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The Road to Probity



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“It is widely believed that the Police (including the Anti-Corruption Office) are corrupt, that mutual loyalty inhibits investigation of fellow-officers constitutes sufficient reason to take the Office out of Police hands . . . and that the formation of a new agency would demonstrate Government’s determination to fight corruption and thereby enlist public support.”

Blair-Kerr Report

The Dark Age

This observation contained in the Blair-Kerr report sums up the case for the establishment of an independent agency to tackle corruption. Sir Alastair Blair-Kerr, author of the report, was appointed in 1973 by then Governor Sir Murray MacLehose, to look into Hong Kong’s corruption problem. The probe followed the escape of Chief Superintendent Peter Godber, who shunned a police investigation into his excessive wealth. Noting the public’s loss of confidence in the ability of the police to investigate bribery cases, Sir Alastair raised the possibility of setting up a dedicated agency separate from the civil service, including the police, to pursue the corrupt.

The option of drafting a new team of designated professionals to fight graft was not new. The idea had been mooted before the Blair-Kerr report but the suggestion was met with strong resistance, especially from members of the police. Falling short of suggesting that a separate agency was the only way forward, the Blair-Kerr report, however, did present a comprehensive picture of public sentiment concerning the continued role of the police in dealing with corruption. The message could not be clearer—with corruption permeating every part of the police, leaving the problem in the hands of the cops would simply instill no public confidence in the government’s determination to address this chronic issue. Thus, it was against this background that a decision was finally made to set up a new agency—the Independent Commission Against Corruption (ICAC).

Rebuilding Confidence

Established in February 1974, the ICAC had a difficult start. With a skeptical public that believed the government condoned corrupt practices, the test for the ICAC in its early days was not just bringing the corrupt to book. The real challenge was for the ICAC to rebuild public confidence. Bringing about a sweeping change to public attitudes—that bribery was not to be tolerated—was among the first tasks for the fledgling agency.

Independent Agency with Special Powers

To enable the effective functioning of the new agency, the government had conferred a unique status and special powers on the ICAC. The dedicated graft-fighting team is independent from the civil service. Directly accountable to the governor (now the chief executive), the ICAC is not subject to any interference. And sweeping powers of arrest, search, obtaining information and restraint of property are also granted to graft-fighters to carry out their duties.

Targeting both Public and Private Sectors

Unlike many other anti-graft agencies, which devote their efforts on public sector corruption, the ICAC is tasked to investigate bribery in both the Government and private businesses because it firmly believes that to win the battle against corruption, no one should be allowed to escape scrutiny. The double-barreled approach sent a clear signal that no corrupt activities would be tolerated.

Three-pronged Strategy

When the ICAC started operation in the 1970s, the corruption problem was fast deteriorating. The ICAC was fully aware of the fact that adopting a conventional approach—relying heavily on investigation and prosecution—to pursue the corrupt would not be sufficient to make an impact on the anti-corruption scene. To produce sustainable results, the ICAC had to engage the community in its endeavours. A comprehensive strategy encompassing detection of the crime, prevention of potential loopholes and education on the evils of corruption was required. Hence from day one, a three-pronged approach—featuring fighting graft by investigation, prevention and public education—was adopted as an indispensable strategy of the ICAC.

- **Investigation.** The Operations department is the ICAC's investigative arm. Its duties entail fulfilling the statutory requirement to investigate every pursuable complaint made to the ICAC. Regardless of the severity of the case or the amount of bribes involved, our investigators pursue every piece of information relentlessly. The ICAC's success in crushing all corruption syndicates within the government in the first three years of its operation quickly established the credentials of the fledgling

agency. By impressing upon the public that the anti-graft squad targeted not only small flies but also big tigers, the ICAC was able to win public confidence in its commitment to building a clean society.

- **Prevention.** Prevention is better than cure. The preventive arm of the ICAC, the Corruption Prevention department, identifies corruption opportunities in government systems and procedures before suggesting measures to plug the loopholes. Under the law, the department is empowered to have access to government information for the purpose of corruption prevention studies. In addition to the routine checks, the department also provides consultant advice to government departments on new legislation, policies and procedures before they are adopted. Private businesses also benefit from the service of the department with its establishment of the Advisory Services group. Upon request from private companies, the department offers free and confidential advice to put in place internal controls to reduce the opportunities for corruption.

- **Enlisting Public Support.** The offensive against corruption can only be fully effective if it has the wholehearted support of the public. That is why an integral part of the three-pronged approach is public education. Through intensive face-to-face liaison with different strata of society and through the extensive use of the mass media, the ICAC enlists the support of the community to ensure that our anti-corruption endeavours are well understood. Preventive education programmes organised by the Community Relations department include seminars and training courses on anti-graft laws, television drama series based on successful prosecutions, and Web sites for different targets.



Proactive Approach

Effective as the three-pronged strategy is, with the growing complexity in crimes which makes corruption much more difficult to detect and prove, the traditional reactive approach in fighting graft has proved to be inadequate. The ICAC understands that to remain effective, we need to take up a

more active role in uncovering graft. In recent years, proactive investigation to neutralize syndicates has been used increasingly. Through informant infiltration and undercover operations, we strengthen our intelligence collection and analysis capability to eradicate corruption before it takes root.

Investigation aside, our prevention and education arms also see the value of taking a more proactive approach in their work. Trades and organisations vulnerable to corruption are identified as priority targets in corruption prevention studies and educational talks and training. Such preventive education programs are planned even before signs of major problems in those areas emerge.

Heartening Results

The ICAC's unique role and the integrated strategy it adopts have served Hong Kong well. Syndicated corruption in the public sector has become a thing of the past and irregularities in the private sector have been substantially reduced. But the more heartening achievement is the fact that after more than a quarter century of strenuous efforts, an ethical culture has taken root. Unlike the early days when the ICAC was regarded as an arch enemy, more and more organisations, in both the government and private businesses, are willing to form partnership with the ICAC to develop an ethical culture in their workplace. The ICAC's annual opinion surveys in recent years, too, demonstrate the community's unreserved backing for the anti-corruption cause. Consistently close to 99 per cent of respondents say the ICAC deserves their support. And a large majority says they do not tolerate corruption in both the public and the private sectors.

Hong Kong is now ranked one of the least corrupt cities in the world. The people of Hong Kong can say with pride

that the territory's credentials as a champion in fighting graft are there for the world to see. From a corruption-ridden entrepot to a world-class business center esteemed for its clean public service and commitment to maintaining a level playing field, Hong Kong's moral landscape has indeed undergone drastic change.

Mission Continues

Hong Kong's success in building up a clean culture has been hard earned. Over the years, Hong Kong has succeeded in consolidating a well-tested framework to tackle corruption, building up a dedicated team of professional officers to unearth the illicit activities and engaging a vigilant public to report the crime when it comes to our citizens' attention. Notwithstanding these achievements, there is no room for complacency. For we know that upholding an anti-corruption culture requires determination and perseverance. Hong Kong people have lived through the dark days of endemic corruption and they know very well what a dear price there would be to pay if we allowed this social ill to creep back. Standing at the forefront of the battle against corruption, the ICAC fully understands that it has an undeniable role to keep the campaign going. The form of corruption may change and the challenge to graft-fighters may differ, but the ICAC's role to eradicate graft and uphold a clean culture will never be altered. On the part of the ICAC, we will remain responsive to changes and adjust our strategy to cope with changing circumstances. Facing future challenge, the ICAC has only one objective—to continue to keep up our professionalism and to ensure that Hong Kong stays a leader in the world's anti-corruption drive. 🏠