

Building a clean government in Hong Kong, China: From fighting graft to promoting integrity

Public Integrity Network – Capacity Development Program
ADB/OECD Anti-Corruption Initiative
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Lawrence CHIU
Chief International Liaison and Training Officer
Independent Commission Against Corruption (ICAC)
Hong Kong, China



Outline

- 2. Building a clean government in Hong Kong, China
- Legal and regulatory framework for civil service integrity in Hong Kong
- Evolution of anti-corruption education work for civil service
- Present tactics
 - Ethical Leadership Programme
 - Training activities
- Challenges and ways ahead



Civil service of Hong Kong

- Around 170,000 civil servants (around 4% of labour force)
- 13 policy bureaux and 56 departments and agencies
- Common appointment procedures and similar disciplinary codes



Civil service of Hong Kong

Civil Service Bureau

- Overall policy for management of civil service:
 - Appointment
 - Pay and condition of service
 - Staff management
 - Manpower planning
 - Training and discipline



Legal and regulatory framework for civil service integrity

1. Prevention of Bribery Ordinance

2. Common law offence "Misconduct in Public Office"

3. Internal regulations and guidelines



Prevention of Bribery Ordinance Section 4

- Public servant
- Whether in Hong Kong or elsewhere
- Solicits or accept advantage
- An act in his/her official capacity

Maximum penalties: 7 years' imprisonment, HK\$500,000* fine

* US\$1 = HK\$7.8



Prevention of Bribery Ordinance Section 3

- Prescribed officer
- Without general or special permission of Chief Executive of Hong Kong SAR
- Solicits or accepts any advantage

Maximum penalties: 1 year's imprisonment, HK\$100,000* fine



General permission of Chief Executive

- "Restricted advantages" are permitted if:
- Within certain limits on monetary value, and
- The prescribed officer:
 - shall not accept restricted advantages from his/her subordinate
 - shall have no official dealings with offeror
 - shall accept these restricted advantages only in private capacity



2. Common law offence: Misconduct in Public Office

- A public official
- in the course of or in relation to his public office
- without reasonable excuse or justification
- wilfully misconducts himself; by act or omission, for example, by wilfully neglecting or failing to perform his duty
- where such misconduct is serious, not trivial, having regard to the responsibilities of the office and the officeholder, the importance of the public objects which they serve and the nature and extent of the departure from those responsibilities



3. Internal regulations and guidelines for civil servants

- Acceptance of entertainment
- Acceptance of advantages in official capacity
- Conflict of interest
- Declaration of investments
- Outside work



Anti-corruption system in the civil service



ADB/OECD Anti-Corruption Initiative



Evolution of anti-corruption education work for civil service



Graft fighting

Strengthening the defence

Building an ethical culture

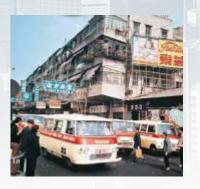


- The Environment and the Civil Service
 - Public sector corruption was rampant
 - Corruption as a way of life
 - Very limited knowledge of legal requirements
 - No strong trust in the effectiveness of the ICAC





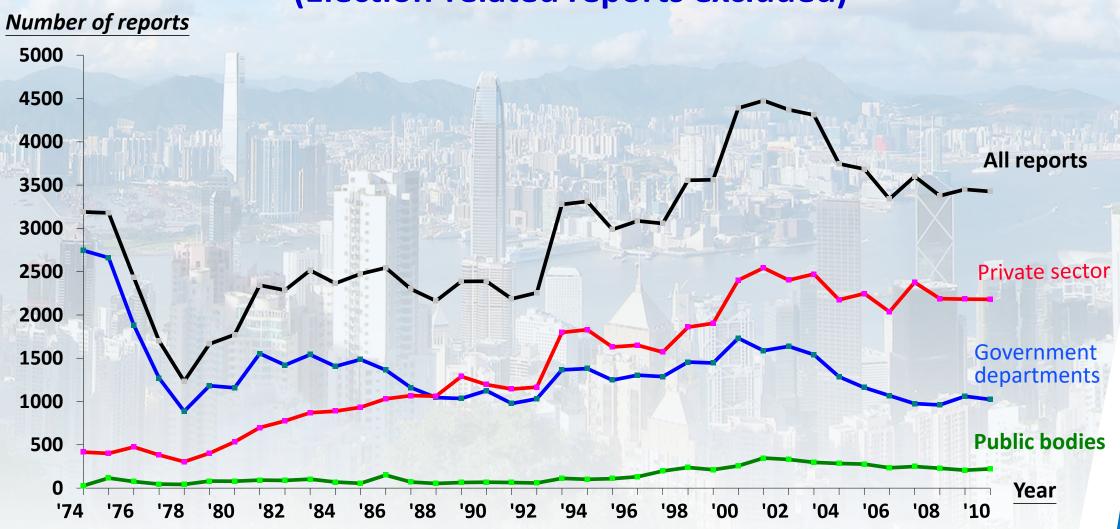






Corruption reports (1974-2010)

(Election-related reports excluded)





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- Tactics
 - Main target: frontline officers having frequent contact with the public
 - Outreaching approach: district or regional site offices or branch offices of departments





- Tactics
 - Highlighting legal requirements
 - Sending strong signal that the ICAC is determined to the fight against corruption







Tactics

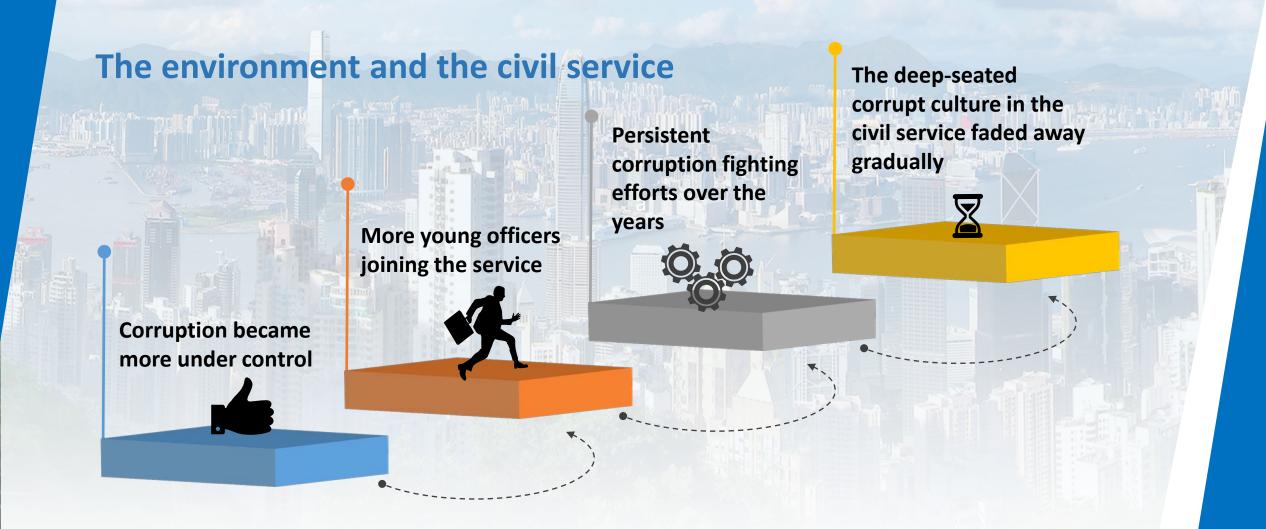
Direct, sharp and simple messages

- Corruption is a very high risk crime
- Corruption will no longer be tolerated

Typical content

- What is bribery in law
- ICAC's three-pronged attack
- ICAC's determination to fight corruption
- What to do if offered a bribe
- Ways to report corruption and confidentiality

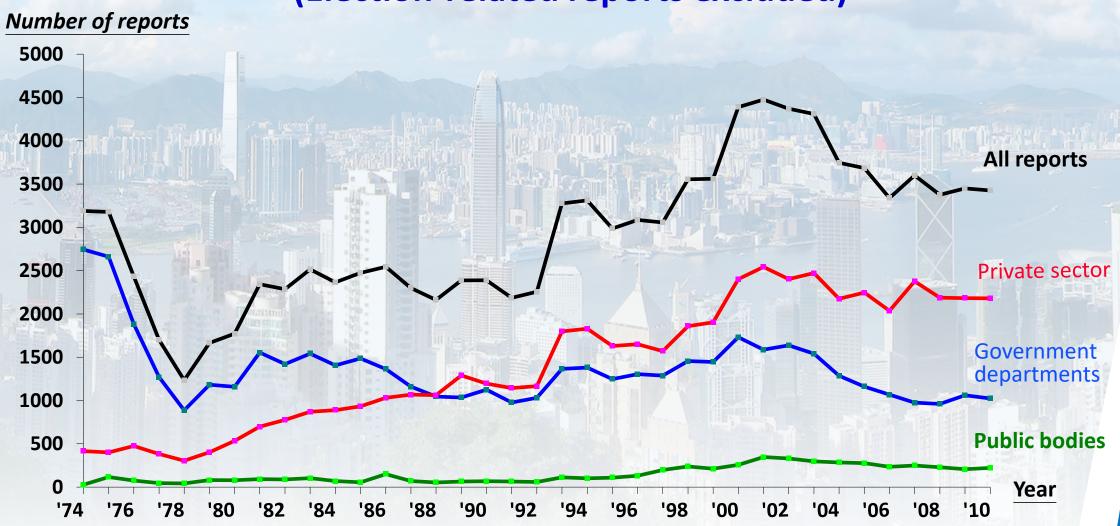




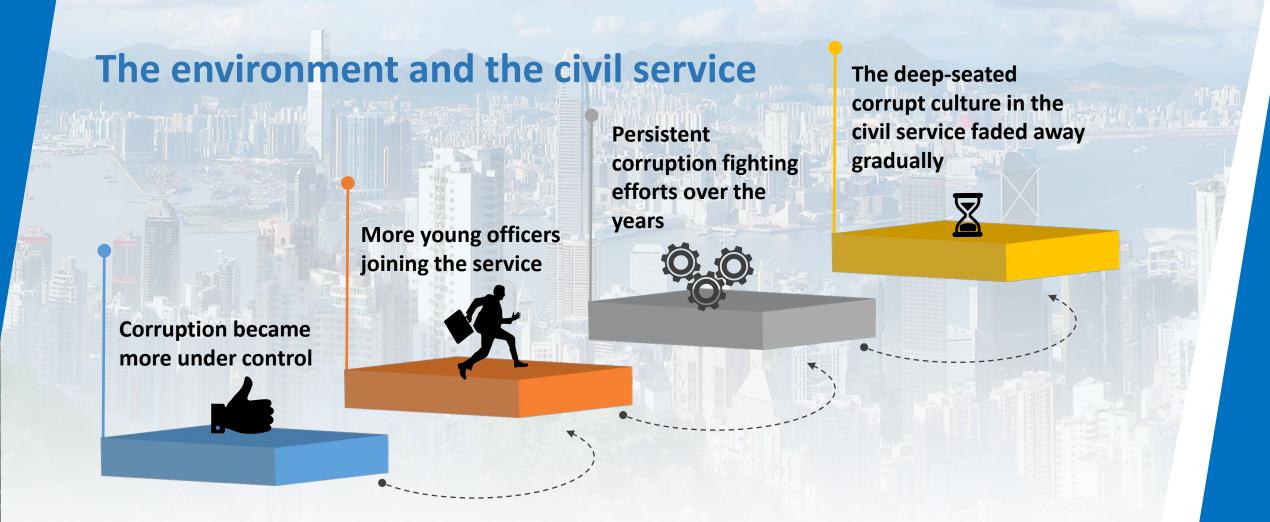


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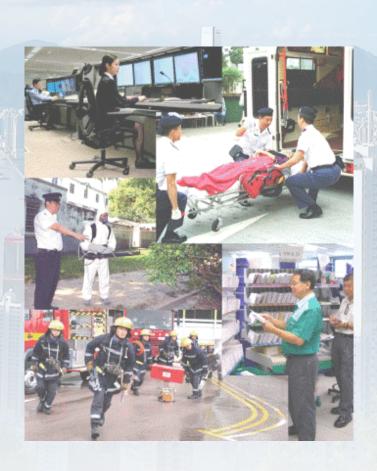




The environment and the civil service

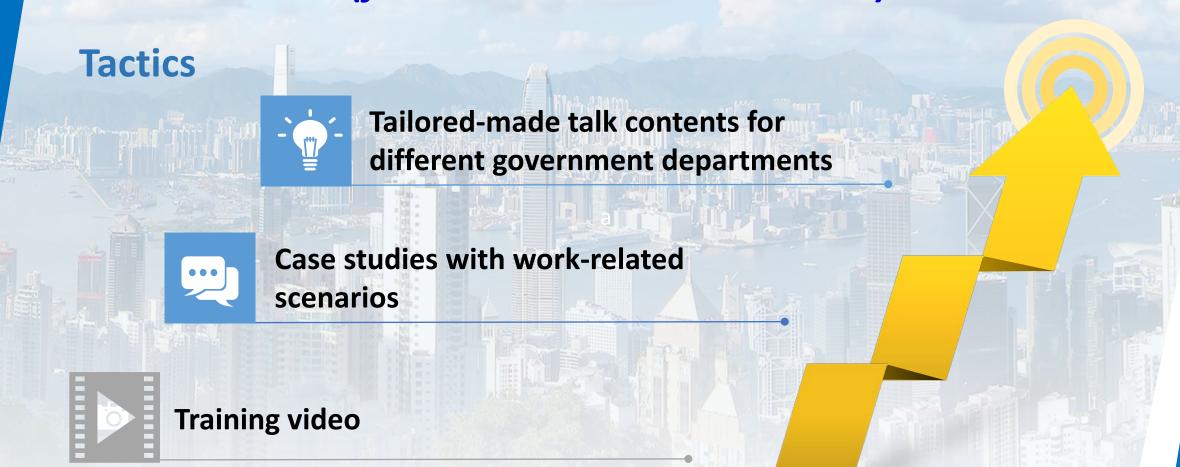
- Analysis on prosecutions against civil servants
 - Low vigilance
 - Lax supervision of supervisors





- Enhancing civil servants'
 vigilance on the risk areas
- Alerting supervisors to their role in containing the problem of corruption







Closer working relationship with training schools of government departments

- Induction course and refresher course
- Paving way for even closer co-operation





Third stage: Building an ethical culture (from mid 1990s to present)

The environment and the civil service



Further decrease in corruption complaints about the government sector

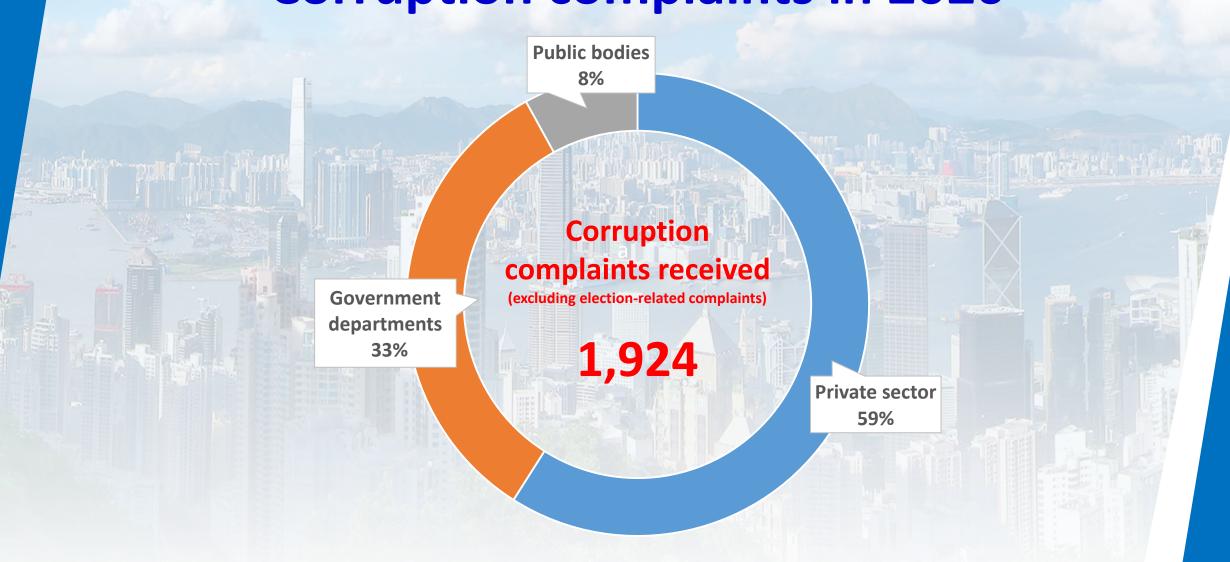
More supportive for anti-corruption efforts

New ethical challenges

Rising public expectation



Corruption complaints in 2020





Third stage: Building an ethical culture (from mid 1990s to present)

The environment and the civil service



Further decrease in corruption complaints about the government sector

More supportive for anti-corruption efforts

New ethical challenges

Rising public expectation



Third stage: Building an ethical culture

(from mid 1990s to present)

- Shift of training emphasis: From fighting corruption to building integrity culture
- Rallying the support of senior management





Current tactics





Leadership



Ownership



1. Partnership

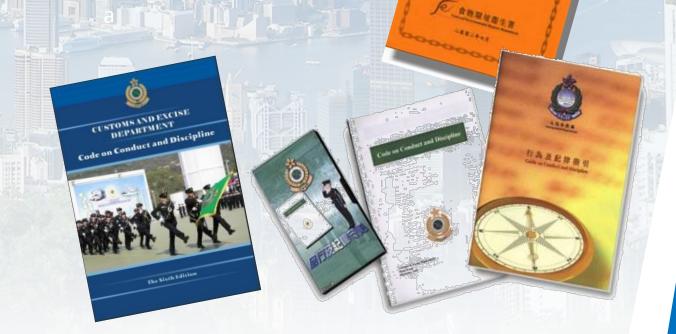






3. Ownership

- Integrity management plans
- Internal staff activities
- Regular reviews





Launched with Civil Service Bureau in 2006





- Ethics Officers
 - One for each department
 - Senior directorate officers
 - Oversee the department's integrity-related affairs
 - Online community for Ethics
 Officers





- Outreaching Visits
 - Joint efforts of Civil Service Bureau and ICAC
 - High-level visits by directorate officers
 - Topics to be discussed:
 - Corruption reports
 - Disciplinary cases
 - Integrity-related issues
 - Training



- Workshops for senior management
 - Latest development in anticorruption laws
 - Misconduct in Public Office
 - Contract management
 - Conflict of interest
 - Supervisors' responsibilities of overseeing staff integrity





- Lectures
 - All ranks (from top officials to frontline staff)
 - Topics
 - Anti-corruption laws and regulations
 - Conflict of interest
 - Misconduct in Public Office
 - Supervisors' responsibilities of overseeing staff integrity
 - Managing contractors



- Lectures
 - Teaching aids
 - Case scenarios
 - Training videos
 - Training cycle
- Capacity building in preventing corruption





- Booklets and reference packages
- Training Videos
 - Anti-corruption laws
 - Contract management
 - Supervisory accountability
 - Managing conflict of interest











e-Learning platform



Six integrity themes

Multimedia elements

Self assessment

Reference materials

Learn anytime, anywhere



- Staff activities
 - Sport activities
 - Slogan design competition
 - Video shooting competition
 - Visit to the ICAC





Challenges

- New ethical challenges
- High expectation of the public
- Training needs of various departments
- Evolving training formats

