十二宗此類僭逃事件，其中有二十人是在公署調查之列者。

三、此外又有七十五宗有關公務員操守的案件，經「審查貪污舉報」諮詢委員會研究後，提交有關之政府部門處理。結果導致兩名公務員被撤職、兩名被強迫退休或辭職，其餘一部份受到較輕的紀律處分。還有三十宗則仍在考慮中。政府的紀律程序通常都是冗長和累贅的。公署已作出建議如何加速推行這種紀律程序，特別是當公署的調查顯示某職員曾有違法的行爲。有關公署提交政府作內部紀律處分的案件，可參閱附錄十五。

罰款

三、自一九七四年二月十五日始，法庭曾下令將一千零二十九萬七千四百五十六元一角九分以罰款、償還及沒收款項形式歸還政府。估計另因政府僱員罪名成立或棄保潛逃而致取消其應得之期滿酬金及退休金，政府因而節省開支達八百零六萬九千零二十五元。此外，另有五十三萬七千零七十二元三角六分經已償還給市民經營的機構及個別人士。還有一點可能市民仍未普遍知道的，就是一切金錢收入（即使是以前以貪污手段獲取的）均須納稅。廉政公署之政策是，如在調查過程中發現涉嫌人士及其親屬擁有未經課稅的金錢，即將之轉告稅務局。

調查概況

三、政府部門中最多工作人員受公署調查的是警務處。最近之案件顯示貪污集團頗為猖獗，而對這些案件之渲染造成更多市民投訴警務處。但有一點必須緊記：警務處不僅是政府機關中唯一晝夜二十四小時與各階層人士不斷接觸的部門，亦是政府最龐大的部門，包括輔警及文職人員在內，警務處共有約二萬四千職員，佔全部公務員總數五分之一。因此有關警務人員之投訴難免衆多，其中無確實證據的投訴亦不少。

三、監獄署職員中曾受公署調查者亦不少，公署曾檢控該部門九名職員，大部份為低級職員，因涉嫌替監犯轉運毒品或金錢而被控，由此亦足見吸毒之為患。廉政公署對此等案件之調查對監獄署長撲滅監獄內的毒品禍患的努力，甚有幫助。

三、工務司署共有十四名職員曾受檢控，主要是根據保利案件調查所得資料提控。建築地盤貪污集團的揭露令人擔憂，同時顯示部份建築業人士簡直認為貪污行賄是理所當然的事。一位法官曾指出，此種貪污行為可導致市民之安全受到危害。

三、本年內涉及私人機構之案件增加了很多。雖然投訴人所提供之資料甚為詳盡，但仍有些案件調查過程繁複，且費時甚久。檢控此類案件的主要關鍵是委託人或僱主必須願意出庭指證其屬下並未獲他批准接受私人佣金；但許多時委託人並不願意出庭作證，或其所屬公司之規例欠

於明確，故無助於作證。

內部調查

三三 每宗案件均顯示，其中所付出的貪污款項均比初時預料的為多。由於大筆款項受到調查，涉嫌人士不免企圖滲透執行處。公署會迅速發現兩宗此類事件：其中一宗已導致該部門一名前任職員入獄兩年。此外，另有六名職員之廉潔問題甚值得懷疑，因而亦被解僱。公署已成立一個內部自律組織，以防範公署之聲譽受到小部份不良份子破壞。同時並採取行動，以確保能迅速找出及處理任何藉以滲透執行處的行為。公署職員均比一般公務員受到更嚴格的背境調查。

貪污的禍害

三三 一九七五年之經驗證實，雖然貪污的禍害往往是由貧苦市民擔當，其實每個市民生活均受影響。最近審訊的銅鑼灣警署串謀貪污案證實數目龐大的「黑錢」是由黃、賭、毒三害中攫取：之後部份「黑錢」又再被用來支持非法勾當，如此下去，對市民及社會的危害，與日俱增。事實上，有些貪污的公務員對其貪污「事業」比其正當職業更加關心，在職責上只作表面工夫。結果是一些曾立誓執法的官員竟然暗中緊密地與毒販及諸如此類的不良份子勾結，實在令人震驚。雖然大部份賄款由賭而來，但因毒品與娼妓問題而付出的賄款亦甚鉅，故貪污實增加市民受此三害的痛苦與欺凌。市民一般認為販毒首領及迫良為娼的不良份子均應受到法例嚴厲制裁，無疑最近受警務處檢控與此類罪行有關的犯人均已受到最嚴厲的懲罰。因此故意失責而助長黃、毒罪行滋生的有關人員亦應根據防止賄賂條例或其他刑罰更重的法例而受到同樣嚴厲處分。此等人員並不值得寬容，因為他們除直接或間接參與非法活動外，亦辜負市民對他們的信任及所賦予他們的權力。

三三 私人機構中「枱底交易」回佣事件所造成的損害並不容忽視：小商家被迫支付龐大的佣金可能令其生意難以維持；求職人士拒絕某機構人員或其代理人索取酬勞可能失去受僱機會；而

商品物價則因為商家需付私下回佣而相繼提高直接影響民生。公署發現某些工商業機構對「枱底交易」回佣事件佯作不知，甚至作出鼓勵，實在令人失望。

展望

三、四 執行處改組後正致力對付貪污集團及其他貪污陋習。此項工作之成功不但有賴於市民志願及勇於合作，而且亦有賴於公署職員以及所有政府僱員的努力。只有在全港市民徹底明白貪污直接影響到我們每一個人，以及各階層人士對貪污份子有普遍反感之後，本港的貪污問題及其萬惡的後果始能根除。

第四章 防止貪污處

四一 執行處專責調查所有涉嫌觸犯「防止賄賂條例」或「舞弊及非法行為條例」的罪行，而防止貪污處的主要目標是向政府部門及列於「防止賄賂條例」的公共機構提供最有效辦法，以杜絕或盡量減少各機構在措施及工作程序上可能導致貪污的機會。除此之外，根據「總督特派廉政專員公署條例」第十二條之規定，如有任何人士請求廉政專員協助消除貪污，則本處有責任向其提供意見及予以協助。

四二 本處必須聲明，貪污機會之存在並不一定表示這些機會經已導致貪污行為。

防止貪污諮詢委員會

四三 防止貪污諮詢委員會負責向廉政專員提供有關防止貪污的意見。該委員會的職權範圍及成員見列於附錄甲，於一九七五年該委員會曾舉行會議十次。其轄下的小組委員會亦每月舉行會議，就處理有關貪污機會的報告及投訴之先後次序方面，向廉政專員提供意見。該小組在過去一年曾舉行會議十二次。

組織及編制

四四 防止貪污是公共行政中一項創新的觀念。由於是前所未有的，故於擬定推行此工作所應有之組織時甚為困難。本署一九七四年年報附錄三所列之組織與工作人員數目只屬臨時核准性質，有待獲取實際工作經驗後才按照所需予以確定。經過一段時期的試驗後，本處目前之組織分為兩科，各由一位助理處長統轄，分別負責領導研究工作；另有管理組，負責行政及其他輔助性服務。每科轄下各有三個審查工作小組，每組成員包括一名組長及四名其他職員。本處採納此形式的組織後不久，發現工作必須專門化，但並非如原訂計劃中以各種貪污機會分門別類，而是必須以各類機構及／或其職務之不同而劃分，因為有些研究工作極為繁複及／或需要某一

方面專門知識或工作經驗。目前各審查工作小組分別專責研究不同性質的機構或職務，一方面可對其負責的機構或職務逐漸累積知識，另一方面亦避免本處內不同組別重複工作。

四五 自一九七五年六月始，防止貪污處處長之職一直懸缺，現暫由廉政專員兼任。本處於一九七五年十二月三十一日之組織及在職人數見列於附錄乙，經核准之編制人數為一百二十三人，但為使執行處能增聘職員，故目前臨時編制暫將人數減為七十四人。本處於招聘有經驗的人士出任高級職位時甚感困難；具有所需資歷的本港人士反應甚為冷淡。故去年本處人手極為不足，在職工作人員包括秘書及其他輔助性職員在內共只得六十四人。

四六 組織方面，雖然將來可能需要再加調整，但目前之組織甚適合短期內之需要。在一九七五年底，本處已建議增設數個高級職位，由較多的低級職位抵消，以羅致經驗及知識豐富、老練能幹及可以獨立工作的人材。本處之長遠計劃是希望能晉升在任職員為高級職員，故對在任職員之訓練倍加留意。

工作方法

四七 防止貪污處是在接獲以下任何一方面之報告後，展開審查工作：

- (甲) 任何市民；
- (乙) 「審查貪污舉報」諮詢委員會；
- (丙) 政府部門、公共機構及私人機構；
- (丁) 專業、全港性及分區性機構；及
- (戊) 防止貪污處審查工作人員。

本處於一九七五年共接獲五百六十二宗報告，這些報告涉及大部份政府部門，尤其是房屋署、工務局、警務處、新界民政署、市政事務署、教育司署、醫務衛生署及人民入境事務處。此外亦涉及十五個公共機構。可惜有關行賄、受賄雙方滿意的貪污行為資料顯然十分缺乏，這亦是

在所難免。但防止貪污處經常與執行處討論有關這方面的問題。

四八 本處所接獲之報告全部均呈交防止貪污諮詢委員會轄下一個小組委員會考慮及決定審查之先後次序。有關非屬於公共機構類組織的報告本處暫予以擱置，待此等組織亦列為公共機構類時才予以處理。諮詢委員會於決定審查工作之先後次序時，以下列各點為原則：

(甲) 所投訴之措施及工作程序是否影響廣大市民或是只影響到一部份人士；

(乙) 這些措施及工作程序是否會產生其他嚴重問題：例如是否會導致其他非法活動或令政府損失大量稅收；

(丙) 所涉及之施政制度是否會因某種因素，例如審訊中的案件或其他方式的報導等，而突然引起市民的注意；及

(丁) 該項審查工作是否須在某一日期之前進行——例如研究政府快將實施之某種措施或工作程序。

有一點必須指出，單是一宗報告並不導致一項審查工作。本處通常將所接獲之報告分類，以定出有關各種措施或工作程序之審查範圍。於一九七五年底，有待防止貪污處審查的範圍有一百七十五項之多。其中十項屬「最優先處理」類。「總督特派廉政專員公署條例」第十二(丁)及(巳)條規定廉政公署須向政府部門及公共機構負責。因此本處必須優先處理有關政府及公共機構的審查工作，尤其是有關前者的審查工作。由於目前本處人手有限，故私人機構請求本處提供意見時，本處暫未能予以協助。

四九 新的審查工作範圍是經由組長與其助理處長磋商後從「最優先處理」類選出。指定為負責該項審查工作的職員首先對所涉及的問題進行初步研究。其後由高級職員負責與委託機構進行會議，以確定審查範圍，進而對該制度作深入研究，特別留意政策、法例、工作程序、職員組織及宣傳工作等各方面。在研究過程中，本處不但多方面與有關職員磋商，而且亦與管理人員及熟識該制度的人士討論。於搜集所有必需的資料後，方可找出該制度中導致貪污機會的弱點，

從而作出建議將之消除或盡量減少。這些建議經編成「防止貪污處報告書」後，同時呈交防止貪污諮詢委員會及委託機構加以研究。一俟對方接納本處所建議之措施，本處便對該措施之實施情況密切留意。

四六 經驗豐富職員的缺乏以及人手不足的現象均嚴重影響今年之工作進展。此外，本處亦以相當時間訓練職員及試驗各種不同的工作方法。但雖如此，本處已展開新的調查任務達三十五項，另已完成三十四項調查工作的報告。

貪污機會的特點

四七 在研究政府多項措施及工作程序的過程中，發現導致貪污的機會經常有些相同的特點。由於在各項研究工作中均或多或少發現此等特點，故在下列數段中加以詳細討論。

四八 「過時或不適當的政策」 每項研究工作中最基要的為研究導致各種措施或工作程序的政策。在數項審查工作中，本處發現最基本的弊端在於有關部門採用過時之政策，甚或毫無政策，或該政策已毫無作用或毫無必要，而仍保留原有之全部或部份工作程序。因此該部門人員對工作之目標和需求感到混亂，這種情況可以引致各階級職員隨意決定工作目標，亦可能帶有貪污企圖。

四九 「未經執行或無法執行的法例」 法例是使各項施政目標生效之最首要工具。本處發現差不多在每項審查工作中，必須審慎研究有關法例。不論政策是否適當或合時，法例本身已可提供貪污機會，尤其是未經執行或無法執行的法例。政府部門繼續實施過時或不適當的法例可能是由於此等部門不會對其本身法例進行檢討或由於執法機構與立法機構之間缺乏聯絡。法例若不能貫徹執行，無法執行或市民獲悉較低級職員於執法時可隨意變更，均可導致執行法例人員有大量的貪污機會。若高級人員也容忍不合法的現象存在，則與市民接觸的職員便更加容易受到市民利誘。

四六 「不足或過多的指示」 許多政府部門均有該部門的工作指示，以輔助政府法例的執行。上述有關法例的弊端經常亦在此等輔助性指示中出現。雖然各部門的執行指示目的之一是在影響市民的事宜上劃一步驟，但不足的指示可能導致低級職員有權隨意作出決定，而此等職員可能並非具有適當資格或等級作出此等決定的。相反來說，過多的指示令職員失去主動辦事及個人發展的機會，以及導致施政制度中出現其他的貪污機會，例如阻延時間等。

四七 「不必要的程序」 以上提及過時或不適當的法例可導致貪污，另一方面，過時、不適當或不必要的工作程序亦同樣可造成貪污機會。香港社會雖小但推動力甚強。社會政制必須經常改革，以符合日新月異的經濟及社會狀況。顯然，已過時的工作程序及措施必須廢除，但防止貪污處的研究工作發覺事實往往並非如此。任何不必要的程序或措施都會引致拖延時間及其他阻誤，以致降低工作效率，從而產生貪污的機會。在這種情形下一旦有市民願意行賄及／或有公務員索取或接受賄賂以加速辦理，便造成了貪污的行為。

四八 「缺乏監察及責任擔承」 上面已提及不足或過多的指示所產生的問題。但即使在有足夠指示的情況下，亦須有人負責監察此等指示是否適當執行。多項研究工作顯示，許多部門疏於監察低級職員的工作，尤其是對離開辦事處執行任務的職員。負責監察的高級職員當然亦有其本身的工作，而該工作往往是行政性質的，故需經常留在辦公室內。而且辦公室環境亦較舒適，令人不願出外跋涉，故監察的工作往往只靠檔案傳訊維持，此種方法不但無助於監察工作，而且可能是不必要的程序之一，更可導致更多阻延。

四九 除不足的監察外，防止貪污處的研究工作顯示在許多情形下，政府僱員，尤其是負責審察及督導工作的職員，經常敷衍了事，甚或毫無責任感。防止貪污處快將研究「責任擔承」問題，此問題將涉及政府紀律處分之程序。預料此項研究所得之建議將實施於整個政府部門。

五〇 「宣傳工作不足」 在最近數年，政府不斷作出努力，通過民政署的諮詢服務、各種傳播媒介及改良各部門的諮詢服務等，以公開政府部門的政策、措施及工作程序。但仍有小部份政

府部門對其政策及工作程序不欲加以宣揚，有些甚至認為並無此需要。在防止貪污處所進行的多項審查工作中發現市民缺乏對政府措施及工作程序的認識，可導致個別狡詐的職員任意妄為。事實上，市民不但應明瞭政府之工作目標及措施，而且亦應同時受到公民教育，俾能明白及運用其市民的權利。

防止貪污審查工作

四六 上列數段指出導致貪污產生的工作環境的數項特點，以下數段列出幾項防止貪污處所進行之審查，作為上述特點之例子。

四七 本處早期的審查工作之一是關於新界非法葬殮問題。在此項審查工作中，最主要的關鍵在於政府之決策。新界本土村民有權埋葬於新界傳統墓地，此決策似乎是自本世紀初開始實行。但現時證實一名市民實為新界村民是異常困難的工作，而政府並無明確制度，以批准及管制此種葬殮，亦差不多全無職員專責執行此項決策，另一方面市民對墓地需求迫切，使此問題更趨繁複，因而形成貪污機會。解決此問題實需重訂政府決策，以適合現狀及加以清楚說明，並依照新訂法例着實地執行。目前新界政務司正考慮此問題。

四八 另一項關鍵亦在乎於政府決策的審查工作是關於勞工署容許不合法工廠存在的問題，尤其是設於住宅樓宇的工廠。本處在此項審查工作中發現，雖然政府決策為對某些設於非工業用途的樓宇內的工場予以承認及發給臨時執照，事實上，許多可以註冊的工場並無註冊而被「容許」存在。如果政府目前之政策為將所有可註冊的工場登記，登記工作便應徹底執行。政府職員處身於明知而故意容忍非法活動進行的環境中，自然有貪污機會。此事現由布政司署處理，公署認為應重新修訂此決策，使法例與政府部門之措施能互相符合。

四九 在審查市政局選舉及有關事宜的工作中，發現兩點特別值得注意。其一為「舞弊及非法行為條例」中有一法律漏洞可導致選舉時作弊，這是不適當的法例可導致貪污的例證。雖然多年

前警務處轄下前反貪污部曾加以指出，但當局並無修訂法例。另一點是應將該條例譯成中文，使一般市民均可知悉政府之目的及用意以及清楚法例，以避免產生貪污機會。

四三 另一項甚受市民關注的問題為指稱政府醫院病房女工及雜工索取賞錢的事宜，此事影響廣大市民，雖然病房的護士是負責監管女工及雜工的，但由於護士經常有過多的工作及須在病房為超額的病人服務，引致未經訓練的雜工須在極少監察與指導下執行工作。本處有關此問題之建議將於稍後呈交醫務衛生署考慮，該署亦會參與此項審查。

四四 在接獲一項有關一名低級職員過早釋放遭檢疾拘留的動物的投訴後，本處曾進行審查動物檢疾拘留的程序。漁農處處長發現該部門低級職員在缺乏監察的情況下隨意作出決定，於是下令加強監察工作。此事表現出政府職員有可能利用指示不足或監察鬆懈之情形藉以圖利。

四五 審查工作多是接獲市民要求，或應各部門首長之邀請而進行，其中包括研究租務調查處之工作程序。本處曾建議數項改革，以減少外出職員的貪污機會，該等職員通常在缺乏監察情形下工作，而市民又不明瞭實際情況，故形成了職員任意作出決定的貪污機會。此外，本處亦曾向環境科提出有關「批准制度」工作程序的防貪措施。該「批准制度」是容許在重劃區域內變更土地用途。此外，本處亦曾就另一項加速批准對整個社會有利的私人發展計劃的制度提出防貪建議。

四六 本處曾向房屋署建議有關指定公共樓宇承建商及分配樓宇程序的建議，以消除或盡量減少貪污機會。此外，本處曾向政府物料供應處及香港地下鐵路公司提供有關購貨驗貨等程序的建議，主要目標是防範公職人員與私人機構之間串謀貪污。

四七 本處現正進行的審查工作包括防火組的執行工作程序，有關管制市區及新界公地的政策、措施及實行程序，以及實施建築物條例的情況等。在上述各方面，本處均發現廣泛的貪污機會，一般是由於法例之執行缺乏全面性和連貫性，本處現正研究改善的方法。

四八 如以上第段所述，防止貪污處於完成一項審查工作後，便向委託機構呈交工作報告。一

九七五年本處呈交各委託機構的報告見列於附錄丙。其中數項審查工作是自一九七四年底本處成立時開始進行：當時並無特別規定各項工作的審查先後次序，目的是使本處職員對各政府部門及一般公共服務加深認識。此初步階段經已過去，目前各項審查工作均依照以上第段所列的原則決定進行的先後次序。

第五章 社區關係處

五、一 「……廉政公署將會有一個社區關係處，由一位處長主理，負責肅貪倡廉的宣傳及社會教育工作，和鼓勵市民參與撲滅貪污。上述任務將涉及借助公共傳播媒介，向市民傳遞肅貪倡廉的訊息，及在學校和各種有代表性的團體展開教育性工作。」

以上是布政司一九七四年一月三十日在立法局動議「總督特派廉政專員公署法案」二讀時宣佈的社區關係處職權範圍。因此本處的目標是設法引導市民認識貪污的禍害，和策動及鼓勵市民支持撲滅貪污的工作。這兩項長遠的目標包括促進市民的公民責任感，徹底改變市民對貪污的態度，及設法提高香港市民的道德倫理水平。

一年的回顧

五、二 一九七五年初，本處方正式開始工作。當時本處只有二十八名職員，部份還在受訓中。至同年三月，本處才略具雛型的組織，並成立初步的中央工作單位，以推動在傳播媒介及個人聯絡方面的社區關係工作。同年五月，港督委出「社區關係」市民諮詢委員會，為本處工作提供指示及建議。而廉政公署的第一個分處，則在七五年七月三十一日在九龍城美東邨開辦，由社區關係處的職員負責管理。稍後在八月二十八日及十月二十九日，公署又先後在荃灣福來邨及深水埗鴻裕大廈開設另外兩個分處。

五、三 遺憾的是，由於政府財政緊縮關係，致使本處在一九七五年的發展受到嚴重限制。公署原先計劃在一九七五年間在人口稠密的地區設立八個分處：四個在九龍、兩個在香港、及兩個在新界。但結果因為財政緊縮而只能開設三個分處。其他被迫擱置的計劃包括成立一個社會教育組，與各教育機構從事有關的社會教育工作，及成立一個社區研究組，負責衡量市民對貪污問題的態度及他們對公署工作的反應。

五、四 無可否認，去年經費的「凍結」致使廉政公署的宣傳及社會教育計劃俱不能平均發展。社

區關係處雖然未能照原定的速度發展整個部門，但現時已建立一個鞏固的基礎，俾能迅速及有效地發展未來的工作。

五五 港督在今年十月立法局首次會議時指出：「廉政公署應獲得所需的撥款，使它依照各議員已核准的方針發展其防止貪污處及社區關係處。」公署於是在七五年年底招募職員填補現時之空缺。因此本處的社會教育組已在年底時開始工作，而本處亦得以為社區研究組物色主要的職員。至於原先計劃成立的另外五個分處，亦將會在一九七六年間陸續開設。

五六 一般來說，市民對本處的宣傳及社區聯絡工作均有良好的反應。本處的聯絡人員亦曾參與數以百計的討論及座談會，答覆社會各界人士提出的問題，及與他們交換意見。根據跡像顯示，這種個人接觸可促使市民更為認識公署的目標、抱負及工作，和加強他們的信心。在一九七六年，隨着公署成立更多分處和增加在傳播媒介方面的活動，社區關係處的影響力亦將更為普及，並期望能在未來產生一種永久性的效果，改變市民對貪污根深蒂固的態度。

組織及編制

五七 社區關係處的組織及編制詳列於附錄五。概括地說，社區關係處的工作主要分為兩大類：(一)以個人聯絡方式，深入社會各階層，加強公署與各界人士，特別是與一般市民的聯繫。(二)借助傳播媒介，推行各項宣傳及社會教育計劃，俾使公署肅貪倡廉的工作能產生更大的影響力。

傳播媒介方面的工作

五八 本處轄下有兩組具有大眾傳播工作經驗的職員，負責推行公署在傳播媒介方面的宣傳及社會教育計劃。第一組是新聞組，負責在公署內收集可用作新聞稿或公報的宣傳資料及將它們發表，並以廉政公署發言人的身份與傳播媒介人士作日常的聯絡。另一組是文教創作組，負責從事較為創作性的宣傳及社會教育工作，例如攝製幻燈片、影片、編印小冊子、海報；撰寫專題文稿及製作供演講用的輔助器材，和供電台與電視播放的資料及片集。而事實上，新聞組與文

教創作組的工作是相輔相成的。

(甲)新聞組的工作

五九 新聞組是社區關係處最早成立的一個單位，旨在為中文及英文報界提供二十四小時的新聞服務。該組不時為本港報章的編輯舉辦非正式座談會，為中文報章舉行過兩次、英文報章舉行過一次，並先後晤見三十五位本港及外國的新聞記者，與他們談論廉政公署的工作。除發出二百二十六份有關廉政公署執行處調查工作的新聞稿外，新聞組又曾於七五年四月至十二月期間，發出二十三份新聞公報，闡釋公署的權力、政策、工作方針、及報告公署的工作進展。

五六 新聞組經常密切注意報章有關廉政公署及香港撲滅貪污工作的報導和評論。該組每日均省覽本港的英文報章及多份中文報章，並翻譯有關項目供公署人員傳閱，俾使公署人員對本港報界所關注的問題能有一個正確的觀念。

(乙)文教創作組的工作

五七 在一九七五年財政最為緊縮時，社區關係處的發展受到重大的阻礙，但為使更多市民認識廉政公署的工作及抱負，本處仍極力設法保持高度的創作性宣傳工作。所以文教創作組的工作並沒有因本處削減開支而受到不必要的妨礙。該組於七五年三月初成立及聘用職員。基於公署政策的規限，文教創作組只能僱用少數的專職人員，同時在成立初期亦難免遭遇重重困難。雖然如此，該組仍能計劃及完成不少在傳播媒介方面的宣傳工作，特別是在電視播映的節目。在製作電視節目時，除需符合公署教育上的要求外，還需設法使該些節目具備娛樂性的成份。

五八 自一九七五年六月起，電台及電視每週均有播放長約五分鐘的廉政公署相聲節目。這個節目初期採用中國北方傳統的「相聲」形式（即兩位藝員間的對答），合共二十六輯。由七五年十二月起，這個節目已由一個短劇代替，該短劇是以一個家庭和他們的朋友為中心人物。這些五分鐘短劇的優點主要是能夠迅速地對重要或市民關注的問題有所反應，使公署能在極短的時

間內向市民傳達有關公署的計劃、政策、及工作方針的消息。

五三 經過適當的投標程序後，文教創作組終在七五年年底時開始與麗的電視有限公司聯合拍製十三輯電視片集。這些片集每輯長約半小時，以一位年青的廉政公署調查員為中心人物，描述香港的生活及社會態度。該片集已命名為「靜默的革命」，以反映港督一九七三年十一月在立法局發表的談話：「我們的社會若要成功地撲滅貪污，便必須進行一次靜默的革命。」這個片集並將在一九七六年二月在麗的電視中文台播映。

五四 文教創作組又運用其他公共傳播媒介，例如廣播電台的空中論壇（預先實地錄音）及在電視和電台播放廣告短片（「與公眾利益有關的廣告」）等。此外該組又印製了一些海報，並計劃編印更多海報、小冊子、簡介等刊物，以簡淺的文字闡釋廉政公署各方面的工作。

大眾聯絡

五五 社區關係處主要是作為市民與公署的一個媒介，俾能為撲滅貪污這個共同目標一起努力及互相交換意見。廉政專員認為，除借助公共傳播媒介外，還應盡可能與更多個人及團體取得聯絡，以求透過直接的個人接觸，傳達廉政公署的意向與展望，解答疑問，及交換意見。此外公署亦可透過這些接觸迅速地獲取一些有關市民對公署工作反應的資料。

五六 為確使公署與一般市民間能有一個週詳的聯絡計劃，及爭取市民的支持合力對抗貪污，社區關係處的職員分別在兩方面從事聯絡工作：

- (一) 由中央總辦事處展開全港性的社團聯絡工作；
- (二) 由廉政公署各分處展開區域性的社區聯絡工作，加強公署與普羅大眾的聯繫。

(甲) 社團聯絡工作

五七 本處的社團聯絡組負責接觸各政府部門、公共機構（見列於防止賄賂條例附表內者）、教育機構、專業團體、商業機構、福利機構、宗教組織、職員協會、一般聯會性組織、及其他分

佈全港的地區性組織，並與它們進行磋商。

五六 社團聯絡組約在七五年三月成立。截至七五年年底，該組共進行二百五十二次訪問及討論。聯絡的形式則視乎接觸的機構而定。例如與政府部門及專業團體的聚會多採取座談會的形式。如是學生團體，則先由公署的人員作一短講，然後解答在座者提出的問題。遇有政府部門、公共機構、甚或私人機構、舉辦職員訓練課程時，社團聯絡組的職員常被邀請前往演講，公署因此得以運用這些機會加深各界人士對貪污為害的認識，及促使他們更為了解合力撲滅貪污的重要性。一九七六年將舉辦更多此類訓練講座。

(乙) 分處的社區聯絡工作

五五 在策動市民參與撲滅貪污的長遠計劃，廉政公署的分處負有重要的任務。分處的職員代表整個廉政公署，負責履行下列兩種任務：為市民提供一個適中的地點，方便他們舉報貪污或諮詢有關廉政公署的事宜；作為一個聯絡大眾市民的據點，俾使社區關係處職員能與當地社區的居民及團體建立聯繫。

五六 公署各分處天天辦公，每日工作十四小時，（由早上八時至晚上十時）包括星期日及公眾假期在內，務使市民能在他們方便的時間及地點舉報貪污或向廉政公署求取協助與指導。

五七 目前公署的三個分處均得到良好反應。自成立初期，分處職員即獲得個人、學校、各民政區及分區委員會、街坊會、鄉事委員會、互助委員會、及其他社區團體的支持和合作。本港各政府部門亦曾給予不少幫助。截至七五年十二月三十一日止，本處的社區聯絡人員共參與七百零一次會議及進行六百五十九次訪問（詳見附錄十七）。從各分處的工作中，我們可看到一些特有的現象及趨勢。分處職員對外的演講約有百分之四十是在普通辦公時間之外進行的。另一方面，在各分處接到的貪污舉報中，約有百分之三十是在星期六下午、星期日及公眾假期內接獲的。此外，百分之七十以上的投訴及諮詢，均是市民親自前往分處提出的。

五、 另一個特出的跡象是分處經常接獲與廉政公署無直接關係的投訴，例如有關公務員不禮貌、辦事不力、及彼等在執行工作時所犯的錯誤等。間中亦有人投訴非法組織的存在。由於此類投訴不在廉政公署管理範圍之內，本處職員多將它們轉遞與有關的政府部門及機構處理。在大多數情形，該等部門及機構均會知會公署已就該些投訴採取的行動。

社會教育工作

五、 社會教育組的工作包括與教育司署、本港各學校、專上學院、各大學、訓練機構、及負責課程發展或主辦各種考試的有關當局進行諮商，設法在本港教育制度內的不同階層，透過各種教學課程及其他訓練計劃，發揚「肅貪倡廉」的風尚，培養個人的忠誠及品德，提高市民對香港社會的歸屬感和恢復他們對嚴明法治的信心。社會教育組將設法推動學生團體參與撲滅貪污的工作，及鼓勵家長和教師合力教育他們的下一代。

五、 社會教育組的首位職員，在一九七五年十一月底才被委任，因此該組尚未能展開任何重大的工作。雖然如此，該組仍借助各分處進行了不少初步的籌備工作。

社區研究工作

五、 社區研究主任一職現時尚未有人出任。社區研究組是本處一個主要的單位。在成立之後，該組將負責為本處進行統計性的社會學研究，以求衡量市民對貪污的一般觀感及態度，特別是反映及評估公署肅貪倡廉工作對市民產生之效果。社區研究組將與其他人士及機構緊密合作，收集及分析有關市民對下列問題的觀感和態度的資料：

(甲) 一般貪污問題；

(乙) 貪污行爲的動機；及

(丙) 香港環境中最易產生貪污的範圍。

社區研究組並需經常衡量市民對公署工作在觀感及態度上的任何轉變。這些研究將指示出社區

關係處與整個公署應着重的地方，俾能依循正確的方向發展。一旦被委任社區研究主任將負責為公署成立及發展這個重要的單位。

「社區關係」市民諮詢委員會

五五 港督又於七五年間委出一個市民諮詢委員會，指導公署在社區聯繫方面的工作。該委員會的成員包括社會各界人士。

五五 自七五年五月中被委任後，市民諮詢委員會在主席簡悅強爵士卓越的領導下，先後召開三次會議，審視社區關係處各單位的工作，及就該處多方面的宣傳與社會教育活動提供意見。

五五 諮詢委員會又在同年間成立了三個小組委員會，協助推行主會的工作。由何佐芝先生出任召集人的「傳播媒介小組委員會」，以及由謝志偉博士出任召集人的「社會教育小組委員會」分別在六月成立。這兩個小組委員會大約每隔一月便開會一次，督導社區關係處有關單位的工作。由關高茗華女士任召集人的「社區聯絡小組委員會」則於同年十一月成立，為該處的社團及社區聯絡工作提供指導，該小組委員會約每隔六星期召開一次會議，向社區關係處建議如何通過聯絡工作去引導市民認識貪污的禍害及策動他們合力撲滅貪污。此外，這個小組委員會的委員亦不斷提供市民對社區關係處及公署工作反應的資料。各小組委員會的成員及職權範圍詳見附錄十八。

五五 社區關係處謹此致謝市民諮詢委員會主席、市民諮詢委員會及各小組委員會的委員對該處工作在時間上以及意見上所作的寶貴貢獻。

附錄一（見緒言第七段）

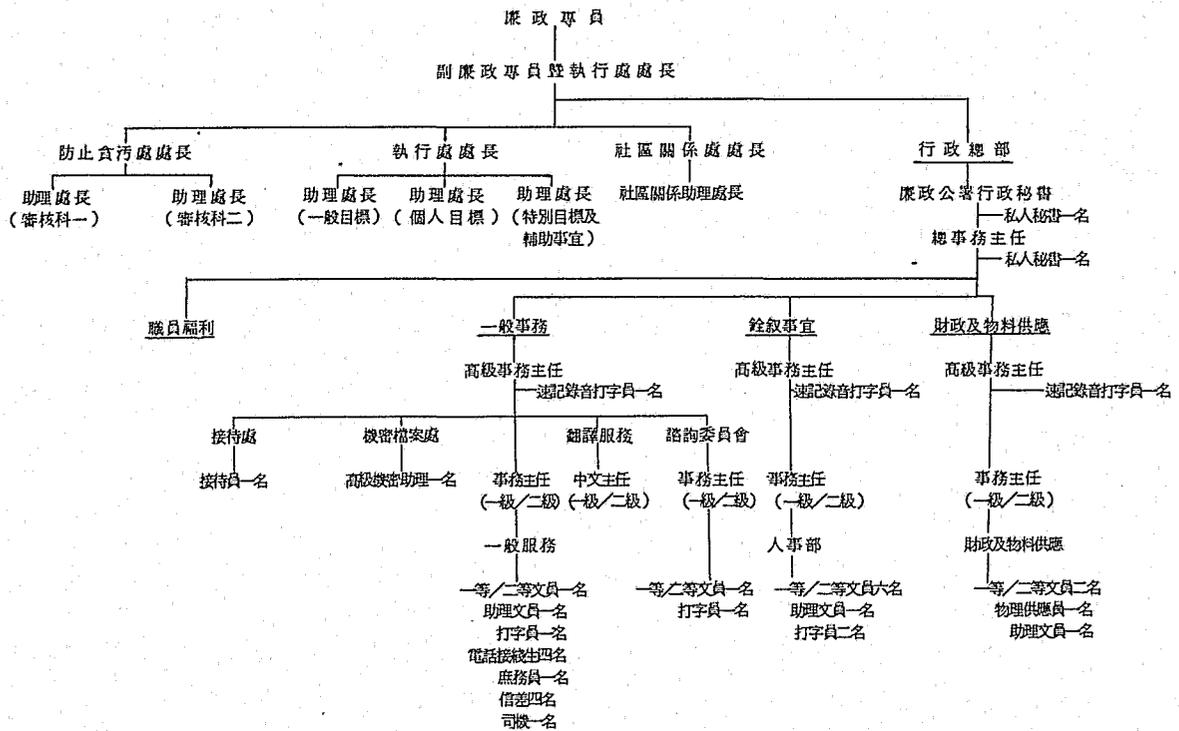
廉 政 專 員 的 職 責

根據「總督特派廉政專員公署條例」第十二條的規定，廉政專員之職責如下：

廉政專員將代表港督負責——

- (甲) 接受及考慮指控貪污行為的舉報，且在可能範圍內，予以調查；
- (乙) 調查任何指控或涉嫌觸犯防止賄賂條例或舞弊及非法行為條例的事件；
- (丙) 如廉政專員認為任何公務員的行為可能引致貪污或與貪污行為有關時，則予以調查，然後向總督報告；
- (丁) 審查政府及公共機構的辦事慣例及工作程序，以期查出可能引致貪污的行為，並設法將所認為會引致貪污行為的工作方法或程序予以更正；
- (戊) 應任何人之請，指導及協助該人如何消除貪污行為；
- (己) 向政府或公共機構的首長建議，在不妨礙該機構執行職責的情形下，更改不良慣例與程序，務求盡量減低可能引致貪污的機會；
- (庚) 使市民認識貪污的害處；
- (辛) 鼓勵市民支持肅貪倡廉的工作。

附錄二 (見第二章第二段)
 廉政公署高級職位的分佈
 廉政專員辦事處及行政總部的組織
 (截至一九七五年十二月卅一日)



一九七五年十二月卅一日之核准編制及在職人數

	編 制	在職人數
廉政專員 (\$ 18,716 *)	1	1
*私人助理 (\$ 3,530—\$ 4,075)	1	1
私人司機 (\$ 1,150—\$ 1,240)	1	1
廉政公署行政秘書 (\$ 9,650)	1	1
總事務主任 (\$ 7,210—\$ 7,810)	1	1
廉政主任(特) (\$ 5,220—\$ 6,910)	1	—
高級事務主任 (\$ 4,970—\$ 6,910)	3	3
事務主任 (一級/二級)	4	4
(\$ 3,530—\$ 4,720) / (\$ 1,840—\$ 3,380)		
中文主任 (一級/二級)	1	1
(\$ 3,530—\$ 4,720) / (\$ 1,840—\$ 3,380)		
高級機密助理 (\$ 2,660—\$ 3,080)	1	1
一等/二等文員	11	10
(\$ 1,840—\$ 2,410) / (\$ 755—\$ 1,740)		
一等/二等物料供應員	1	1
(\$ 1,840—\$ 2,410) / (\$ 755—\$ 1,740)		
助理文員 (\$ 615—\$ 1,150)	4	3
一級/二級私人秘書	2	2
(\$ 2,285—\$ 2,660) / (\$ 1,240—\$ 2,160)		
速記錄音打字員 (\$ 815—\$ 1,340)	4	3
打字員 (\$ 645—\$ 1,150)	5	4
接待員 (\$ 1,005—\$ 1,640)	1	1
電話接綫生 (\$ 815—\$ 1,240)	4	4
庶務員 (\$ 765—\$ 845 另加生活津貼)	1	1
信差 (\$ 745—\$ 765 另加生活津貼)	4	4
司機 (\$ 960—\$ 1,080 另加生活津貼)	—	1**

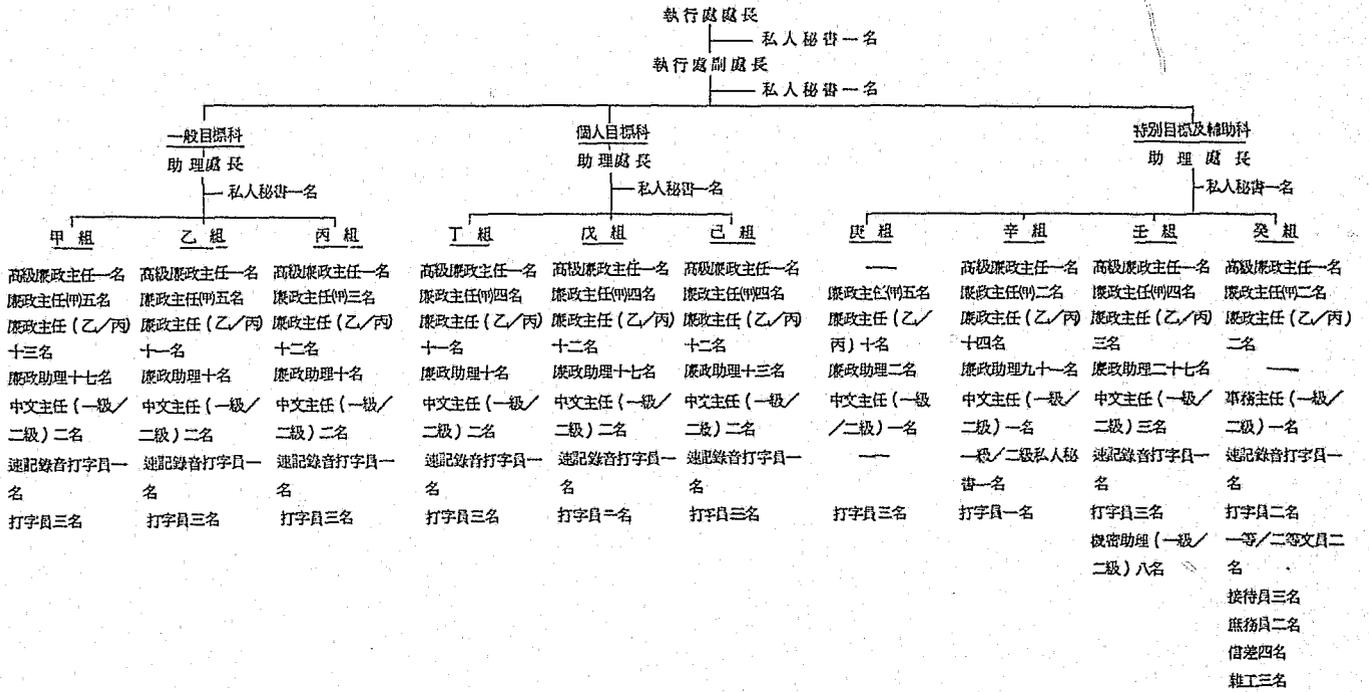
* 由其他開支項目支付：見附錄八 (廉政專員之公職費用)

** 此乃廉政專員創設的臨時職位。

附錄三 (見第三章第四段)

執行處的組織

(截至一九七五年十二月卅一日)

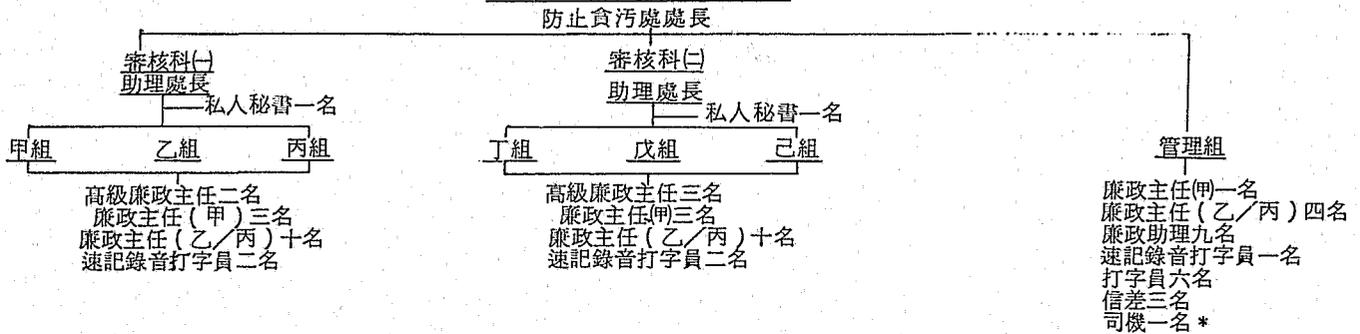


一九七五年十二月卅一日之核准編制及在職人數：

	編制	在職人數	編制	在職人數
執行處處長 (\$14,700)	1	1	一級/二級私人秘書 5 (\$2,285-\$2,660)/(\$1,240-\$2,160)	6*
執行處副處長 (\$11,950)	1	1	機密助理(一級/二級) 8 (\$1,940-\$2,535)/(\$1,150-\$1,840)	8
助理處長 (\$9,650)	3	3	速記錄音打字員 9 (\$815-\$1,340)	8
高級廉政主任 (\$7,210-\$7,810)	10	9	打字員 27 \$645-\$1,150	26
廉政主任(甲) (\$5,220-\$6,910)	39	38	一等/二等文具 2 (\$1,840-\$2,410)/(\$755-\$1,740)	2
廉政主任(乙/丙) (\$3,530-\$4,970)/ (\$2,040-\$3,380)	115	100	接待員 3 (\$1,005-\$1,640)	3
廉政助理 (\$1,150-\$1,940)	274	197	庶務員 2 (\$765-\$845, 另加生活津貼)	2
事務主任(一級/二級) (\$3,530-\$4,720)/ (\$1,840-\$3,380)	1	1	信差 4 (\$745 — 765, 另 加生活津貼)	4
中文主任(一級/二級) (\$3,530-\$4,720)/ (\$1,840-\$3,380)	17	17	雜工 3 (\$745 — \$765, 另 加生活津貼)	3

* 暫由社區關係處編制中抽調一個職位。

附錄四 (見第四章第五段)
防止貪污處的組織
(截至一九七五年十二月卅一日)



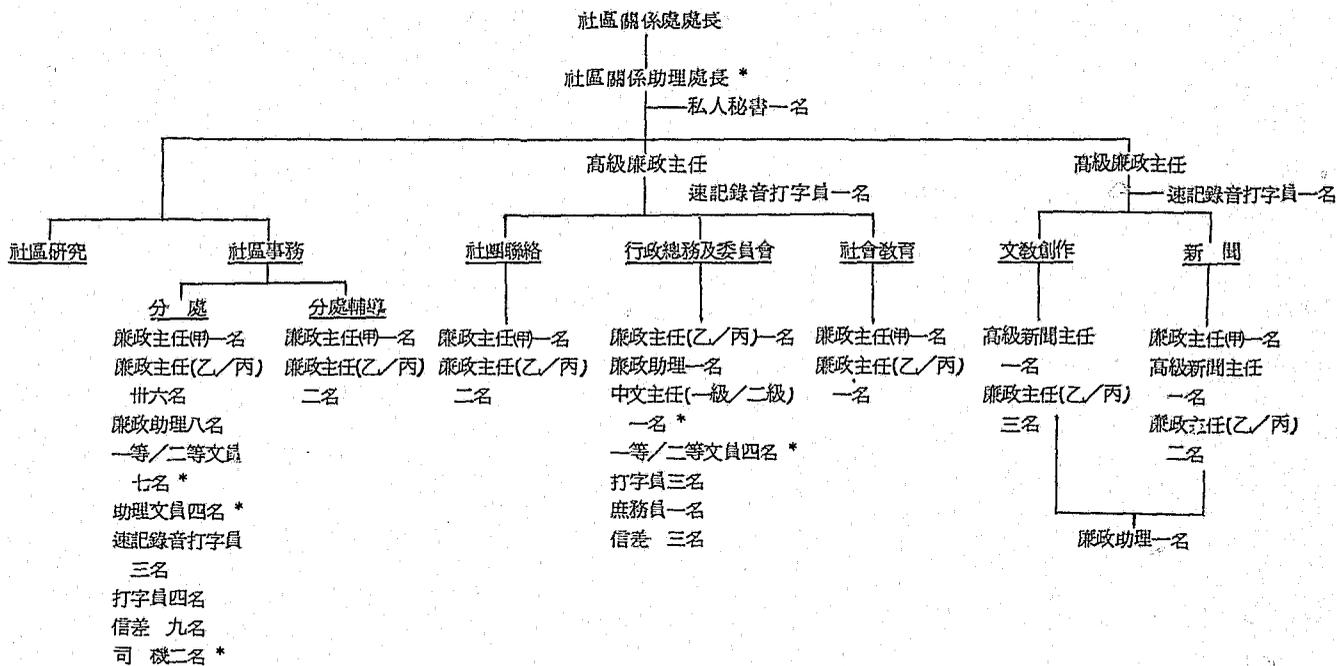
一九七五年十二月卅一日之核准編制及在職人數：

	編制	在職人數		編制	在職人數
防止貪污處處長 (\$12,900)	1				
助理處長 (\$9,650)	2	2	一級/二級私人秘書	3	2
高級廉政主任 (\$7,210-\$7,810)	6	5	(\$2,285-\$2,660) / (\$1,240-\$2,160)		
廉政主任(甲) (\$5,220-\$6,910)	14	7	速記錄音打字員	10	5
廉政主任(乙/丙) (\$3,530-\$4,970)	45	24	(\$815-\$1,340)		
廉政主任(乙/丙) (\$2,040-\$3,380)			打字員	9	6
廉政助理 (\$1,150-\$1,940)	29	9	信差 (\$745-\$765+ 生活津貼)	2	3
			司機 (\$960-\$1,080+ 生活津貼)	-	1*
			雜工 (\$765-\$845+ 生活津貼)	2	-

* 此乃廉政專員創設的臨時職位

附錄五 (見第五章第七段)

社區關係處的組織
(截至一九七五年十二月卅一日)

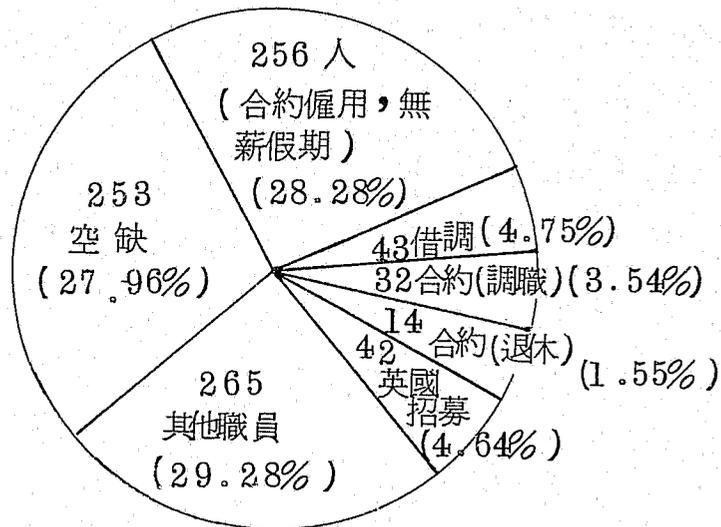


一九七五年十二月卅一日之核准編制及在職人數

	編制	在職人數		編制	在職人數
社區關係處處長 (\$12,900)	1	—	一等/二等文員 (\$1,840-\$2,410)	—	11*
高級助理處長 (\$11,150)	1	—	/(\$755-\$1,740)		
助理處長 (\$9,650)	—	1*	助理文員 (\$615-\$1,150)	—	4*
高級廉政主任 (\$7,210-\$7,810)	4	3	一級/二級私人秘書 (\$2,285-\$2,660)/ (\$1,240-\$2,160)	2	1
廉政主任(甲) (\$5,220-\$6,910)	12	5	速記錄音打字員 (\$815-\$1,340)	17	5
廉政主任(乙/丙) (\$3,530-\$4,970)/ (\$2,040-\$3,380)	93	47	打字員 (\$645-\$1,150)	12	7
廉政助理 (\$1,150-\$1,940)	39	10	接待員 (\$1,005-\$1,640)	1	—
高級新聞主任 (\$4,970-\$6,015)	4	2	庶務員 (\$765-\$845+生活津貼)	1	1
中文主任(一級/二級) (\$3,530-\$4,720)/ (\$1,840-\$3,380)	—	1*	信差 (\$745-\$765+生活津貼)	19	12
			司機 (\$960-\$1,080+生活津貼)	—	2*

* 此乃廉政專員創設的臨時職位

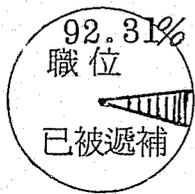
附錄六 (見第二章第六段)
 人事狀況—根據職員來歷所作的分析
 (截至一九七五年十二月卅一日)



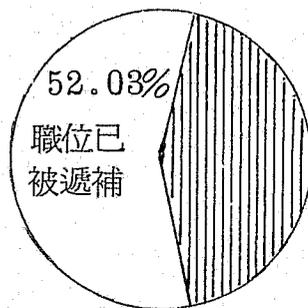
總編制：905
 香港政府公務員

合約僱用 (無薪假期)	256	28.28%
借調	43	4.75%
合約僱用 (調職)	32	3.54%
合約僱用 (退休)	14	1.55%
自英國招募	42	4.64%
其他職員	265	29.28%
空缺	253	27.96%
總計	905	100%

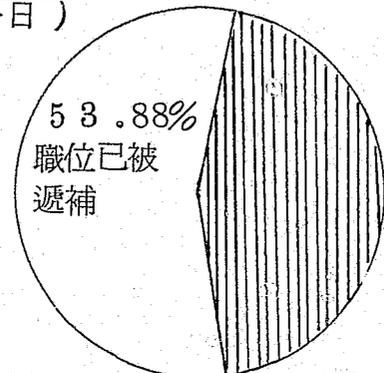
根據各部門在職人數所作的分析
 (截至一九七五年十二月卅一日)



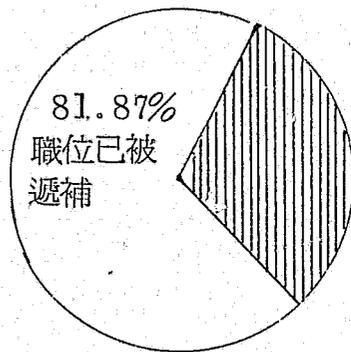
行政總部
 編制：52
 在職人數：48
 空缺：4
 92.31% 職位已被遞補



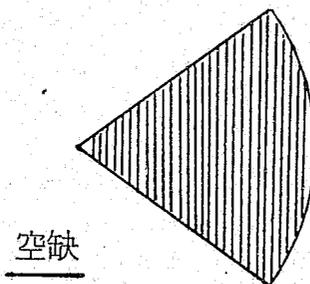
防止貪污處
 編制：123
 在職人數：64
 空缺：59
 52.03% 職位已被遞補



社區關係處
 編制：206
 在職人數：111
 空缺：95
 53.88% 職位已被遞補



執行處
 編制：524
 在職人數：429
 空缺：95
 81.87% 職位已被遞補



附錄七（見第二章第八段）

截至一九七五年三月三十一日止的一年內廉政公署帳目報表

核數署署長報告及證明書

本人業已根據總督特派廉政專員公署條例第十六條（⁽¹⁾）將附列之預算及實際開支報告審核完竣。除下列所作之評論外，本人經獲得全部所需資料及解釋。本人並謹此證明在審核後，本人認為附列之開支報告實屬正確無誤。

二 「賞金及特別服務」——在本財政年度內，由第十分項支出的費用共達一百一十四萬五千六百六十元九角。該項費用是依據殖民地規則第二三二項的規定支付，即是凡有需要支付機密性質服務的費用而又不能公開該些銷費的用途及詳情者，必須由港督在帳項內以付款證明書及聲明證實他本人對該些費用的支出表示滿意。在習慣上，該等付款證明書及聲明均由公署中獲得特別授權的高級職員簽發。因此這方面的開支並未依照一般核數形式予以稽核，而以有關之付款證明文件報銷該撥款項目下的開支。

三 「個案資產紀錄」——廉政專員會表示，基於保密理由，他必須限制審閱個案資產及有關文件的自由。惟任何核數工作的一個主要要求便是能夠有充份自由去審核有關的紀錄及索取一切需要的資料及解釋。既然審核自由有所限制，本人將不能在這方面從事完滿的核數工作。在這種情形下，本人因此不會進行稽核個案資產的紀錄。

四 「交通」——由於使用汽車的記錄冊並非每次均有詳細紀錄旅程的性質及使用汽車的原因，本人因此未能在使用汽車方面從事完滿的稽核工作。惟在核數過程中發現有某些高級職員一連數月會使用公署汽車由住所前往辦事處，而未有被要求付出費用。經查詢後，其中一位職員已獲准免費使用公署汽車往返住所與辦事處，及追認該職員以前未付的費用。另一方面，本人

認為應就這類旅程向一位前任公署職員追討一筆為數可觀的交通費。此外在稽核其他有問題的旅程時，本人所得到的解釋是因為辦理與行動有關的公事而需使用汽車，這是一個本人迫不得已接受的解釋。基於保密理由，公署似乎很多時均不會紀錄使用汽車的詳細情形。因此這方面的核數工作仍將難以完滿進行。

核數署署長
(黎義孚) 簽署

一九七五年十二月三十一日

附錄七(甲)
總督特派廉政專員公署
截至一九七五年三月三十一日止的一年內預算及實際開支報表

開支性質	原先預算支出 元	實際開支 元	超出預算 元	低於預算 元	追加之費用		
					特別撥款令	號數	重行分配
甲·薪酬							
一薪酬	8,967,400	11,033,353.35	2,065,953.35		2,700,000	42	— 238,000
乙·其他開支							
二行政	170,000	30,030.76		139,969.24			— 94,200
三諮詢顧問、會議及委員會	50,000	102,107.37	52,107.37				52,200
四款待費	50,000	2,217.05		47,782.95			
五服務租賃	145,000	27,258.53		117,741.47			— 96,100
六宣傳	250,000	86,275.94		163,724.06			— 157,700
七廉政公署職員的救濟及福利	1,800	1,800.00					
八廉政專員的薪酬	280,800	322,736.90	41,936.90				42,000
九租金	2,894,000	2,953,016.15	59,016.15				59,100
十獎金及特別服務	750,000	1,145,660.90	395,660.90				395,700
十一物料及配備	139,000	172,297.32	33,297.32				37,000
十二臨時僱員	3,000	—		3,000.00			
十三訓練費用	30,000	3,760.00		26,240.00			
十四運輸及交通費	57,000	33,120.58		23,879.42			
其他開支總額	4,820,600	4,830,332.00					
丙·特別開支							
十五交通工具	—	189,364.00	189,364.00		202,000	9,21,39 及 45	— 9,000
十六電話系統	—	5,103.00	5,103.00		32,000	9	9,000
特別開支總額	—	194,467.00					
總開支	13,788,000 (註一)	16,103,152.35	2,315,152.35	522,337.14	2,934,000		
節省開支				522,337.14			
實際增加之開支				2,320,152.35			

註一 此項數目包括一九七四/七五年政府財政預算中第五十二項第十分目所提供的 \$8,500,000 及由七四至七五年特別撥款令所核准的 \$5,288,000。至於 \$13,788,000 之總額則於七四年二月十三日由立法局財務委員會及由港督根據總督特派廉政專員公署條例第十四條(一)所核准。

註二 特別撥款令及重行分配已由立法局財務委員會核准。而港督亦已核准併合追加費用之最後修訂預算。

註三 其他有關宿舍、裝修、旅費、傢具、電話費、印刷及文具等開支，均由政府各統合性撥款項目支付。

總督特派廉政專員
(姬達) 簽署

一九七五年九月五日

附錄八（見第二章第九段）
經已核准及修訂的開支預算比較表——一九七六——七七年度預算草案

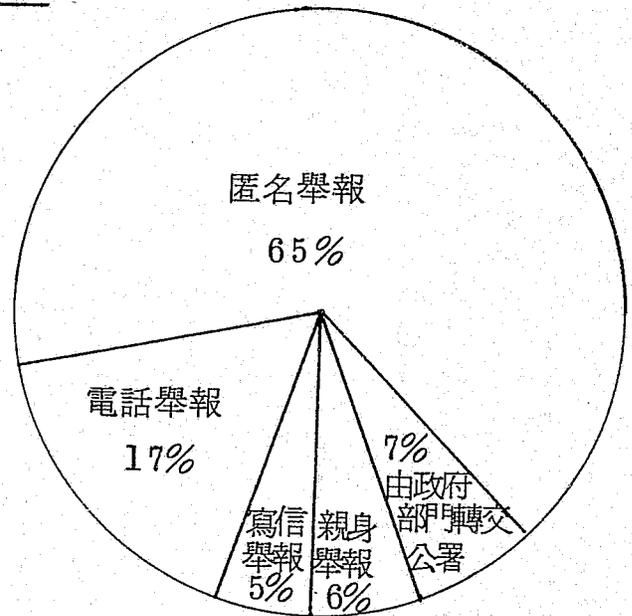
開支性質	一九七五/七六年度 核准預算 (七五年四月一日)		一九七五/七六年度 修訂預算 (七五年十二月卅一日)		一九七六/七七年度 預算草案*	
	元	元	元	元	元	元
甲. 薪酬		26,500,000		21,500,000		32,850,000
乙. 其他開支						
行政						
(一) 諮詢顧問、會議及委員會	80,000		22,000		65,000	
(二) 燃料及電費	202,000		100,000		185,000	
(三) 雜項	40,000		124,000		30,000	
(四) 臨時生活津貼	4,000		22,600		25,000	
		326,600		268,600		306,000
款待費		15,000		7,000		15,000
服務租賃						
(一) 清潔辦公室	85,000		50,000		109,000	
(二) 顧問及專家費用	300,000		265,000		690,000	
		446,000		315,000		789,000
公署職員的救濟及福利						
(一) 救濟	1,700		1,700		2,500	
(二) 福利	700		700		1,500	
		2,400		2,400		4,000
物料及配備						
(一) 刊物	47,000		23,500		30,000	
(二) 辦公室設備的租賃及保養	23,000		44,000		55,000	
(三) 物料及配備	183,000		130,000		295,000	
		213,000		197,500		380,000
臨時僱員		15,000		—		15,000
訓練經費		25,000		16,000		15,000
運輸及交通費						
(一) 車輛燃料費	40,000		29,500		40,000	
(二) 交通費	83,000		54,000		80,000	
		128,000		83,500		120,000
廉政專員之公職費用		290,000		290,000		290,000
證人及疑犯之消費		40,000		20,000		40,000
宣傳		950,000		540,000		900,000
招募費用		100,000		120,000		100,000
獎金及特別服務		1,460,000		1,500,000		2,125,000
		4,000,000		3,300,000		5,098,000
丙. 特別開支						
電話系統		—		42,000		—
特別開支總額		—		42,000		—
總開支		30,500,000		24,802,000		37,748,000

* 此項預算仍待立法局財務委員會核准。

附錄九（見第三章第十三段）

一九七四／七五年度
以各種形式舉報的貪
污投訴百分率

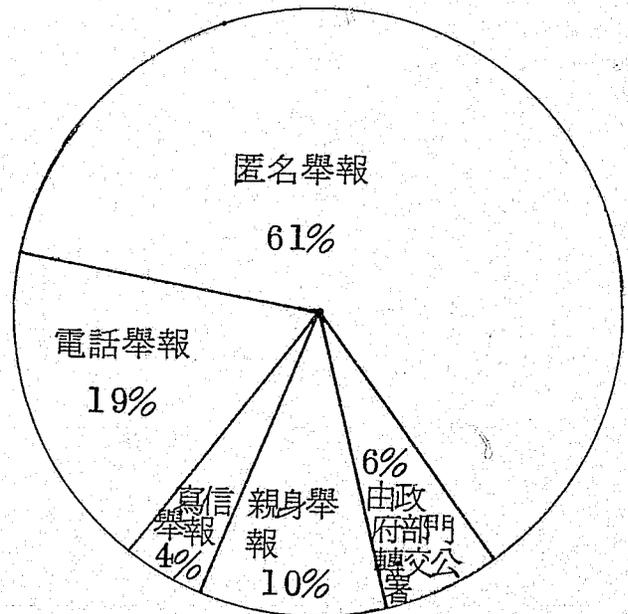
一九七四



貪污投訴
一九七四／七五

	一九七四	一九七五
匿名舉報	2080	1944
具名舉報		
親身舉報	191	305
電話舉報	551	591
寫信舉報	157	135
由政府部門轉交公署	210	204
	<u>3189</u>	<u>3179</u>

一九七五



附錄十 (見第三章第十三段)
 一九七四/七五年度
 有關政府部門及其他機構
 的貪污投訴分類表

政府部門	匿名舉報	具名舉報	一九七五年 合計	一九七四年 合計
漁農處	8	2	10	11
政府統計署	-	-	-	2
民航處	2	1	3	5
布政司署	2	-	2	6
工商署				
緝私處	16	7	23	35
其他	10	3	13	16
教育司署	16	5	21	59
消防事務處	30	19	49	51
督憲府	-	-	-	1
政府物料供應處	6	2	8	3
民政署	8	4	12	10
房屋司署	137	72	209	226
人民入境事務處	33	37	70	98
新聞處	1	-	1	3
香港稅務局	3	6	9	17
九廣鐵路局	-	1	1	1
勞工處	11	5	16	32
律政司署	2	-	2	6
法律援助署	-	1	1	5
海事處	6	2	8	27
醫務衛生署	54	19	73	53
新界民政署	45	34	79	72
郵政局	12	8	20	25
政府印務局	1	-	1	4
監獄署	10	56	66	98
公務員叙用委員會	-	-	-	1
工務司署	130	39	169	96
香港電台	1	-	1	-
差餉物業估價署	6	-	6	6
註冊總署	2	1	3	7
人事登記處	2	5	7	26
皇家香港警務處	978	514	1,492	1,443
社會福利署	8	5	13	20
運輸署	18	8	26	48
庫務署	3	-	3	7
市政事務署	114	93	207	188
<u>其他機構</u>				
駐港英軍	2	6	8	6
廉政公署	8	8	16	4
法院	8	13	21	33
私人機構	182	211	393	410
公共機構*	69	48	117	28
	<u>1,944</u>	<u>1,235</u>	<u>3,179</u>	<u>3,189</u>

* 列於防止賄賂條例附表者。

附錄十一(見第三章第十九段)
一九七四/七五年度
所接獲及調查的貪污

投訴分類表

政府部門	一九七四年之投訴		一九七五年之投訴	
	所接獲的投訴	會進行調查的投訴	所接獲的投訴	會進行調查的投訴
漁農處	11	2	10	4
政府統計署	2	-	-	-
民航處	5	1	3	1
布政司署	6	1	2	2
工商署				
緝私處	35	10	23	18
其他	16	4	13	3
教育司署	59	10	21	3
消防事務處	51	11	49	24
督憲府	1	1	-	-
政府物料供應處	3	-	8	3
民政署	10	-	12	-
房屋司署	226	75	209	75
人民入境事務處	98	56	70	39
新聞處	3	1	1	1
香港稅務局	17	2	9	8
九廣鐵路局	1	-	1	1
勞工處	32	10	16	11
律政司署	6	-	2	1
法律援助署	5	2	1	1
海軍處	27	10	8	2
醫務衛生署	53	21	73	19
新界民政署	72	24	79	43
郵政局	25	6	20	5
政府印務局	4	1	1	-
監獄署	98	84	66	58
公務員叙用委員會	1	-	-	-
工務司署	96	26	169	103
香港電台	-	-	1	-
差餉物業估價署	6	2	6	-
註冊總署	7	2	3	2
人事登記處	26	7	7	7
皇家香港警務處	1,443	419	1,492	602
社會福利署	20	9	13	-
運輸署	48	17	26	11
庫務署	7	-	3	3
市政事務署	188	55	207	65
其他機構				
駐港英軍	6	2	8	5
廉政公署	4	2	16	16
法院	33	12	21	9
私人機構	410	163	393	217
公共機構*	28	15	117	41
	<u>3,189</u>	<u>1,063</u>	<u>3,179</u>	<u>1,403</u>

* 列於防止賄賂條例附表者。

附錄十二（見第三章第十九段）

一九七四／七五年度
會進行調查的貪污投訴分類表一
政府部門及其他機構

政府部門	查訊中的投訴	調查完畢的投訴	一九七五年合計	一九七四年合計
漁農處	2	2	4	2
民航處	-	1	1	1
布政司署	1	1	2	1
工商署				
緝私處	11	7	18	10
其他	1	2	3	4
教育司署	2	1	3	10
消防事務處	6	18	24	11
督憲府	-	-	-	1
政府物料供應處	-	3	3	-
房屋司署	15	60	75	75
人民入境事務處	25	14	39	56
新聞處	-	1	1	1
香港稅務局	1	7	8	2
九廣鐵路局	-	1	1	-
勞工處	7	4	11	10
律政司署	-	1	1	-
法律援助署	-	1	1	2
海事處	2	-	2	10
醫務衛生署	1	18	19	21
新界民政署	22	21	43	24
郵政局	1	4	5	6
政府印務局	-	-	-	1
監獄署	10	48	58	84
工務司署	66	37	103	26
差餉物業估價署	-	-	-	2
註冊總署	-	2	2	2
人事登記處	4	3	7	7
皇家香港警務處	187	415	602	419
社會福利署	-	-	-	9
運輸署	7	4	11	17
庫務署	1	2	3	-
市政事務署	11	54	65	55
<u>其他機構</u>				
駐港英軍	1	4	5	2
廉政公署	1	15	16	2
法院	3	6	9	12
私人機構	39	178	217	163
公共機構*	7	34	41	15
	<u>434</u>	<u>969</u>	<u>1,403</u>	<u>1,063</u>

*列於防止賄賂條例附表者。

附錄十三(見第三章第二十段)

一九七四/七五年度
檢控案件分類表一
政府部門及其他機構

政府部門	懸案	已定罪	無罪釋放	一九七五年 合計	一九七四年 合計
消防事務處	-	3	-	3	1
房屋司署	2	-	-	2	2
人民入境事務處	-	-	-	-	1
勞工處	-	-	-	-	1
海事處	-	2	-	2	2
醫務衛生署	-	-	-	-	1
新界民政署	-	1	1	2	-
郵政局	-	1	-	1	-
監獄署	-	9	-	9	12
工務司署	1	4	9	14	-
皇家香港警務處	20	27	11	58	30
運輸署	-	-	-	-	1
市政事務署	-	4	-	4	2
<u>其他機構</u>					
廉政公署	-	1	-	1	1
政府僱員/ 私人機構 *	12	50	6	68	35
私人機構 **	5	31	12	48	17
公共機構 ***	3	3	-	6	2
	<u>43</u>	<u>136</u>	<u>39</u>	<u>218</u>	<u>108</u>

* 此等案件涉及政府僱員與私人機構人士。

** 此等案件只涉及私人機構人士。

*** 列於防止賄賂條例附表者。

附錄十四 (見第三章第二十段)

一九七四／七五年度
檢控案件分類表一
各類罪行

罪行類別	警務處	政府部門	政府僱員／私人機構*	私人機構**	公共機構***	一九七五年合計	一九七四年合計
<u>索取／接受</u>							
第二〇一章第三條	3	7	-	-	-	10	9
第二〇一章第四條第二款	16	23	-	-	5	44	32
第二〇一章第九條第一款	-	-	-	19	-	19	4
<u>給予</u>							
第二〇一章第四條第一款	-	1	54	-	-	55	33
第二〇一章第八條	-	-	1	-	-	1	-
第二〇一章第九條第二款	-	-	-	7	-	7	3
<u>偽做文件以欺騙委託人</u>							
第二〇一章第九條第三款	-	-	-	2	-	2	-
<u>財富來源不明</u>							
第二〇一章第十條第一款(甲)	-	-	-	-	-	-	1
第二〇一章第十條第一款(乙)	7	-	-	-	-	7	4
<u>防止貪污條例</u>							
	3	-	-	-	-	3	1
<u>所涉及其他罪行</u>							
	27	3	12	4	1	47	5
<u>其他罪行</u>							
	2	4	4	13	-	23	16
	<u>58</u>	<u>38</u>	<u>71</u>	<u>45</u>	<u>6</u>	<u>218</u>	<u>108</u>
	===	===	===	===	===	===	===

* 此等案件涉及政府僱員與私人機構人士。

** 此等案件只涉及私人機構人士。

*** 列於防止賄賂條例附表者。

附錄十五（見第三章第二十五段）

一九七四／七五年度

提交政府作內部紀律處分的案件

政府部門	革職／強迫退休	譴責	其他	無罪釋放	尚未採取行動	牽涉人數	
						一九七五	一九七四
漁農處	—	—	—	—	—	—	3
布政司署	—	—	—	—	2	2	—
工商署	—	—	—	—	—	—	2
教育司署	—	—	—	—	1	1	1
消防事務處	—	—	3	—	—	3	1
政府物料供應處	1乙	—	—	—	—	1	—
房屋司署	1甲	3	1	—	5	10	1
人民入境事務處	—	—	—	—	—	—	1
香港稅務局	—	—	—	—	—	—	1
法院	—	—	—	—	3	3	—
勞工處	—	1	—	—	—	1	—
九廣鐵路局	—	—	—	—	—	—	1
醫務衛生署	—	—	—	—	—	—	2
新界民政署	1乙	—	—	2	5	8	6
郵政局	—	—	—	—	1	1	—
監獄署	—	1	—	—	1	2	—
工務司署	—	1	—	—	—	1	4
皇家香港警務處	—	7	3	6	3	19	22
社會福利署	—	—	—	—	—	—	1
市政事務署	1甲	12	1	—	9	23	7
	<u>4</u>	<u>25</u>	<u>8</u>	<u>8</u>	<u>30</u>	<u>75</u>	<u>53</u>

註： 甲——革職
乙——強迫退休

附錄十六（見第四章第二十八段）

防止貪污處於一九七五年呈交委託機構之審查工作報告

一、政府部門

民航處

啓德機場商戶之小規模改建工程的批准。

啓德機場商用舖位之分配。

啓德機場內招攬生意問題。

布政司署

政府宿舍編配處。

公務人員收受禮物問題。

公務人員前往工廠／商行執行職務時所產生之貪污機會。

教育司署

輔導視學組所編撰之學校教科書刊印問題。

政府物料供應處

未分配的貨物之檢驗及品質控制。

房屋署

甲類公共房屋邨之認可承造商。

非住宅樓宇租用政策之措施。

乙類公共房屋邨樓宇之分配。

人民入境事務處

從華界非法入境者問題。

港澳碼頭入境管制新措施。

越南難民之處理。

交通索引。

勞工處

法例及政策——容忍無礙的工業之非法存在（「工廠暨工業經營條例」，香港法例第五十

九條）。

法律援助署

法律援助案件之分配。

醫務衛生署

在政府醫療所出售醫藥容載器問題。

政府醫院病房雜工及女工索取賞錢問題。

新界民政署

新界非法葬殮問題。

監獄署

監獄內囚犯僱用問題。

工務司署

修訂一九七五年建築物條例。

樓宇發展——增速私人發展計劃下所接獲之申請的處理。

保利建築有限公司所放棄之工程合約之重新分配。

重劃區域內變更土地用途之批准。

差餉物業估價署

租務調查組。

運輸署

有關簽發駕駛執照之程序。

泊車計時器之保養及修理，以及收取計時器內泊車費之程序。

市政事務署

有營業執照的固定攤位小販之重新安置。

使用維多利亞公園內硬地足球場的分配問題。

有關屠宰牲口之措施及程序。

二、公共機構

香港地下鐵路公司

行政程序——採購貨物及一般投標程序。

市政局

市政局議員競選。

三、其他

將香港機場服務有限公司列為公共機構之建議。

附錄十七 (見第五章第二十一段)

廉政公署分處職員所主持講座及訪問
(截至一九七五年十二月三十一日止)

註：廉政公署於一九七五年內共成立
三間分處：九龍城美東分處（七
月成立）；荃灣福來分處（八月
成立）；及深水埗鴻裕分處（十
月成立）。

	<u>訪問次數</u>	<u>講座次數</u>
成人教育學院	12	19
專上學院	-	7
小學	47	119
中學	39	143
宗親會／同鄉會／街坊會	16	7
民政區／分區／鄉事委員會	1	59
互助委員會	55	49
宗教團體	111	59
福利／慈善／志願機構	102	80
青年會／學生聯會	104	81
工廠	7	6
工會／專業協會	-	5
政府部門（職員）	165	67
合 計：	<u>659</u>	<u>701</u>

附錄十八（見第五章第二十八段）

社區關係處各小組委員會的職權範圍及委員名錄

（一九七五年十二月三十一日）

甲·傳播媒介小組委員會職權範圍

委 員

(一)要求社區關係處「文教創作組」及「新聞組」報告該兩組的工作。

何佐芝先生（召集人）

胡仙女士

查良鏞先生

(二)向委員會建議如何借助各種傳播媒介以求在撲滅貪污方面獲得市民的支持。

陳國強先生

周梁淑怡女士

李盧玉蟬女士

(三)衡量市民對社區關係處傳播節目的反應。

乙·社會教育小組委員會職權範圍

委 員

(一)要求社區關係處「社會教育組」報告該組的工作；

謝志偉博士（召集人）

班佐時牧師

陳國強先生

(二)向委員會建議如何藉課程發展及集體訓練課程（尤其注重教育機構）宣揚「肅貪倡廉」意識；

胡鴻烈先生

吳華先生

黃宏發先生

(三)衡量市民對社區關係處社會教育活動的反應。

丙·社區聯絡小組委員會職權範圍

委 員

(一)要求社區關係處「社區事務組」及「社團聯絡組」報告該組的工作及就其工作提供意見；

關高荅華女士（召集人）

胡鴻烈先生

李盧玉蟬女士

林漢英女士

(二)向主會建議如何藉着與社會各階層人士的聯絡，在肅貪倡廉工作上獲得市民的支持；

鍾禰挹芬女士

新界民政司

(三)藉着該兩組與市民的聯絡，衡量市民對整個廉政公署工作的反應，並提供有關意見。

END