

# 执行处年报 Operations Department Review

# 2001



香港特别行政区廉政公署  
Independent Commission Against Corruption  
Hong Kong Special Administrative Region



执行处年报  
**Operations Department Review**

2001

廉政公署执行处  
香港中环美利道2号  
美利道停车场大厦地下

**Operations Department**  
Independent Commission Against Corruption  
G/F, Murray Road Carpark Building  
2 Murray Road, Central, Hong Kong



## 使命宣言：

执行处人员定必积极进取，专业执法，  
锐意根查，铲除贪污

## Mission statement :

*By enforcing the law vigilantly and  
professionally, we are determined to  
seek out and eradicate corruption  
wherever it exists*

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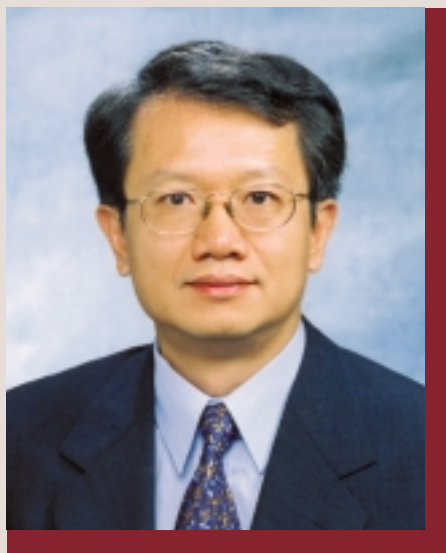
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All financial statistics quoted are in Hong Kong dollars unless otherwise stated.

# 序言

## Foreword

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廉政专员黎年  
BY ALAN LAI NIN, COMMISSIONER, ICAC



我很高兴再次为执行处年报撰写序言。2001年年报摘录了执行

处过去一年的调查工作，当中有不少专业资讯，可供有关人士参考。我们希望透过这本年报，跟世界各地的执法机构分享经验，并藉此促进彼此间的合作和互助——特别是那些像廉政公署一样的反贪机构。我们尝试以有趣味性、可观性甚或具启发性的方式，介绍执行处的工作。我希望这期年报的读者，可从中得到不少乐趣和有用的资料。

虽然这本报只介绍执行处的工作，但我必须强调廉署「三管齐下」反贪策略的重要性。执行处致力铲除贪污，取得重大成果，加上传媒广泛报导，自然成为大众焦点，令市民为之神往；然而，这只是廉署工作其中一部分。虽然执行处是廉政公署最大的一个部门（占整体人力资源约70%），其实它是同时得到防止贪污处及社区关系处的互相配合；在打击贪污战中，三个部门透过调查、预防及教育组成一支令贪污人士闻风丧胆的队伍。

在2001年其中一个发挥整体效能的例子就是八名人士因公屋短桩案被拘捕后，廉署随即抽调其中三个部门的人员，成立「建筑业专责小组」，就短桩案的调查结果进行评估，并建议如何改善有关制度和推行相应的防贪教育计划。专责小组已向由行政长官特别委任的「建筑业检讨委员会」呈交报告，检讨委员会认同专责小组的报告内容，并建议设立永久性的「建筑业统筹委员会」，去改善建筑工程的素质和提高业界的诚信。

香港经济由以工业为本转型为以服务业为主导，而香港的竞争优势，全系于公平竞争、法治精神以及廉洁而有效率的政府。香港作为国际金融、贸易、运输、物流及旅游中心的地位，是建基于公平竞争的营商环境。在这方面，廉政公署的角色就至为重要。

It is my pleasure to introduce to you the 2001 Operations Department Review which is published mainly for the purpose of providing information of professional interest arising out of operational matters during the year. The publication's genesis resulted from our desire to share our experiences with other law enforcement agencies around the globe - especially those which, like us, are committed to waging unrelenting war on the omnipresent and insidious evil of corruption - and to foster co-operation and mutual assistance between those agencies and ourselves. We want to provide information to these agencies in a way that is interesting, visually stimulating and, we hope, perhaps even inspiring. I hope that readers of this year's offering will find much of interest and value among the following pages.

Whilst this Review is limited to Operations Department matters, I should stress the importance of the ICAC's now legendary "three-pronged attack" on corruption. Inevitably, it is the work of the Operations Department that attracts the lime-light and captures the imagination of the public through media publicity of its many successes, but that is only part of the story. Although by far the biggest department of the ICAC (constituting around 70% of its human resources), the Operations Department is flanked and supported by its two equally important sister departments, Corruption Prevention and Community Relations. Aimed at achieving our combined objectives of investigation, prevention and education, the three departments represent a formidable force in the battle against corruption.

An example of the kind of synergy that can be generated when the Commission's three departments collaborate on a specific project is the Construction Industry Joint Task Force, which was formed in 2001 following the arrest of eight individuals for various offences arising from sub-standard piling works at two public housing developments. Commissioned to assess the outcome of the criminal investigation and make recommendations for system changes and education programmes, the Task Force submitted its report to the Construction Industry Review Committee specially appointed by the Chief Executive of the Hong Kong SAR to review construction industry practices. The report by the Task Force was favourably received by the Committee, which recommended establishing a permanent Construction Industry Co-ordinating Board to improve quality and enhance integrity in the construction industry.



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作为一个国际大都会，香港特别行政区在商贸全球化的过程中，得益不少。近期的经验亦告诉我们，经济衰退或恐怖主义都无法阻碍经济全球化的进程。可是，同样地，贪污问题亦渐趋国际化。要更有效打击跨境贪污罪案，各地政府及执法机构必须衷诚合作，共同努力。有见及此，联合国大会通过决议案，草拟一份国际反贪污公约。虽然有关行动尚在起步阶段，但毕竟是国际联手打击贪污一项重要决定。我期望廉政公署能对其发展与成果作出贡献。

廉署每年都会进行民意调查，以评估公众对廉署及其工作的观感。廉署委托一间独立的公司负责该项调查，调查结果经过分析及处理后，会透过传媒公布。2001年的民意调查显示，有61.5%的受访者相信廉署没有滥用职权，认为廉署滥权的受访者只有9.6%，数字着实令人鼓舞。我们当然期望后者的数字是零或微不足道；但如果将以上数据跟1997年的50.4%及24.7%比较，就清楚见到，公众人士对廉署工作的观感是愈来愈正面的。

廉政公署在2000年11月举办的第一届国际研讨会，反应热烈，硕果丰收。本署计划在2003年1月举办第二届研讨会，届时世界各地的执法人员又有机会聚首一堂，交流打击贪污及相关罪行的宝贵经验。我热切期待在会上与大家见面。

As Hong Kong's economy continues to evolve from industry-based to service-oriented, it is important that we maintain our competitive advantage, based on fair competition, the rule of law, and clean, efficient government. Hong Kong's status as an international centre for finance, trade, transport and logistics, and for tourism, relies heavily on its reputation for being a level playing field. In this respect, the ICAC's role has never been more crucial.

The cosmopolitan Special Administrative Region of Hong Kong has reaped many benefits from the growing globalisation of trade and commerce. Moreover, as recent experience has shown, neither recession nor terrorism can halt the march of economic globalisation. But corruption, too, is a global phenomenon, and if it is to be combated with equal effectiveness across international boundaries, the response of governments and the forces of law and order must be co-ordinated on a global basis also. It is with this end in view that the United Nations General Assembly recently adopted a resolution to draft an International Convention on Corruption. Although in its early stages, this initiative is a most welcome step toward addressing the evil of corruption on an international basis, and I hope that the ICAC will be able to contribute to its development and success.

Mention has been made previously in this publication of the annual public opinion surveys which the ICAC commission as a means of assessing public sentiment towards the organisation and its work. These are conducted on our behalf by an independent company, and, after being analysed and acted upon internally, the results are promulgated through the media. The 2001 survey produced a revelation which was both interesting and encouraging - that 61.5% of those canvassed believed that the ICAC had not abused its powers, whereas only 9.6% believed that it had. Naturally, one would hope that the latter figure would be zero, or at least insignificant; nevertheless, when compared to the response to the same question in the 1997 survey - respectively, 50.4% and 24.7% - it is clear that public perception of our work is shifting incrementally toward that ideal.

Encouraged by the success of the First ICAC Symposium, which we held in November 2000, we plan to host a second such event in January 2003, providing another opportunity for law enforcement agencies from around the world to gather and share their experiences in fighting corruption and related crime. I look forward to welcoming many old friends and colleagues to this event.

# 充满挑战又一年 Another Challenging Year

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郭文伟，IDS 副廉政专员兼执行处首长  
BY TONY KWOK MAN-WAI, IDS,  
DEPUTY COMMISSIONER AND HEAD OF OPERATIONS

## 努力不懈打击贪污

对执行处而言，2001年是另一个充满挑战的年头：廉政公署是年接获的贪污举报数字又创新高。虽然数字较2000年仅轻微上升了2%，但相比1997回归年所录得数字，增幅达46%之多——可见近年的上升趋势仍然持续。虽然如此，我们仍是一如既往地，以坚毅不移的决心进行调查，对贪污分子予以迎头痛击。年内，在227宗涉及贪污及相关罪行的案件中，共有535人被检控；部分案件更牵涉高级公务员、专业人士、有名望的商人及一位立法会议员。我们揭发了这些案件并成功检控，并不表示香港的贪污问题正在恶化，只是反映了我们锐意铲除贪污的决心和成效，并显示廉署人员不惧不偏，大公无私地执行职务。有关的首席调查主任会在本年报其他篇幅，就部分案件作扼要的介绍。

根据过往经验，每当经济不景，涉及私营机构贪污诈骗的举报数字就会上升，近年的经济衰退也不例外。然而，我们无法确定，举报上升在什么程度上是由贪污及其他罪案的实际增长所引致。再者，经济衰退令管理层加强内部监察，并乐意向廉署举报贪污，也可能促使举报数字向上攀升。不论原因为何，案件数目增加，确实加重了调查人员的工作压力。廉政公署一向得到政府当局的全力支持。财政司司长在2002年3月6日的预算案演辞中，表示将额外拨款\$1,800万元予执行处，增设30个调查职位，以应付繁重的工作量。

## 专业发展，追求卓越

资讯科技已成为日常生活不可或缺的一环。要不被犯罪集团比下去，就必须在科技应用上与时俱进。去年，我们落实为每位调查人员提供个人电脑工作站，以配合执行处第二代主机电脑网络系统（执行处资讯系统）的广泛使用。执行处下一个目标，是研

## Keeping the Pressure On

2001 was another very challenging and difficult year for the Operations Department. Although the increase in corruption reports received by the Commission in 2001 over the 2000 figure was relatively small compared with the continued rising trend in recent years - a marginal 2% - this still represents yet another record high, and is 46% over that of the year of Reunification, 1997. In response, we continued to maintain pressure on the corrupt during the year through determined investigation and an unrelenting series of hard-hitting operations. As a consequence, a total of 227 cases involving 535 defendants were brought before the courts for corruption and related offences. Some of these cases involved senior civil servants, professionals, prominent businessmen as well as a member of the Legislative Council. The unearthing of these cases and our success in dealing with them does not imply a deterioration of the corruption problem, but rather reflects our effectiveness and determination to ultimately rid Hong Kong of corruption, as well as demonstrating that we carried out our statutory duty faithfully and without fear or favour. Summaries of some of the cases, as detailed by the relevant Principal Investigators, can be found in the following pages of this edition of the Review.

It has been our experience in the ICAC that economic turmoil is invariably followed by increased reporting of corruption and corruption-related fraud in the private sector. The latest economic decline was no exception, although to what extent this phenomenon represents an actual increase in corruption and other crime is not clear. It is also possible that the statistics partially reflect closer scrutiny and greater vigilance by management as a result of a shrinking economy, and their willingness to report corruption to the Commission. In any event, the resultant escalation in caseload brought considerable pressure to bear on the investigative workforce during the year. As always, we had the full support of the Administration, and in his Budget Day speech on 6th March, 2002, the Financial Secretary announced that the Operations Department would be provided with additional funds amounting to \$18 million in order to create 30 additional investigative posts to enable us to cope with the heavy workload.

究为外勤人员提供掌上电脑作通讯及数据处理用途的可行性，而有关的研究及发展计划已经展开。

近年，执行处设立了多个专家小组，包括「财务调查组」、「电脑资料鉴证组」、「证人保护及枪械组」和「国际内地联络组」。这些小组大大加强了我们的专业调查能力，以应付日趋复杂和精密的贪污罪案。



2001年5月执行处首长郭文纬出席在荷兰海牙举行的第二届打击贪污全球论坛，并于会上发表演说

Head of Operations, Mr. Tony Kwok Man-Wai, speaking at the 2nd Global Forum on Fighting Corruption, The Hague, in May 2001

## 人力资源管理

我们一向重视人力资源管理。2001年，我们在职员招聘、培训、晋升及员工表现评核各方面都有所革新。招聘调查人员时，除了多次面试之外，投考者还须参与心理测试——这个测试由一位首屈一指的加拿大行为心理学专家特别为执行处设计，务求客观地识别投考者的性向，从而评估他们是否适合任职调查员。2001年1月，执行处成立了一个评核中心，规定助理调查主任晋升调查主任的考生，都要参与一个为期五天的评核测试，同事们皆认为这是一个较公平及客观的晋升甄选程序。此外，在评核员工的表现时，我们亦确立了各项关键才能作为标准，并增设了强制性评级的措施，务求令评核更加客观，同时为员工提供更具体的改进方向。

## Continuously Striving for Excellence in Professionalism

Information technology has become an integral and indispensable part of our lives, and law enforcement organisations must be at the leading edge of IT development if they hope to compete on equal terms with the criminal fraternity. Having secured our objective of putting a computer workstation on the desk of every investigating officer in the Department last year to coincide with our second generation main frame computer network, OPSIS, our next goal is to establish the feasibility of providing officers with Personal Digital Assistants for mobile computing and communication in the field. The research and development work for this project is now well in hand.

The specialist Sections we have set up in recent years, which include the Financial Investigation Section, Computer Forensics Section, Witness Protection and Firearms Unit and the International/Mainland Liaison Unit, have begun to contribute significantly to our professional investigative ability in coping with the increasingly sophisticated nature of corruption cases.

## Human Resources Management

We continue to maintain strong emphasis on human resources management. 2001 saw innovations in our recruitment, training, promotion and staff appraisal procedures. In recruitment, we introduced, in addition to the various preliminary and extended interviews which candidates are required to undergo, a psychometric testing component. Specially developed for us by a leading Canadian academic and behavioural psychologist, the test is designed to objectively identify and evaluate relevant aptitudes of candidates, thereby assisting recruiting staff to assess their suitability for appointment as investigators. In January, candidates in the Assistant Investigator to Investigator promotion selection exercise underwent a five-day evaluation programme at our newly established Assessment Centre. Feedback and consensus is that this process is a fairer and more objective means of selection for



我们在2001年再度举办「总调查主任指挥课程」，而该课程的管理学环节获南澳洲大学国际管理学研究院的「工商管理硕士遥距课程」认可。这期指挥课程共有27名学员参与，他们分别来自香港、内地、澳门、新加坡及马来西亚13个执法机构。

我们计划在来年改善位于屯门的廉署训练营，包括留宿、训练及体育设施，并打算兴建一个城市模拟靶场，供配枪人员及证人保护组人员进行战术训练。

我们非常关注助理调查主任的流失问题。在2000及2001年，共有60名助理调查主任离职，每年的流失率逾9%。他们大部分都是在完成了两年半的全面训练及导师计划后请辞，以致浪费了不少培训资源。这主要因为他们在廉署所取得的专业知识和工作经验，令他们甚得其他机构垂青。为此，我们进行了广泛的员工谘询及研究，并实施了一系列的措施去改善这个情况。

## 公职人员行为不当

在上两期执行处年报中，我汇报了廉署力求将普通法「公职人员行为不当」罪行条文化的工作进度。虽然我们根据普通法成功检控了三宗案件，但在这些案件的审讯及上诉期间，辩方曾多番质疑，使用这条年代久远、范围有欠明确的不成文法是否恰当。平心而论，该普通法罪行未有清楚界定构成罪行的成分；相对于讲求条文清晰易懂的现代刑事法律制度，该罪行就显得不合时宜。年内，我们进行了广泛的研究，参考过有类似法例的20多个国家的宝贵经验后，我们建议将该罪行条文化。政府已成立跨部门工作小组作进一步研究，小组成员包括廉政公署及律政司的代表。

## 判决摘要

在这期年报第26页，新增了一个「判决摘要」的部分，摘录香港法庭在年内所作出与贪污案件或廉署工作有关的重要判决。其他反贪机构或从事法律研究的人士，在建

promotion. We have also introduced a core-competency and forced ranking approach in our staff appraisal system, with a view to making it more objective and providing better feedback to staff for improvement.

Another feature of the 2001 training year was the Chief Investigators Command Course, which was accredited with the University of South Australia International Graduate School of Management Distance MBA programme. The 2001 course was attended by 27 participants representing 13 law enforcement agencies in Hong Kong, Mainland China, Macau, Singapore and Malaysia.

In the coming year we plan to enhance our residential training centre in Tuen Mun, with improvements to accommodation, training and sporting facilities, and the construction of a close-quarter battle range for tactical training of our Arms Issued and Witness Protection Officers.

However, we are deeply concerned with the staff wastage problem in our Assistant Investigator (AI) grade. In the two years 2000 and 2001, we lost a total of 60 AIs, mainly through resignation, which amounts to an annual wastage of over 9%. Most of these AIs left after they had completed our comprehensive two-and-a-half years training and mentor programme, resulting in huge wastage of public funds in training costs. Not surprisingly, they were much sought after by other organisations for the professionalism and experience they had acquired in their ICAC service. After wide staff consultation and research, we have implemented a series of measures with a view to resolving the problem.

## Misconduct in Public Office

In the last two editions of this publication, I reported progress in our endeavours to persuade the Administration of the need to codify in Hong Kong legislation the common law offence of misconduct in public office. Although we have successfully prosecuted three cases under the common law, there has been defence criticism, both at the trial and appeal stages, as to the propriety of using this archaic, unwritten and imprecise law. In fairness, the common law offence, by definition, leaves much to be desired in terms of clearly identifying the ingredients of the offence, and does not sit well in a modern criminal justice system where the meaning and scope of offences should be clear and intelligi-

立贪污案例的资料库时，可以参考这些判决的详细内容。

## 回顾与感想

我将于今年内退休，若一切如愿，将会继续进修及从事社会服务，一偿多年来的心愿。当我回顾在廉署工作的岁月，不禁感到满足和自豪，这并非基于我个人的成就，而是因为廉政公署实在作出了不少贡献，令香港今天仍然是廉洁公平和有利营商的好地方。在我而言，过去六年非常富于挑战性。在回归前一年，我被委任为首位华人执行处首长；当其时，本港及海外不少言论均猜测，香港的贪污情况将会恶化，而廉政公署的效能和独立性将荡然无存。回归后，廉署继续秉公执法，对贪污分子穷追猛打，一次又一次粉碎了他们的非法活动，确实地展示出有效的反贪功能。

廉政公署能够成功打击贪污，实有赖许多重要因素，首要的当然是香港的法治精神、明智果断的政府以及广大市民的支持。然而，廉署能够取得如此佳绩，亦完全因为得到本港、内地及海外其他执法机构衷心合作，以及律政司诸位同事的鼎力支持。我衷心感谢他们的协助，亦深信他们会继续支持我的接任人。此外，富于专业精神、对工作充满拼劲和热诚的廉署人员，也是我们赖以成功的要素。打击贪污对廉署人员来说，不仅是一份工作或职业，更是一个崇高的使



高检外事局局长叶峰博士访问廉署时向执行处首长郭文纬致送纪念品

Head of Operations, Mr. Tony Kwok Man-Wai, receiving a souvenir from the Director General of the Foreign Affairs Bureau of the Supreme People's Procuratorate of PRC, Dr. YE Feng, during the latter's visit to ICAC

ble. During the year, we completed comprehensive research into this matter, and our proposals for codification, which draw experience from over 20 countries with similar legislation, are now being studied by a government inter-departmental working group, which includes the ICAC and the Department of Justice.

## Summary of Significant Judgements

A feature appearing for the first time in this year's Review is the Summary of Significant Judgements, which can be found on page 26. This contains a digest of interesting or important judgements which have been handed down by the Hong Kong courts during the year, either arising from corruption cases or having particular relevance to the work of the ICAC. Details of these judgements should become a useful reference for other anti-corruption agencies and legal researchers in developing a database of corruption case law.

## Some Final Reflections

I shall retire from the Commission this year, and, hopefully, will be pursuing some personal goals in education and community service which my busy agenda as Head of Operations of the ICAC has previously rendered impossible. It is with considerable pride and satisfaction that I look back on my career with the ICAC; not because of my own accomplishments during that career, but because of the Commission's inestimable contribution toward making Hong Kong a cleaner and fairer place in which to live, work and conduct business. The last six years have been particularly challenging and rewarding for me. I was appointed as the first local officer to head the Operations Department just a year before the Reunification, amidst widespread speculation both locally and overseas that corruption would escalate and the ICAC would lose its effectiveness and independence. With strong enforcement action, we have demonstrated unequivocally the ICAC's continued effectiveness in the fight against corruption.

The ICAC's success in the battle against corruption has been rightly attributed to a number of crucial factors, notably the rule of law, judicious government and community support. But there are two other, equally important, factors without which that success could not have been

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命；他们夙夜匪懈、殚精竭虑地为了肃贪倡廉的理想而努力，是一支高度专业的精英队伍，为不少国家或地区所艳羡。过去二十七年，我有幸跟这一群充满理想的人员一同服务，实在引以为荣。我谨向过去及现在的廉署人员致以万二分的敬意；我亦确信，凭着廉署人员的坚定承担，贪污势难在香港再次肆虐！

achieved. Firstly, our partnership approach with local, Mainland and overseas law enforcement agencies, and - most importantly - with our colleagues in the Department of Justice who are our staunchest allies. I sincerely wish to thank them all, and hope that they will continue to give their unreserved support to my successor. Secondly, the men and women whose professionalism, dedication and determination turned the vision into reality - the officers of the ICAC. In my twenty-seven years with the Commission it has been my privilege to serve alongside numerous officers who regarded their work not just as a job, or even a vocation, but as a mission, their avowed intent to do their utmost to rid Hong Kong of the evil of corruption. Together, we forged an elite and highly professional anti-corruption investigative agency, the envy of many other countries. It is to these officers, past and present, that I pay tribute as I leave the service of the ICAC, in the sure knowledge that, because of their unfailing commitment, the evil of corruption will never again be able to rear its ugly head unchallenged in Hong Kong.



# 执行处的组织架构

## Our Organisational Structure

执行处架构图（2001年12月31日）：

The Operations Department (as at 31 December 2001) :



副廉政专员兼执行处首长  
Deputy Commissioner and  
Head of Operations

副廉政专员兼执行处

首长郭文纬，IDS

郭文纬先生于一九七五年加入廉政公署，一九九六年三月一日被委任为执行处首长

**Tony KWOK Man-wai, IDS,  
Deputy Commissioner and Head of Operations**

Tony KWOK joined the Commission in 1975 and was appointed Head of Operations on 1 March 1996.



执行处处长（政府部门）  
李俊生，IDS  
李俊生先生于一九七四年加入执行处，一九九八年晋升为执行处处长

**Francis LEE Chun-sang, IDS,  
Director of Investigation (Government Sector)**  
Francis LEE joined the Department in 1974 and was promoted to Director of Investigation in 1998.

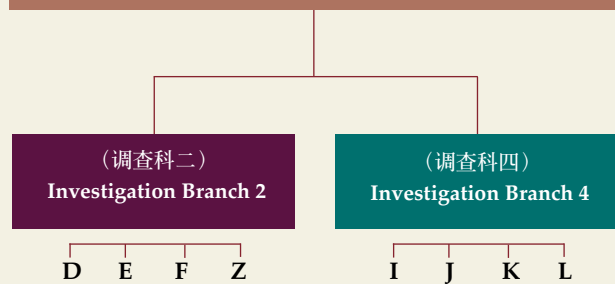
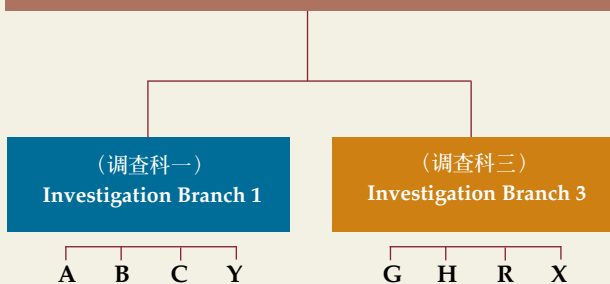
执行处处长（政府部门）  
Director of Investigation (Government Sector)



执行处处长（私营机构）  
李铭泽，IDS  
李铭泽先生于一九七七年加入执行处，一九九六年晋升为执行处处长

**Daniel LI Ming-chak, IDS,  
Director of Investigation (Private Sector)**  
Daniel LI joined the Department in 1977 and was promoted to Director of Investigation in 1996.

执行处处长（私营机构）  
Director of Investigation (Private Sector)



技术  
支援部  
Technical  
Services  
Division

本处编制约共967名，其中810名为调查人员。

The department operates on an establishment of some 967 officers of which 810 are investigative staff.

## 各调查科及调查组的特定工作范围

## Charters of Investigation Branches (IB) and Investigation Groups

组别 Group	特定范围 Charter
<b>调查科一（A组、B组、C组及Y组）</b> <b>IB 1 [ GROUPS A, B, C and Y ]</b>	
A	警队 Police
B	香港海关、入境事务处、惩教署、消防处及税务局 Customs & Excise; Immigration; Correctional Services; Fire Services; Inland Revenue Department
C	公营机构建筑项目的地基工程 Physical foundation construction in the public sector
Y	其他政府部门 Other Government departments
<b>调查科二（D组、E组、F组及Z组）</b> <b>IB 2 [ GROUPS D, E, F and Z ]</b>	
D	运输、货柜、空运、客运等等及相关行业、燃料及主要零售行业 Transport; container, air cargo, passenger etc. and related services; fuel and major retailing
E	旅游业、保安业、保险业、新闻媒介及村代表 Travel; tourism; security industry; insurance; news media; village representatives
F	建造业及地产 Construction and real estate
Z	银行及金融业 Banking and finance
<b>调查科三（G组、H组、R组及X组）</b> <b>IB 3 [ GROUPS G, H, R and X ]</b>	
G	情报搜集、卧底行动、联络线人、联络内地及海外执法机构 Intelligence gathering; undercover operations; informant handling; operational liaison with the Mainland and international liaison
H	跟踪 Surveillance
R	情报研究、统计报告及分析、证人保护 Intelligence research; statistics production and analysis; witness protection
X	选举及公共机构 Elections and public bodies
<b>调查科四（I组、J组、K组及L组）</b> <b>IB 4 [ GROUPS I, J, K and L ]</b>	
I	执行处行政管理、政策制定、管理服务、法律研究、传译及翻译服务 Operations Department administration; policy; management services; legal research; interpretation and translation services
J	举报及扣留中心、快速反应队、招聘及培训、审查贪污举报咨询委员会秘书处 Report and Detention Centres; Quick Response Team; recruitment and training; Secretariat of Operations Review Committee
K	资讯科技、电脑资料鉴证及财务调查 Information technology; computer forensics; Financial Investigation Section
L	内部调查及监察 Internal investigations and monitoring

注：I 组和 J 组的特定工作范围随后有所改变。

18 N.B. : The charters of I and J Groups have been changed since the submissions of their Principal Investigators to this edition of the Review.

# 案件摘要

## Enforcement Summary

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### 1月9日

打桩工程分判商两名前董事与一名前工地代表，涉嫌与沙田圆洲角「居者有其屋」计划中两座楼宇的不合规格桩柱工程有关而被检控。

### 1月18日

六人涉嫌行贿以盗取入境航机上的外国报章而被检控。

### 1月20日

一名内地妇人被控在机场遭移民局职员查问其入境香港所用的护照时，向入境事务处职员行贿美金五万元。

### 1月22日

广南(集团)有限公司旗下某附属公司一名高级行政人员涉及信用状诈骗并在候审期间弃保潜逃，裁判法院因此发出拘捕令，通缉归案。

### January 9

Two former directors and a former site agent of a piling sub-contractor were charged in connection with substandard piling works in two Home Ownership Scheme housing blocks in Yuen Chau Kok, Shatin.

### January 18

Six persons were charged in relation to alleged bribery involving the theft of foreign newspapers from incoming flights.

### January 20

A Mainland woman was charged with offering a US\$50,000 bribe to immigration officers at the airport when they questioned her over a passport she was using to enter Hong Kong.

### January 22

A magistrate's court issued a warrant for the arrest of a senior executive of a subsidiary of Guangnan (Holdings) Limited, who absconded from bail while awaiting trial for letter of credit frauds.

### 2月9日

廉署瓦解一个售卖伪造巴士公司家属乘车证而获利逾三十万元的集团，共拘捕二十人，包括集团首脑及一名巴士司机。

### 2月16日

一名移民局职员因持有及串谋出售假外交护照而被重判十年监禁。

### 2月19日

廉署与澳洲当局联手，捣破涉及两千万元的入籍串谋案。一名前澳洲政府官员收受香港移民顾问四百二十万元贿款，作为将澳洲公民身分批予不合格人士的报酬。案中共二十九人被捕。

### February 9

ICAC neutralised a syndicate which reaped over \$300,000 in illegal profits over sale of forged bus company dependent travel passes. Twenty persons, including the syndicate head and a bus driver, were arrested.

### February 16

An immigration officer was imprisoned for ten years for possession of, and conspiring to sell, false diplomatic passports.

### February 19

The ICAC and Australian authorities smashed a \$20 million citizenship conspiracy involving a former Australian government official who took \$4.2 million in bribes from a Hong Kong emigration consultant for granting Australian citizenship to unqualified applicants. Twenty-nine persons were arrested.

## 2月20日

一间金融机构的两名董事，因贿赂两名国营企业驻港人员以取得三千万元的违约赔偿而被捕。

## February 20

Two directors of a finance company were arrested for bribing two officials of a state-owned enterprise in Hong Kong to secure \$30 million damages for breach of contract.

## 3月20日

一名桩柱工程承包商雇员，因涉及东涌30区第一期公屋建筑工程中的短桩骗案而被判入狱一年零九个月。

## March 20

An employee of the piling contractor for a public housing construction project in Tung Chung Area 30 Phase 1 was imprisoned for 21 months for involvement in a short-piling fraud.

## 3月20日

一名公务员培训处高级培训主任，因「公职人员行为不当」罪及讹骗罪而被判入狱七个月。她将制作培训课程资料的合约批予其夫，并隐瞒他们的婚姻关系。

## March 20

A senior training officer of the Civil Service Training and Development Institute was imprisoned for seven months for misconduct in public office and deception offences. She awarded a contract for training material production to her husband but concealed the marital relationship.

## 4月3日

前市政总署两名现任技工及一名前技工，因在歌连臣角火葬场从棺木内盗取陪葬品而被判监九个月至十八个月不等。

## April 3

Two serving artisans and a former artisan of the then Urban Services Department were sentenced to jail terms ranging from nine months to eighteen months for stealing burial property from coffins at Cape Collinson Crematorium.

## 4月5日

廉署与韩国警方采取联合行动，瓦解一个国际伪造信用卡集团，五人被汉城警队拘捕，而一名相信与集团首领有密切关系的女子则在香港被廉署拘捕。

## April 5

In a joint operation with the Korean Police, ICAC neutralised an international syndicate involved in the manufacture of counterfeit credit cards. Five persons were arrested by the Seoul Metropolitan Police in Korea; and a woman believed to be a close associate of the alleged syndicate head was arrested by ICAC in Hong Kong.

## 4月11日

廉署拘捕共十七人，包括一间上市公司的主席及执行董事，他们涉嫌串谋行贿，为房屋委员会属下建屋工程供应劣质门锁。

## April 11

Seventeen persons, including the chairman and managing director of a public listed company, were arrested on suspicion of being involved in a bribery conspiracy connected with the supply of counterfeit locks for the Housing Authority's housing projects.

## 4月26日

一名公司董事与广南(集团)一附属公司的高级职员串谋，以欺诈手段骗取七百万元信用状贷款，被判监三年。

## April 26

A company director was sentenced to three years' imprisonment for conspiring with senior staff of a subsidiary of Guangnan (Holdings) Limited to obtain \$7 million in letter of credit facilities by fraudulent means.

## 5月14日

香港中华电力有限公司(中电)一名前雇员、一名承包商和一名工地主管，在一项与中电保安工程合约中因涉及一百三十万元的贪污案同被检控。

## May 14

A former employee of China Light and Power Hong Kong Limited (CLP), a contractor and a site supervisor were charged for their alleged involvement in a \$1.3 million bribery case relating to CLP security works contracts.

## 5月18日

一家银行的总经理及信贷经理和四名商人，被控贪污及串谋骗取逾八亿八千万元信用状贷款。

## May 18

A general manager and a credit manager of a bank, together with four businessmen, were charged with bribery and conspiracy in connection with the granting of letter of credit facilities worth over \$880 million.

## 6月11日

一间上市公司的前工程经理，被控在该公司及其附属公司的物业投资上，收受两百二十万元贿款。

## June 11

A former project manager of a public listed company was charged with accepting \$2.26 million in bribes in relation to property investment of the company and its subsidiaries.

## 7月16日

一项教育基金的九名委员，被控在廉署调查一宗涉及盗取逾二百万元基金款项的怀疑贪污案时，误导廉署人员。

## July 16

Nine members of an education fund were charged with misleading the ICAC during its investigation into a suspected corruption case involving the theft of more than \$2 million from the fund.

## 7月16日

两名公司董事在广南(集团)有限公司的信用状诈骗案中，因骗取两间银行共一千八百万元，分别被判监两年半及三年半。

## July 16

Two company directors were sentenced to imprisonment of two and a half years and three and a half years respectively for cheating two banks out of \$18 million in connection with Guangnan (Holdings) Limited letter of credit fraud.

## 7月28日

一间公司的股东兼董事与其弟，被控讹称已获董事局同意将公司物业押予银行，以取得四千八百万元的贷款。

## 7月30日

两名房屋署(房署)建筑师，因串谋收受利益，对房署在粉岭和天水围两项建屋工程的承包商予以优待，分别被判入狱两年及两年半。

## July 28

A shareholder cum director of a company and her brother were charged with falsely claiming that consent had been given by the board of directors to pledge the company's property to a bank to obtain \$48 million credit facilities.

## July 30

Two architects of the Housing Department (HD) were imprisoned for two years and two and a half years respectively for conspiracy to accept advantages in return for giving favourable treatment to contractors of two HD housing projects in Fanling and Tin Shui Wai.

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## 8月2日

一间学校小卖部的高级行政人员被廉署拘捕。她涉嫌贪污，在批出装修工程合约时诈骗其雇主一百五十万元。

## August 2

A senior executive of a school "tuck shop" was arrested for her suspected involvement in a corruption facilitated scheme to defraud her employer of \$1.5 million over the awarding of renovation contracts.

## 8月6日

房屋署(房署)总屋宇装备工程师，在审核和管理多项房署屋宇装备合约时涉嫌贪污，被廉署拘捕。

## August 6

A chief building services engineer of the HD was arrested for suspected corruption over the vetting and management of a number of HD building services contracts.

## 8月15日

上诉法院就前政府产业署总产业经理被裁定批出政府合约时行为不当而被判监九个月一案，将刑期增至两年半。

## August 15

The Court of Appeal increased the prison sentence of a former chief property manager of the Government Property Agency convicted of misconduct over the awarding of government contracts from nine months to two and a half years.

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## 9月6日

廉署拘捕四十二人，他们涉嫌行贿及串谋骗取「职业英语资助计划」的培训津贴。

## September 6

Forty-two persons were arrested for a suspected bribery facilitated conspiracy to fraudulently obtain government subsidies under the Funding Scheme for Workplace English Training.



## 9月6日

一名政府政务主任被控向两名投资顾问索取利益，作为提供资料的报酬。

## 9月18日

廉署成功捣破一个据称得到贪污银行职员协助的跨境洗黑钱集团。案中共三十九人被捕，估计经该集团清洗的黑钱多达五百亿元。

## 9月19日

廉署拘捕二十九人，怀疑他们与一宗涉及新界丁屋发展计划的贪污案有关，案件牵涉的贿款逾一百万元。被捕人士包括七名现任及两名前地政总署职员、十一名丁屋发展商及其属下六名现任及前职员、一名警长，以及另外两名人士。

## 10月4日

廉署拘捕二十三人，包括十四名香港居民。他们涉嫌参与安排外地人士以非法取得的柬埔寨护照入境，然后与本地人假结婚以获取居留权。

## 10月18日

四名人士被控涉嫌受贿，向收数人泄露电讯服务公司客户的个人资料。

## 10月22日

一名南区区议员在 1999 年南区区议会选举中种票，罪名成立，被判监三个月。

## 10月31日

廉署拘捕二十七人，怀疑他们行贿电力公司职员以取得协助，从而干扰遍及全港各区的住宅及商业用户电表。

## September 6

A government administrative officer was charged with soliciting advantages for providing information to two investment consultants.

## September 18

ICAC neutralised a cross-boundary money laundering syndicate allegedly assisted by corrupt bank staff. Thirty-nine persons were arrested. The amount of money laundered by the syndicate was estimated to be \$50 billion.

## September 19

Twenty-nine persons were arrested for suspected bribery of over \$1 million in connection with small house development projects in the New Territories. Those arrested included seven serving and two former staff members of the Lands Department, eleven small house developers and their six serving and former staff, a police sergeant, and two others.

## October 4

Twenty-three persons, including fourteen Hong Kong residents, were arrested for suspected involvement in a scheme to acquire right of abode through false marriages with Hong Kong residents after entering the territory with unlawfully obtained Cambodian passports.

## October 18

Four persons were charged with suspected corruption involving the leakage of subscribers' personal data from telecommunication service providers to debt collectors.

## October 22

A Southern District councillor was sentenced to three months' imprisonment for vote-planting offences in connection with the 1999 Southern District Council Election.

## October 31

Twenty-seven persons were arrested for tampering with the electricity meters of a number of residential and commercial account holders throughout the territory with the corrupt assistance of power supply company staff.



## 11月1日

一家土木工程公司的前助理工程师，欺诈性地进行不合规的斜坡平整工程，致令斜坡在1998年雨季中倒塌，终被判监两年零九个月。

## 11月13日

廉署拘捕十二人，其中包括海洋公园一名经理，怀疑他们与一宗贪污案有关，该案涉及总值一百二十万元的维修和食物供应合约。

## 11月23日

六人涉嫌贪污诈骗被廉署拘捕。案件涉及在将军澳房屋署商场及一间中学校舍的翻新工程中所用的地板瓷砖和假混凝土铺地材料。

## 11月24日

一间建筑公司的建筑经理和一名前工程师，因在东涌一项「居者有其屋」建筑工程中使用不合规钢筋，分别被判监三年半及一年零九个月。

## 11月29日

一名正等候终审法院就其香港居留权作出判决的内地居民被廉署拘捕，因为他涉嫌向一名移民局职员提供两万元以取得香港身分证。

## 12月4日

两名日本餐厅股东，因向一名警长每月提供贿款，约共十二万五千元，各被判监十个月。

## November 1

A former assistant engineer of a civil engineering company was imprisoned for two years and nine months for fraudulent substandard site formation work performed on a slope which subsequently collapsed during the rainy season in 1998.

## November 13

Twelve persons, including a manager of Ocean Park, were arrested for suspected involvement in bribery involving \$1.2 million worth of maintenance and food supply contracts.

## November 23

Six persons were arrested for suspected corruption and fraud over the provision of ceramic floor tiles and counterfeit concrete paving for renovation works in a Housing Department shopping arcade in Tseung Kwan O and a secondary school.

## November 24

A construction manager and a former engineer of a construction company were imprisoned for three and a half years and one year and nine months respectively for fraud over the use of non-compliant reinforcement steel bars at a Home Ownership Scheme project in Tung Chung.

## November 29

A Mainland citizen awaiting the Court of Final Appeal's ruling on his claim of right of abode in Hong Kong was arrested for allegedly offering \$20,000 to an immigration officer to obtain a Hong Kong identity card.

## December 4

Two shareholders of a Japanese restaurant were each imprisoned for ten months for offering monthly bribes totalling about \$125,000 to a police sergeant.

## 12月4日

一个偷运非法入境者集团的五名成员，因安排内地居民以伪造护照及不正确的登机证非法入境美国，分别被判监，最高刑期为四年半；同案两名内地居民则分别被判囚一年零三个月及两年零八个月。

## 12月5日

一间建筑设计公司的前执行建筑师，较早前从澳洲引渡回港，接受审讯。他被裁定诈骗四百万港元工程设计费罪名成立，被判监三年。

## 12月11日

一间电脑产品公司的前行政人员，较早前从加拿大引渡回港，接受审讯。他被裁定盗用三百万港元公款罪名成立，被判监三年。

## 12月21日

一名美籍商人，因持有面值逾二千二百六十九亿美元（即一万七千六百亿港元）的伪造美国联邦储备券及债券，被判监四年。

## December 4

Five members of a human smuggling syndicate were sentenced to up to four and a half years' imprisonment for arranging for Mainland residents to enter the United States illegally with forged passports and incorrect boarding passes. Two Mainland residents were imprisoned for one year and three months and two years and eight months in the same case.

## December 5

A former managing architect of an architectural firm, who was earlier extradited from Australia to face trial for defrauding HK\$4 million project design fees, was sentenced to three years' imprisonment.

## December 11

A former executive of a computer products manufacturer, who was earlier extradited from Canada to face trial for a HK\$3 million embezzlement scam, was imprisoned for three years.

## December 21

An American businessman was imprisoned for four years for possessing counterfeit US Federal Reserve notes and bonds with a total face value of over US\$226.9 billion (HK\$1.76 trillion).

# 重要判决摘要

## Summary of Significant Judgements

执行处法律研究组（I4）的综合电脑图书馆，保存着所有对廉署工作有影响的法庭判决。本期年报特别新增这个部分，摘要报导香港特别行政区法院在去年所作出的特别重要判决。

有些比较重要的判决，是针对疑犯在警诫会见中承认或供认有罪是否出于自愿的问题。该等陈述必须证明并非在威迫利诱下作出，才可获法庭接纳作为指证被告的证据。廉署的既定政策和措施，是以录影方式会见疑犯，在很大程度上减少了疑犯在会见中受到不公平对待或威迫利诱的指控。当然，重要的法庭判决并非只局限于这个范畴，以下在2001年作出的判决就是最佳例子。

### 律政司司长对吕健康

吕健康是前英美烟草公司（「英美烟草」）代理人，早前在一宗走私香烟案件中，被裁定串谋行贿罪名成立。其后，上诉法庭鉴于一份由廉署调查人员检获的文件，不应提交给陪审团作为证据，而该份文件乃检控论据的关键，故此推翻了吕健康的判罪。受质疑的文件是一份业务记录，但由于控方无法提供一名证人，能够就该份文件的真确性作证，上诉法庭遂裁定该份文件为传闻证据，不得被法庭接纳。不过，终审法院最后推翻了上诉法庭的判决，并维持对吕健康原先的判罪。终审法院认为该份文件可接纳为证据，但不是证明它载有的内容，而是证明该文件并未载有某一事项，故此终审法院裁定，就这一点而言，即使没有证人可以证明该份文件的真确性，它仍可被接纳为证据。除了要支付巨额堂费外，吕健康还须赔偿英美烟草的损失，其三年零八个月的刑期亦维持不变。

The Operations Department's Legal Research Unit - I4 Section - maintains a comprehensive computer-based library of all court judgements affecting the work of the ICAC. The purpose of this new feature in the Operations Department Review is to provide a brief summary of judgements of particular significance which have been handed down by the courts of the Hong Kong Special Administrative Region during the period under review.

Among the more important judgements are those which deal with the voluntariness of admissions or confessions made by a suspect during interview under caution. Such admissions can only be admitted in evidence against a defendant if it is proved that they were made without coercion or promise of some favour. As a matter of policy and practice, the ICAC records interviews of suspects on videotape, and this goes a long way toward minimising allegations of unfairness, coercion or other inducement in the conduct of interviews of suspects. In any event, significant judgements are by no means limited to this particular issue, as the following examples from 2001 illustrate.

### The Secretary for Justice v. Jerry LUI Kin-hong

LUI, an agent of the British and American Tobacco Corporation (BAT), was convicted of conspiracy to bribe in relation to cigarette smuggling. The Court of Appeal overturned his conviction on the grounds that a document seized by ICAC investigators, which was crucial to the prosecution case, should not have been produced in evidence to the jury. The document in question was a business record, but since the prosecution were unable to provide a witness who could testify as to the accuracy of the document, the court ruled it hearsay and inadmissible. The Court of Final Appeal, however, overturned the decision of the Court of Appeal and reinstated LUI's conviction, on the basis that the document was admissible, not for what it contained, but for what it did not contain. It was the absence in the document of a material particular that the prosecution sought to establish, and it was held that, in this respect, even without the supporting evidence of a witness who could speak to the authenticity of the document, it was admissible in evidence. In addition to substantial legal costs, LUI was ordered to pay compensation to BAT. His sentence of three years, eight months' imprisonment was also upheld.

# 重要判决摘要

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### 律政司司长对林达明

另一宗涉及终审法院的案件，显示调查人员有时会面对复杂的法律问题。林达明一案在区域法院进行审讯。控方的关键证据，是卧底人员与被告之间一段谈话的秘密录音。原审法官基于疑犯的说话令自己入罪，但事前却未经警诫，得不到应有的保障，裁定该段谈话的录音不可接纳为证据。由于上诉法庭亦认同区域法院法官的判决，律政司司长于是向终审法院提出上诉。终审法院推翻了先前的判决，表示在拘捕疑犯前秘密进行的卧底行动中套取疑犯认罪的说法，是制定已久的调查程序，对侦查罪案有莫大帮助。不过，终审法院同时指出，如果法官认为此种证据对疑犯所构成的不利影响大于其举证价值，则仍然可以运用酌情权，拒绝接纳此种证据。结果，此案被发还区域法院，由原审法官重审。原审法官即时裁定有关证据有欠公平，并再次判被告无罪。虽然控方最终未能将被告入罪，但终审法院的判决，毕竟确定了利用卧底行动取证的可接纳性、合法性及重要性。

### 香港特别行政区对岑国社

岑国社一案，不仅受到市民关注，同时亦在法律界引起了广泛辩论，论题是普通法中「渎职」或「公职人员行为不当」罪是否足以有效提出检控。岑国社是政府产业署的总产业经理，他在批出政府合约时没有申报本身的利益冲突，将合约批予其亲属开设的公司。他被控上述的普通法罪名，在区域法院接受审讯后被定罪，被判入狱九个月。岑国社一案，是首宗在区域法院被定罪的同类案件，对执法人员来说是一项重大成果；但另一方面，它又带出一个问题，就是这项古老和有欠明确的普通法罪行，是否足以对付现今香港所出现的以权谋私行为。针对这个问题，廉署对这项普通法罪行进行深入研究，并建议将「以权谋私」订为成文法罪

### The Secretary for Justice v. LAM Tat-ming

Another case before the Court of Final Appeal highlights the legal complexities that sometimes confront officers. The case of LAM Tat-ming was tried at the District Court. Evidence crucial to the prosecution was a recording of a conversation with the defendant, which had been made covertly by an undercover officer. The judge ruled that the recorded conversation was inadmissible as the suspect had incriminated himself without the benefit of having been cautioned. When the Court of Appeal concurred with the decision of the District Court judge, the Secretary for Justice appealed to the Court of Final Appeal, which overturned the previous judgements. In doing so, the Court of Final Appeal observed that the obtaining of admissions from suspects prior to their arrest in covert undercover operations was a well-established investigative procedure, which was essential for assisting in the detection of crime. However, the Court of Final Appeal also ruled that a judge always has a residual discretion to exclude such evidence if he considers that its prejudicial effect outweighs its probative value. The case was remitted to the District Court before the same judge who immediately ruled that the evidence was in his opinion unfair, and again acquitted the defendant. Whilst this judgement ultimately went against the prosecution on a matter of fact, it established the admissibility, legality and importance of a valuable strategic tactic in undercover operations.

### HKSAR v. SHUM Kwok-she

The case of SHUM Kwok-she attracted considerable public interest, while at the same time fuelling debate in legal circles as to the adequacy, or otherwise, of the Common Law offence of malfeasance or misconduct in public office. SHUM, a Chief Property Manager with the Government Property Agency, failed to disclose his private interest when awarding government contracts to companies in which his family members had substantial financial interests. He was charged with the Common Law offence, and after trial at the District Court, convicted and sentenced to nine months' imprisonment. Whilst SHUM's conviction - the first of its kind at District Court level - was considered a significant achievement in terms of law enforcement, the

# 重要判決摘要

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行。原审法官基于无证据显示岑国社因滥用职权而获得金钱利益，判其入狱九个月。律政司司长以刑期明显不足提出上诉。上诉法庭将岑国社的刑期由九个月增加至两年半。岑其后向终审法院提出上诉，结果有待法庭裁决。

### 香港特别行政区对程介南

2001年5月，又有另一宗涉及普通法「公职人员行为不当」罪的案件。一名前立法会议员，由于担任该公职期间行为不当而被检控，同年12月在区域法院被裁定罪名成立。这宗案件的详情载于本期年报第96页。主审法官的判词明确地指出，担任公职人士必须有高度诚信。

### 香港特别行政区对邓海安及张琦明

邓海安与张琦明一案，说明了一名在审讯期间选择保持缄默的被告，不能纯粹基于有可能就其行为而构想出多种清白解释而期望可以因此获判无罪。案中两名被告是房屋署的建筑师，他们持久地接受房署工程承建商所提供的奢华款待。两人在区域法院接受审讯期间，拒绝作供自辩，最后均被裁定罪名成立。辩方律师请法官推断被告的行为可能有清白的解释，因此存在合理疑点，他们应当被判无罪释放。主审法官驳斥这项陈词，裁定被告有罪，并论述如下：

「如果从一系列的事实中，可以恰当地推断某人有罪，在没有可信的解释以达致不同结论的情况下，陪审团或无陪审团在座的法官有权凭这项推断裁定被告有罪。假如根据法律，只要假定存在某种与犯罪不相符的心态或解释而可将被告的行为视为清白，法官便不能判被告有罪，法律在大部分案件中恐怕都会丧失效力。」

question arose as to whether the archaic and rather imprecise provisions of the Common Law offence are an appropriate measure for addressing misconduct in public office in modern day Hong Kong. It was against this background that the ICAC conducted its review of the Common Law offence and made recommendations for codification in statute. In the meantime, the Secretary for Justice appealed against the sentence in SHUM's case on the grounds that it was manifestly inadequate, based, as it was, on the fact that there was no evidence to show that SHUM derived any personal gain in monetary terms by the abuse of his office. The Court of Appeal increased SHUM's sentence from nine months to two and a half years' imprisonment. SHUM then appealed to the Court of Final Appeal; the outcome is awaited.

### HKSAR v. Gary CHENG Kai-nam

May 2001 saw another conviction for misconduct in public office under the Common Law, this time of a former Legislative Councillor in relation to his conduct when holding that appointment. This case is reported on by Mr. P.K. NG, then Principal Investigator X Group, on page 96 of this Review. The comments of the trial judge in this case clearly underscore the high standard of integrity demanded of individuals who hold public office.

### HKSAR v. TANG Hoi-on and TJONG Kee-ming

The case of TANG Hoi-on and TJONG Kee-ming highlighted the fact that a defendant who elects to remain silent during his trial cannot expect to be acquitted simply on the basis that it is possible to conceive of various innocent explanations for his conduct. In this case the defendants, who were architects with the Government Housing Department, accepted lavish entertainment over a sustained period from contractors involved in a Housing Department project. They were both convicted after trial at the District Court, during which they declined to give evidence in their own defence. The judge was invited by the defence to infer that an innocent explanation for their conduct was possible, and that, accordingly, they were entitled to be acquitted on the ground that reasonable doubt existed as to their guilt. Rejecting this submission and convicting the defendants, the trial judge observed: -



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法官并就“款待”的性质提出了重要论点：

「虽然『款待』一词（在《防止贿赂条例》中）的定义并未提及质或量，但我认为以一般常识而言，即使是该定义所涵盖的各个项目，若是持久地供应都会变成利益：换言之，款待的次数及性质，不能与提供款待的背景完全不相称。至于是否超越了业务社交的可接受水平，就要根据事实和程度来衡量。如果同一人士或机构可以完全不受限制地向同一名公务员提供款待，肯定是有违立法的目的。」

邓海安和张琦明分别被判入狱两年及两年半。

*"Where an inference of guilt may be properly drawn from a set of facts, a jury or judge sitting without a jury, is entitled, in the absence of a credible explanation leading to a different conclusion, to convict the accused on the basis of that inference. If it were the law that a man may not be found guilty wherever it is possible to place an innocent explanation on his actions, by assuming the existence of a state of mind or an explanation that is incompatible with guilt, then the law would be rendered powerless in a great many cases."*

The judge also made an important point about the nature of "entertainment":-

*"Although the definition of entertainment (in the Prevention of Bribery Ordinance) does not contain any reference to quality or quantity of entertainment, it seems to me to be common sense that there will come a time when even the provision of the items contemplated in that definition may become an advantage: the frequency and nature of that provided cannot be wholly disproportionate to the background against which such provision is made. It will be a question of fact and degree in each instance as to whether the acceptable level of social contact within a business relationship has been exceeded. If the same person or body were able to entertain the same public servant on a completely unrestricted scale the purpose of the legislation would be defeated."*

TANG and TJONG were sentenced, respectively, to two years' and two and a half years' imprisonment.





# 各调查科助理处长及 调查组组长的报告

**Through the Branches and Groups -  
Reports by Assistant Directors and  
Principal Investigators**

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### 调查科一

#### 执行处助理处长（一）葛辉

调查科（一）在2001年延续过往佳绩，成果甚丰。为应付涉及政府部门的各类贪污案件，调查人员提升了他们的专业性。A组专责调查警察贪污；B组负责惩教署、入境事务处、海关、消防处、教育署及邮政署等部门的贪污调查。

C组则继续处理与公营机构建筑工程有关的案件，而Y组已成为处理食物环境卫生署、地政总署及房屋署案件的专家。

过去一年，虽然针对某些政府部门（例如警务处）的贪污举报数字稍降，但我们绝不可自满而掉以轻心。因为我们掌握的情报显示，仍有一些不同职级的政府人员，不惜违反职业操守，进行贪污舞弊的勾当。

本人对前景一直抱乐观态度，皆因年轻一代调查人员积极进取及全力以赴，而资深一辈仍然冲劲十足。虽然本人快将退休，但我深信来年的日子会同样令人振奋。

### INVESTIGATION BRANCH 1 (IB/1)

#### BY TONY GODFREY, ASSISTANT DIRECTOR OF OPERATIONS 1

The past year, as the following text will show, has continued to be productive. IB1 has enhanced its expertise in the various fields of corruption in the government sector i.e. 'A' Group - Police, 'B' Group - Correctional Services (CSD), Immigration, Customs and Excise, and other areas such as Fire Services Dept. (FSD), Education, Post Office etc.

C Group continues to deal with public sector construction cases and Y Group is now expert in handling cases involving the Food & Environmental Hygiene Department, Lands Department and Housing etc.

While we have generally seen in the last twelve months a decrease in complaints as far as some government sectors are concerned - the Police, for example - we cannot be complacent, as our intelligence suggests and that there are some officers, of various ranks, willing to compromise their position by corrupt malpractice.

I continue to be optimistic for the future, as our younger officers always impress me with their enthusiasm and dedication. The older officers, including supervisors, have not lost their zeal either and I am confident that the next twelve months will be similarly exciting for me in my last years before retirement.



2001年，投诉警务人员贪污的个案下降了15%。年内，我们完成了182宗调查，拘捕了107人，当中77人被控贪污及相关罪行。A组目前正处理159宗调查及五宗尚未完结的审讯。

调查警务人员贪污的工作一向富有挑战性，从下述的案件可见一斑。

### 警员被控受贿及贩毒罪名

2001年9月，廉署接获线报，指一名警员可能与一间连锁店的数名保安员串谋，向该店一名正接受内部调查的营业主任索取和收受贿款，作为提供有利资料以影响调查结果的报酬。廉署调查又发现该警员涉嫌贩毒。该名警员及三名保安员被控贪污罪名，正等候区域法院审讯。该名警员又被加控贩毒罪名，案件已交付原讼法庭审理。

### 法律专业人员勒索案



被告利用公众电话亭打出勒索电话

*Unwarranted demands were made through these public phone booths*

在一宗民事诉讼程序中，一份遗嘱的真实性成了重要的争论点。案件的答辩人向廉署举报，指两名怀疑警务人员曾跟她接触，表示愿意在审讯中就该份遗嘱提出有利她的证据。我们于是展开调查，最后拘捕了一名大律师和一名律师，他们利用保密资料，趁机勒索答辩人，两人均被定罪，各被判入狱三年。

Corruption reports concerning the Hong Kong Police decreased 15% in 2001. In the period under review, 182 investigations were satisfactorily concluded with 107 individuals arrested. 77 persons were prosecuted for corruption and connected offences. The group is presently dealing with 159 investigations and five outstanding trials.

Investigation into police corruption continues to be a challenging task. The following are cases of interest.

### Police Constable on bribery and drug charges

In September 2001, information was received by the ICAC that a Police Constable might have conspired together with several security staff of a chain store company to solicit and accept bribes from a sales supervisor of the chain store company as a reward for favourably influencing an internal investigation against the sales supervisor. During the course of investigation the Police Constable was also suspected to have committed drug trafficking offences. The Police Constable and three security staff of the chain store company have been charged with corruption offences, and they await trial at the District Court. A further drug trafficking charge was also laid against the Police Constable and this case was committed to the Court of First Instance for trial.

### Blackmail by legal professionals

During the course of civil proceedings, the authenticity of a will became an important issue. When the respondent in that case reported that she had been approached by two suspected police officers offering to adduce favourable evidence in the trial, the ICAC began an investigation. This culminated in the arrest of a barrister and a practising solicitor. By using privileged information they seized the opportunity to try to blackmail the respondent in the civil case. They were convicted and each received three years' imprisonment.

### Frustrating police investigation

In January 1994, a serious wounding took place involving triad members. Several persons responsible for

## 阻挠警方的调查

1994年1月，发生一宗黑社会严重伤人案，数名参与袭击的黑社会份子事后逃往中国内地；他们其后向负责调查的警务人员行贿以取得协助，将案件注销。那些罪犯多次在深圳跟有关的警务人员秘密会面，令警方缺乏证据提出起诉。廉署在2000年初一次主动出击行动中招募了其中一名中间人为线人，对该宗伤人案的细节展开调查。在这名线人的协助下，廉署再招募了两名案中的小角色为线人，从而取得贪污的证据。两名警务人员及涉案的黑社会份子其后被控受贿及行贿罪名，在区域法院裁定罪名成立，两名警务人员被判入狱四年。案件清楚说明，执法人员必须公正无私。

「他们毫不犹豫地滥用自己身为警务人员的职权，这种行为简直违反了职业操守。每一宗涉及警务人员的贪污案件都会引起极大关注，因为足以损害社会的根基。香港市民有权对警队的守正不阿满怀信心；从各方面来看，香港警队能够为全国树立榜样在此刻尤其重要。香港法庭每天都要倚赖警务人员的证供来作出判决：即使是最轻微的贪污事件 – 本案涉及的行为当然不属此类 – 亦足以影响公众的信心。那些承诺维护法纪，声称要把罪犯绳之于法的人，如果因一己的利益而违背理念，便会特别令人发指。」

韦毅志法官  
香港特别行政区政府控告刘国及其他人案  
DCCC 381/2001  
2001年10月31日

## 罪犯向廉署报假案被判入狱

一名因贩毒还押候审的囚犯向廉署投诉，指拘捕他的警员被人收买，捏造证据指控他贩毒。廉署随后展开调查，确定他的指控并无事实根据，他只是对该名警员作出虚假的指控，企图令自己脱罪。2001年6月，该名囚犯被控误导廉署人员罪名，他承认控罪，被判入狱八个月。

the attack fled to the Mainland. They later succeeded in seeking assistance from the police investigating officers to write off the case by paying bribes. As a result of secret meetings held in Shenzhen between these offenders and the police officers, the police prosecution eventually collapsed. When one of the middlemen was recruited as an informant by the ICAC in early 2000 during a proactive approach exercise, the circumstances surrounding the wounding were investigated. With the assistance of this informant, two minor role players in the wounding case were also recruited as informants and revealed evidence in support of the corruption allegation. Two police officers and the triads involved were later prosecuted for bribery and convicted in the District Court. This case highlights the need for those entrusted with the duty of law enforcement to discharge that duty with unquestioned impartiality. Both police officers were sentenced to four years' imprisonment.

## Offender jailed for false report to ICAC

A remanded prisoner awaiting trial on a drug trafficking charge lodged a complaint with the ICAC,

"Their conduct amounted to a gross breach of their positions: they were able and did not hesitate to exploit their posts as police officers. Every case of corruption that involves police is a matter of the deepest concern, striking at the very foundations of our society. The public of Hong Kong is entitled to have full confidence in the integrity of our police force. In many ways it is especially important at this time for the Hong Kong police to be able to be held up as an example to the country as a whole. Every day the courts in Hong Kong rely on the assertions of police officers: even the most minor examples of corruption, and this matter does not fall into that category, have a tendency to undermine confidence. It is particularly distasteful when persons who have undertaken to uphold the law and pursue those who offend against it pervert those ideals for personal gain."

HH Judge Alan Wright  
HKSAR V LAU Kwok & Others  
DCCC 381/2001  
31 October 2001

alleging that the police officer who arrested him had been bribed by another person to fabricate evidence against him for the drug charge. Subsequent enquiries revealed no evidence in support of his allegation, and established the



## 与警队的伙伴合作关系

要打击贪污，廉署和警队管理层必须提高警觉，加强伙伴合作关系。要揭发警队内可能存在的贪污，双方紧密合作和互相配合在整体策略上至为重要。



廉署总调查主任麦伟强（右三）与警队高级指挥课程的其他学员拜访广东省增城公安厅时与公安厅官员拍照留念

ICAC Chief Investigator, Diman MAK (third from right), with fellow course members of the Police Senior Command Course, during a visit to Zengcheng Public Security Bureau, Guangdong Province

过去一年，廉署和警方多次联合行动都取得成功。一名初级警务人员主动向我们举报，指一名妓院经营者愿意按月提供贿款，要求他就警方的扫黄行动通风报信。该名经营妓院的女子在行贿时当场被捕，她其后被裁定行贿和经营卖淫场所罪名成立。

警廉合作还推展到员工培训方面，廉署调查人员每年均有参与警队各级指挥课程。

## 前瞻

我们必须强调，绝大部分警务人员都是廉洁正直的，但我们绝对不可掉以轻心。A组全体同事会致力与警队建立良好的合作关系，联手铲除警察贪污。这样，对香港市民、廉署和警队都最有裨益。

prisoner had lodged a false report against the police officer in an attempt to exonerate himself. In June 2001, the prisoner was charged with an offence of misleading an ICAC officer, to which he pleaded guilty and was sentenced to eight months' imprisonment.

## Partnership approach with police

In tackling corruption, the increased vigilance of ICAC and Police management is essential to enhance the partnership approach. Close collaboration and co-operation forms an integral part of the overall strategy in seeking out the existence of corruption within the force which might not otherwise be surfaced.

In the period under review, several joint ICAC/Police operations were successfully conducted. Arising from the initiative of a junior police officer whose assistance was sought in

providing advance warning of impending police action to a brothel operator in return for monthly bribes, the female operator of a vice establishment was arrested red-handed. She was subsequently convicted of bribery and vice related offences.

Co-operation between the ICAC and the Police also extends to the training of officers. ICAC officers of Investigator ranks attend various levels of Police Command Courses every year.

## The way forward

It should be emphasised that the vast majority of police officers are honest, but there is no room for complacency. All members of 'A' group firmly adhere to their commitment to optimize our working relationship with the police in order to eradicate police corruption. This is in the best interests of the public, ICAC and the police.



## 税务贪污案

一名曾在税务局（税局）任职助理评税主任的税务顾问，在区域法院被裁定多项贪污罪名成立，被判入狱三年零四个月。被告在税局任职助理评税主任期间，曾索取及收受一名纳税人提供的金钱，作为在后者与税局的税务纠纷中对其偏袒的报酬。他后来出任税务顾问，向仍在税局任职的旧同事请求帮忙，并向他们提供利益作为回报。在同一宗案件中，一名税务督察被裁定收受利益罪名成立，被判入狱十四个月。

## 诚信有问题的政府人员

B组去年进行的多宗调查，涉及不同职级的政府人员。他们被落案起诉，并被裁定罪名成立，使人不禁怀疑他们的诚信。

第一宗案件涉及税务局副局长及其在土木工程署担任高职的丈夫。在税务局副局长以不诚实手法申领自行租屋津贴而误导政府一案中，他俩被裁定罪名成立，被判缓刑。

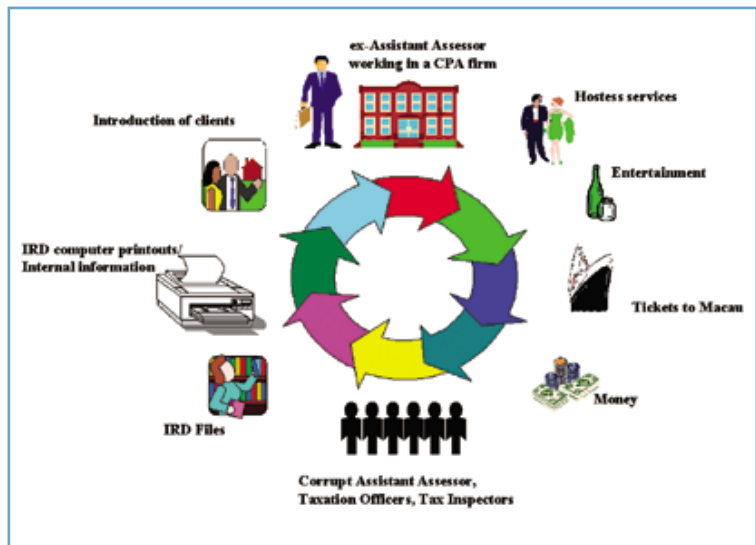
第二宗案件涉及一名惩教署二级惩教助理。最初，他涉嫌受贿，向受其监督的犯人提供毒品。后来，他向毒品「拆家」购买小量毒品时，被廉署拘捕，并被落案起诉。他承认控罪，被判罚款。

第三宗案件涉及一名在运输署任职的文书助理。他涉嫌收受一些小利益，例如利是、杂志及其他礼物，为车房老板安排较有利的验车日期。他和一名车房老板共被控17项贪污罪名，均被裁定罪名成立，被判缓刑及罚款。

第四宗案件涉及一名香港海关（海关）关员。他假称急需现金以支付一宗楼宇交易的首期，向三名没有关系的人士借得合共超过十万元的款项。他被控盗窃及行骗罪，被裁定罪名成立，获判缓刑。

## Tax related corruption

A tax consultant, who was formerly an Assistant Assessor (AA) of the Inland Revenue Department (IRD), was convicted of various corruption charges at the District Court and sentenced to 3 years and 4 months' imprisonment. The defendant had, when he was an AA of IRD, solicited and accepted money from a tax payer as a reward for showing favouritism to him in the latter's tax dispute with IRD. When he later became a tax consultant, he asked favours from his former IRD colleagues and in return offered them advantages. In the same case, a Tax Inspector was convicted of accepting advantages and was sentenced to 14 months' imprisonment.



## Integrity of government officials in doubt

In the past year, several B Group ICAC investigations resulted in government officials of different ranks being charged and convicted of offences.

The first case involved the Deputy Commissioner (DC) of IRD and her husband, who was a senior official with the Civil Engineering Department. They were both convicted of offences relating to the DC's dishonest claim of Private Tenancy Allowance, which had misled the Government. They were sentenced to suspended prison terms.

The second case involved an Assistant Officer II of the Correctional Services Department, who was initially suspected to have corruptly supplied drugs to prisoners under his supervision. He was arrested whilst purchasing a

第五宗案件涉及另一名海关关员。他涉嫌与其他人士经营一间翻版影像光碟店，被判入狱四个月。

## 偷运非法入境者及假护照案件

廉署接获线报，得悉一个偷运非法入境者集团可能贿赂航空公司职员，以取得他们的协助。集团成员首先购买香港往美国的机票，然后安排非法移民进入机场禁区，再发给机票及假护照作入境美国之用。2001年3月，廉署在机场内拘捕了八名人士，其中两名是非法移民。他们其后被控与假护照有关的罪名以及串谋诈骗。其中七名被告在2001年11月被裁定罪名成立，被判入狱四年至年半不等。余下一名被告将于2002年1月受审。

在调查同一宗案件期间，廉署在2001年7月拘捕了另外三名正在购买假护照的人士。他们在区域法院被裁定罪名成立，被判



假美国护照  
A false US passport

入狱三年零九个月至一年不等。

## 伪造美国政府债券案

small quantity of drugs from a street level drug pusher and charged accordingly. He pleaded guilty and was fined.

The third case involved a Clerical Assistant of the Transport Department who was found to have accepted small advantages such as laisees, magazines, and other gifts in return for allocating favourable vehicle examination dates to garage operators. Together with a garage operator, he was charged with 17 counts of corruption. Both were convicted and sentenced to suspended imprisonment terms and fines.

The fourth case involved a Customs & Excise (C&E) Officer. He was found to have obtained loans totalling over \$100,000 from three unrelated individuals by falsely representing that he was temporarily short of cash to cope with a downpayment in a property transaction. He was charged with theft and deception offences, convicted and sentenced to a suspended term of imprisonment.

The fifth case involved another C&E Officer who was found to have run a counterfeit video compact disc shop with others. He was sentenced to four months' imprisonment.

## Human smuggling and false passport cases

Information was received that a human smuggling syndicate might have bribed airline staff who would in return assist them in their operation. The syndicate members would first purchase air tickets from Hong Kong to the United States (US), then arrange for illegal emigrants to enter the restricted area of the airport where they were supplied with the air tickets and false passports for landing in the US. In March 2001, eight persons including two illegal emigrants were arrested in the airport. They were subsequently charged with false passport related offences and conspiracy to defraud. Seven were convicted in November 2001 and sentenced to imprisonment terms ranging from four years to 18 months. The remaining defendant awaits trial at the time of writing.

Arising from the same investigation, three other individuals were arrested in July 2001 whilst purchasing passports. They were convicted at the District Court and

一名美国商人涉嫌管有及行使高面值的伪造美国政府债券，被控伪造及诈骗罪。他被裁定罪名成立，被判入狱四年。调查显示，他是一名集团成员，其集团涉嫌贿赂银行职员，以便进行有关的欺诈活动。该集团的主脑在廉署采取行动前逃往美国，后来在纽约被捕，现正接受审讯。

### 新世界第一巴士（新巴）家属乘车证诈骗案

廉署在调查一宗贪污案时得悉，新巴每年作为员工福利发给员工及其家属的家属乘车证，被人透过行贿取得样本后大量复制，然后卖给无权使用人士，藉此图利。结果，共有30人被控贪污、伪造及诈骗罪，包括一名新巴司机及他的一名旧同事。除了该名新巴司机外，所有被告均承认控罪。该名新巴司机经审讯后亦被判罪名成立。上述该名前新巴司机及其中两名同党被判入狱十七个月，其余人等则获判缓刑或执行社会服务令。



伪造家属乘车证  
Forged Dependent Travel Passes

sentenced to imprisonment ranging from three years and nine months to one year.

### Forged US Government bond case

A US businessman was charged with forgery and deception offences after he was found to have possessed and uttered forged US Government bonds of a high face value. He was convicted and sentenced to four years' imprisonment. Investigation revealed that he was a member of a syndicate which was alleged to have bribed bank officers to facilitate their fraudulent practice. The head of the syndicate fled to the US before ICAC action and was arrested in New York. He is presently facing trial.



假美国债券  
Bogus US bonds

### New World First Bus (NWF) dependent travel pass scam

Information obtained during an ICAC corruption investigation revealed that a group of individuals had corruptly obtained samples of dependent travel passes (DTP), issued by NWF to its staff and their family members annually as a welfare benefit. They then reproduced the DTPs in large numbers and sold them to unauthorized persons for profit. Eventually 30 defendants, including an NWF driver and his former colleague, were charged with corruption, forgery and fraud offences. With the exception of the NWF driver, who was found guilty after trial they all pleaded guilty. The former NWF driver and two of his associates were sentenced to 17 months' imprisonment whilst the remainder received suspended sentences or community service orders.



## 助理调查主任邓志光

### TANG Chi-kong, Assistant Investigator



邓志光展示作为呈堂证物的伪造家属乘车证

Mr. TANG with the exhibits - forged dependent travel passes

邓志光，朋友均称他为「光仔」，在廉署工作了只有五年。凭着努力不懈及永不言倦的精神，他侦破了新世界第一巴士公司一案。结果，12名被告在区域法院被定罪，另外18名被告则在多个裁判法院被定罪。他因为工作表现出色，两度获得助理处长嘉许。已婚并拥有哲学硕士学位的「光仔」认为，廉署人员均凭着一股「正义感」团结一致，合力打击贪污。

TANG Chi-kong or "Kong Chai", as he is known to his friends, has been with the ICAC just 5 years. His dedicated and untiring investigation into the New World First Bus case led to the conviction of 12 defendants at the District Court and 18 at various Magistrates Courts. He has twice received Assistant Director's Commendations for his work. A married man with a Master of Philosophy Degree, "Kong Chai" believes that, above all, it is a "sense of justice" which unites him and his colleagues in their commitment to fight against corruption.







**我**是第三次以C组首席调查主任身分撰写年报，也该是最后一次，因为本期年报出版时，我已调职J组首席调查主任。

在2001年，C组继续打击与公营机构建筑工程有关的贪污活动。我们进行了一连串瞩目的调查行动，多宗案件更获传媒广泛报导。以下是其中一些值得注意的个案。

### 房屋署总屋宇装备工程师案

经过多月来的调查，此案随着2001年8月初的拘捕行动而曝光：一名总工程师以及数名房屋署屋宇装备承办商和指定供应商被捕。该名总工程师涉嫌收受数以百万计的贿款，作为批出政府合约的报酬。他被控受贿及以权谋私罪名，现正等候审讯。

### 天颂苑短桩案

房屋署怀疑天水围一项「居者有其屋」发展计划涉及贪污，遂将此案转介廉署调查。廉署在2001年2月进行拘捕及搜查行动，结果有20人被捕，当中包括负责有关桩柱规格的注册结构工程师。2001年9月，其中九人被落案起诉多项贪污及诈骗罪。有关审讯将在高等法院原讼法庭进行。

### 不合规格钢筋被用于多项房屋署发展工程

廉署进行的连串调查，引起了传媒的广泛报导。案件涉及建筑承建商在涉嫌贪污的房署人员默许下，在有关的政府建筑工程



公屋楼宇发现安装了不合规格钢筋

Substandard reinforcement steel bars were found to have been installed in public housing block

**T**his is my third and last annual review as Principal Investigator C Group. At the time of the publication of this review, I will be the Principal Investigator J Group.

During the year 2001, the Group continued in its pursuit of the corrupt in the public sector construction arena. This resulted in a series of high profile investigations, a number of which attracted wide publicity in Hong Kong. The following are a few notable ones.

### The Housing Department Chief Building Services Engineer case

After months of investigation, this case became overt in early August 2001, and resulted in the arrest of a Chief Engineer and a number of Housing Department building services contractors and nominated suppliers. It was alleged that the Chief Engineer accepted millions of dollars in bribes for awarding government contracts. He now awaits trial on bribery and malfeasance charges.

### Sub-standard piling works at Tin Chung Court case

This investigation was commenced after referral from the Housing Department, who suspected corruption at a Home Ownership Scheme development project in Tin Shui Wai. An arrest and search operation was carried out in February 2001 and resulted in the arrest of 20 persons, including the registered structural engineer responsible for the specification of the piles. In September 2001, nine persons were charged with a variety of corruption and fraud offences. The venue of trial will be the Court of First Instance.

### Application of sub-standard steel bars at various Housing Department development projects

This series of investigations attracted wide media coverage, and involved the use of sub-standard steel bars by building contractors in government building projects with the alleged corrupt connivance of Housing Department staff. Two of the cases have been resolved after three persons were convicted of conspiracy to defraud and were sentenced to terms of imprisonment, whilst two cases are awaiting legal advice.

中使用不合规钢筋。其中两宗案件已经审结，有三人被裁定串谋诈骗罪成立，被判入狱；另外两宗案件则仍在等待律政司的法律意见。

去年年报出版后，有多宗案件陆续审结，而颇值一谈。

## 房屋署建筑师案



房署建筑师在高级酒店内享受行贿者提供的美酒佳肴和舞小姐服务，最终自毁前程

*A Housing Department architect ruined by the corrupt provision of lavish meals, fine wines and the attention of a dance hostess at a deluxe hotel*

此案去年年报已有提及。涉案的两名政府建筑师收受贿赂，因而对有关政府合约作出宽松监管。两人被裁定全部罪名成立，分别被判入狱两年及两年半。

区域法院韦毅志法官判刑时说：

「……这些罪行的根本目的，是要令被告尝尽『甜头』，藉以维持工地上的所谓『和谐关系』。」

「……双方之间的默契、心照不宣的协定，背后所隐藏的罪恶，正是我们须要提防的危险来源……」

「在判处这样的刑罚时，最实质的一项考虑因素，是要有阻吓作用——不仅对被判刑的人，亦须足以阻吓那些不能抵受诱惑的公务员……但凡背弃这个标准的人都该知道，他们只会落得锒铛入狱的下场。」

The following cases have been resolved since the last review, and are worthy of mention.

## The Housing Architects case

This case, reported in last year's Review, involved two Government Architects accepting bribes in return for exercising lax supervision over government contracts. Both architects were found guilty on all charges and were sentenced to two years' and two and a half years' imprisonment, respectively.

In passing sentence on the accused, H.H. Judge Wright said, *inter alia*,

*"..... the underlying purpose of the offences was to keep the Accused 'sweet', to ensure what were called 'harmonious relations' on the sites".*

*"..... the hidden cancer of the implicit understanding, the unspoken arrangement, is precisely the danger against which there need be vigilance....."*

*"It must be that a very real consideration in imposing such a sentence is the deterrent effect that it will have - not solely on the person being sentenced but upon other public servants who may tend to yield to temptation ..... whilst those who would depart this standard should know that the consequence will be imprisonment."*

## The Drainage Services Department short piling case



量度短桩用的「神仙尺」  
Rigged measuring tape used for measuring shortened piles

短桩与标准桩两者岩芯记录之分别  
Difference between core logs recovered from a shortened pile and an up-to-standard pile



## 渠务署短桩案

一名打桩公司董事及其两名工地职员，因在一项渠务署工程中建造短桩，被控以串谋诈骗罪名。

该两名工地职员已被定罪，分别被判入狱三年零三个月及两年零三个月。

## 政府产业署案

案中前总产业经理被裁定「公职人员行为不当」罪名成立，原被判入狱九个月，其后向上诉法庭提出上诉，而律政司司长则申请就判刑进行复核。

被告的上诉申请，为上诉法庭驳回。上诉法庭法官胡国兴在判词中提到：

「上述的权威言论已经清楚说明，任何公职人员，如果牵涉一些会与本身公职人员职责相冲突的特殊利益，不加以披露，反而继续阳奉阴违地执行职责，他将会犯下公职人员行为不当罪……」

上诉法庭副庭长司徒晃将被告的刑期由九个月增至三十个月，他在宣判时说：

「……这项罪行或许不会为政府带来任何经济损失，不过，答辩人如此徇私，使本来合格的公司被彻底抹杀投得工程合约的机会，同时也因未能中标而蒙受不少损失……」

以上区域法院及上诉法庭法官的说话，不仅振奋人心，更向那些有可能触犯贪污的人，敲响了警钟。

A director of a piling company and two of his site staff members were charged with conspiracy to defraud in relation to the fraudulent construction of shortened piles at a Drainage Services Department project.

The site staff members were convicted, and sentenced to 3 years and 3 months' and 2 years and 3 months' imprisonment.

## The Government Property Agency case

The convicted former Chief Property Manager, who had been convicted of an offence of Misconduct in Public Office and sentenced to nine months' imprisonment, applied for leave to appeal to the Court of Appeal whilst the Secretary for Justice applied for a review of sentence.

The Court of Appeal refused the defendant's application. The Honourable Mr. Justice Woo JA in delivering the judgement said, *inter alia*,

*"It is clear from the above authorities that a person holding a public office would be guilty of a misconduct in a public office if he were not to disclose the particular interests which he served which would conflict with his duty as such an office holder but continue purportedly to discharge his duty ....."*

In increasing the sentence of nine months' imprisonment to one of 30 months on the defendant, The Honourable Mr. Justice Stuart-Moore V.P. said, *inter alia*,

*"..... the offence may not have resulted in the Government's financial loss but the Respondent's favouritism effectively cut out properly qualified companies from acquiring the contracts, which as a result, will have lost considerably when their tenders for the works were rejected ....."*

The above remarks by the Court of Appeal were most encouraging. They also sent a clear and unmistakable warning to the possible corrupt.





2001年，Y组仍努力不懈地调查针对政府部门的贪污指控，所涉部门包括地政总署、建筑署及食物环境卫生署（食环署）。年内，本组完成213宗调查，结果有117人被捕，其中63人（包括37名公务员）被检控。执笔时，另有22名食环署小贩管理队人员、一名食环署高级管工及一名水务署督察被控贪污及相关罪行，正在等候审讯。

下述Y组在本年内处理的案件颇值一提，不单因为案件本身引起传媒广泛报导，亦由于案件显示，我们必须对公务员及与政府部门有事务往来的市民之间可能出现的贪污，经常提高警觉。

## 地政总署贪污案



丁屋发展商保存的记录，显示定期付款予地政总署职员  
Records kept by a small house developer showing regular payments to Lands Department officers

自1997年以来，廉署共完成183宗怀疑地政总署人员牵涉贪污的调查。大部分调查焦点集中在地政总署人员被指与丁屋发展商有贪污勾结。但是，有关调查未能掌握任何实质证据，证明涉嫌犯罪者的贪污勾当。直至我们就一撮地政总署职员涉嫌受贿协助发展商发展新界丁屋展开调查，情况才有所改变。案中一共有八名地政总署职员和16名发展商被捕。

行动中，我们搜获足以治罪的文件证据，清楚显示某发展商定期付款予一名地政

In 2001, Y Group continued handling investigations into allegations of corruption made against various government departments, including Lands Department (LD), Architectural Services Department (ASD) and Food & Environmental Hygiene Department (FEHD). During the year, 213 investigations have been concluded resulting in the arrests of 117 suspects, of which 63, including 37 government servants, have been prosecuted. At the time of writing, 22 FEHD Hawker Control Grade Officers, one FEHD Senior Foreman and one Water Supplies Department Inspector are awaiting trial on charges of corruption and related offences.

The following cases dealt with by Y Group during the year are noteworthy, not only for the publicity generated, but also in demonstrating the continuing need for vigilance in corruption trends involving Government Servants and members of the public having dealings with government departments.

## Lands Department case



兴建中的丁屋  
Small houses under construction

Since 1997, the ICAC has concluded a total of 183 investigations into suspected corruption involving LD officers. The majority of the investigations focused on the alleged corrupt collusion between LD officials and small house developers. However, all these investigations failed to secure any tangible evidence to prove the suspected corrupt collusion between the alleged perpetrators. This situation changed with an investigation concerning a group of LD officers suspected to have corruptly assisted developers in their small house development projects in the New Territories, resulting in eight LD officers and 16 developers being arrested.

Incriminating documentary evidence was seized during the operation which clearly shows that regular payments were made by a particular developer to a Land Inspector. The Inspector was subsequently charged and pleaded guilty to conspiring with two serving Senior Land Executives to accept corrupt payments from five developers. At the time of writing, he has been remanded in ICAC custody awaiting sentence. It is anticipated that further LD

督察。后来，该地政督察被检控，他向法庭承认与两名现任高级地政主任串谋收受五名发展商的贿款。执笔时，他仍还押廉署看管等候判刑。我们估计在调查完结时将会有其他地政总署职员和发展商被检控。

## 建筑署物业事务主任贪污案

一群建筑署的物业事务主任涉嫌收受建筑署分包商所提供的利益，作为宽松监管维修工程的报酬。

调查发现一名物业事务主任透过自己有金钱利益的公司，向建筑署合约承包商的分包商索取并承接维修工程，代价是该物业事务主任与其他参与计划的同事草率地监管有关分包商的工程。除了批出维修工程予这些公司外，分包商亦定时为该物业事务主任及其同谋提供夜总会消遣及妓女服务。案件在2001年12月曝光，当该名物业事务主任与两名建筑署分包商在澳门一间夜总会寻欢后返回香港，廉署便将他们拘捕。

下述两宗调查亦颇受关注并获传媒广泛报导：

### 假门锁案

一间上市公司的附属机构一向为房屋委员会供应名牌日本门锁，该品牌的门锁列于房委会的认可名单上，用以安装在房委会发展的公屋单位。



行动中查获的部分假门锁  
Some of the counterfeit door locks seized during the operation

建筑署德福花园政府宿舍翻修工程使用不合规格材料  
Government quarters in Telford Garden where sub-standard materials were used in a ASD renovation project

officers and developers will be prosecuted at the conclusion of the investigation.

## ASD Property Services Officers case

This investigation concerned suspected corruption involving a group of ASD Property Services Officers who had allegedly received advantages from ASD sub-contractors in return for lax supervision on their ASD maintenance works.

Enquiries revealed that a Property Services Officer had solicited and obtained renovation work from sub-contractors of ASD term contractors through companies in



which the officer had a financial interest. In return, the officer, together with his colleagues who assisted in the scheme, conducted only cursory supervision on the work performed by the sub-contractors. Apart from awarding maintenance works to these companies, the sub-contractors regularly paid for night-club entertainment and provided prostitution services to the officer and his participating colleagues. The

case was turned overt in December 2001 with the arrest of the officer and two ASD sub-contractors upon their return from Macau, having attended a night-club there.

The following two investigations also attracted particular concern and wide-spread publicity :-

### Counterfeit locks case

A subsidiary of a Hong Kong public listed company is a supplier to the Housing Authority (HA) of reputable branded Japanese door locks. The locks, which had been included in the HA Approved List, were installed on doors in flats in public housing estates developed by HA.

Investigation revealed that the manufacturers in Japan actually ceased production of the locks in 1997, and that since then, the HA suppliers had manufactured the

调查显示日本的制造商已于1997年停止生产这种门锁，而从那时开始，房委会的供应商竟在内地自己的厂房制造上述门锁，但向房委会讹称其原产地是日本。

根据律政司的法律意见，该上市公司的主席、五名董事和七名雇员，其中包括两名日本人，同被控串谋诈骗房委会的罪名。

### 未经许可泄露客户资料案

一名廉署线人报称，一名前警员可从两间电讯公司取得电话用户资料，每宗交易收费一千元。

2001年3月，廉署指示线人向每间电讯公司的五名职员提供电话号码，并在他们翻查客户资料时将他们拘捕。该名前警员、一名中间人和两名电讯公司职员被控触犯《防止贿赂条例》及《刑事罪行条例》，该案

将于2002年2月开审。



报章大篇幅报导电讯公司职员未经许可泄露客户资料  
Press coverage - The Unauthorised Disclosure of Subscriber Details case

### 公职人员行为不当

年内，Y组亦完成多宗涉及公务员擅自休假和捏造执勤纪录以掩饰缺勤的调查。公务员一般认为这类行为不会构成刑事罪，而只会受到所属部门纪律制裁。律政司决定检控三名行为不当的食环署职员，证实这种看法并不正确。三人在认罪或经审讯后，全部裁定罪名成立。在判刑时，三名裁判官一致认为罪行严重，必须重判以儆效尤。

locks in their own factory in mainland China, falsely claiming to HA that they were of Japanese origin.

Following advice from the Department of Justice, the Chairman, his five Directors and seven employees, including two Japanese, have been prosecuted for conspiracy to defraud the HA.

### Unauthorised disclosure of subscriber details case

An ICAC informant reported that a former Police Constable (PC) was able to obtain subscriber details of telephone lines from two telecommunication companies for payment of \$1,000 for each transaction.

In March 2001 five employees of each of the telecommunication companies were arrested as they were conducting checks on subscriber details of telephone numbers that had been supplied by the informant, under the instruction of the ICAC. The former PC, a middleman and the two telecommunication staff were subsequently charged with offences under the Prevention of Bribery Ordinance and Crimes Ordinance.

### Misconduct in public office

During the year, Y Group also concluded a number of investigations involving government servants taking unauthorised leave and making false attendance records to cover their absences. It would appear that the general perception of some government servants had been that such misconduct was not criminal but would be dealt with by disciplinary sanction by their own department. This perception was found to be incorrect when the Department of Justice advised to prosecute three FEHD officers for such conduct. All three were subsequently convicted resulting from their guilty pleas or after trial. In passing sentence, the three separate presiding magistrates all commented that the offences were serious and warranted deterrent punishment.

## 助理调查主任张倩儿

**CHEUNG Sin-ye, Judy, Assistant Investigator**



张倩儿1997年加入廉政公署，任职助理调查主任。她最初负责调查的其中一宗案件，涉及火葬场雇员盗取死者亲属放进棺木陪葬的贵重物品。他们向火葬场主管提供贿款以确保盗窃行为不受干扰，直至廉署插手调查。张倩儿在案中付出的努力受上司赞赏，获颁处长嘉许状。最近，她更被廉署社区关系处选为廉署网站中「反贪实录」的主角。

Judy joined the ICAC as an Assistant Investigator in 1997. One of the first cases she was assigned to investigate involved the systematic theft by employees at a crematorium of valuable property placed in the coffins of deceased persons by their relatives for religious purposes. Bribes paid to a supervisor at the crematorium ensured that the thieves' activities were not interfered with - until the ICAC came on the scene. Judy was awarded a Directorate Commendation for her work on the case. She was recently selected by the ICAC's Community Relations Department to feature as the main character in the "ICAC Investigation Series" on the ICAC website.





## INVESTIGATION BRANCH 2



### 调查科二

#### 执行处助理处长（二）黄世照，IDS

本人于2001年11月调任调查科(二)，负责管理私营机构贪污案件的调查工作。本人升任助理处长以来，有两年半时间负责领导调查政府部门贪污案件的调查科(一)，随后三年则领导调查科(三)，该调查科负责调查涉及公共机构的贪污案件，以及为其它调查科提供广泛的行动支援服务。新岗位对本人来说，同样富趣味性和挑战性，并可扩阔个人视野，令本人充分了解廉署打击公营部门及私营机构贪污的策略及优先次序。

本人虽然在新岗位的时日尚短，但对于调查科(二)在前任助理处长陈德成及D、E、F及Z组四位首席调查主任的英明领导下，在2001年再次取得美好工作成绩，十分钦佩。本人非常荣幸能成为他们的一分子，希望大家来年更进一步。

展望未来，由于贪污举报激增造成调查个案数字高企，及为了配合政府的资源增值政策，本人认为其中一项首要任务是进一步加强调查科(二)的案件管理能力。同时，我们也须力求与商界(尤其是专业界别)建立更佳及更密切的「伙伴关系」，共同推广公司管治文化及对贪污绝不容忍的态度。

### INVESTIGATION BRANCH 2 (IB/2)

#### BY RYAN WONG SAI-CHIU, IDS, ASSISTANT DIRECTOR OF OPERATIONS 2

I took over Investigation Branch 2 (IB/2) in November 2001 overseeing investigation of corruption cases concerning the private sector. Personally, I see this as an interesting and welcome challenge as before that I have been taking charge of IB/1 for two and a half years dealing with government sector corruption, and IB/3 for three years dealing with corruption investigation concerning public bodies and a wide range of operational and support duties. The new posting will no doubt benefit me in broadening my perspectives, enabling a thorough comprehension of the corporate strategies and priorities in our fight against corruption both in the public and private sectors.

Although new to the post, I am impressed that IB/2, under the leadership of my predecessor Gilbert CHAN and the four Principal Investigators of



D, E, F and Z Groups, has had another year of remarkable success. I have great pleasure to be a part of the team, looking forward to building on their continued success.

Looking ahead, I see one of the priorities as further enhancing our case management within IB/2, given the sustaining high caseload arising from increased corruption reports and the Government's Enhanced Productivity Programme. We shall also work towards an even better and closer "partnership" with the commercial sector, in particular the professional industries, in promoting "zero tolerance" policy towards corruption and corporate governance.



2001年，D组继续专责调查涉及海、陆、空运输及相关服务行业的贪污案件。此外，亦负责特定范围以外一些私营机构案件的调查工作。去年所处理的案件，种类繁多，其中值得一提的有以下数宗。

## 滥用制度

今年发生多宗医生诚信受怀疑的案件。有人以伪冒医生签名的病假纸为没有上班的日子申领工资。医生最初涉嫌收费签发病假纸，但调查发现病假纸在每宗案件都是被人偷去，其中一案更是医生的助手所偷，供其他人使用。涉案人士被控行使文件欺骗雇主，触犯《防止贿赂条例》，最后裁定罪名成立，获判缓刑。

## 额外收费

贪污者往往会向弱势社群下手。一间学校的管理员向课余时间租用部分校舍来聚会的多个家佣团体索取额外金钱，才让她们继续租用地方。该名管理员不单被解雇，更被控先后多次索取利益，经审讯后被判入狱。

## 计程车问题



香港「红的」在赤鱗角国际机场等候乘客  
The well known 'red taxis' of Hong Kong waiting for passengers at Chek Lap Kok International Airport

DGroup continues to have the specific responsibility for investigating complaints of corruption involving transportation and related services, by land, sea and air, in addition to various "non-charter" private sector investigations. This has meant the past year has seen officers within the group being involved in a variety of cases, some of them being worthy of particular mention.

## Misuse of system not infectious

This year has seen a number of instances where the integrity of medical practitioners could easily have been undermined. A spate of cases where the signatures of doctors have been forged on sick leave certificates were brought to our notice after those certificates had been used by various individuals to claim wages for days not worked. Initially, suspicion of being involved fell on those doctors as the original allegations suggested they had received monetary rewards for issuing the certificates. It transpired that in each case the certificates had been stolen, in one case actually by the doctor's assistant, for use by others. This resulted in suspended terms of imprisonment for those involved having been convicted for offences under the Prevention of Bribery Ordinance of using documents to deceive their employers.

## Unfair school fees

Sometimes it is found that the corrupt target the more vulnerable in our society. This was so in the case of a caretaker of a school where various domestic helper groups rented parts of the premises for meetings outside normal school hours. In addition to the official school hire fees the caretaker solicited extra money from each group in order to ensure their continued use of the premises. The caretaker not only lost his job but, after trial for soliciting advantages on a number of separate occasions, was also sentenced to a term of imprisonment.

## A taxi-ing problem

It is not unusual for any service industry to attract complaints. The important passenger transport facility provided by taxis in Hong Kong is no exception and competition between drivers to secure passengers, particularly those to and from Chek Lap Kok International Airport, runs high. As a result complaints alleging corrupt arrange-

服务行业经常都是投诉的对象。计程车是重要的客运交通工具之一，自然不能幸免。由于接载乘客往返赤鱲角国际机场的服务竞争激烈，所以不时有人投诉计程车司机和酒店职员勾结。一宗投诉指计程车电召台接线生涉嫌收受利益，将乘客电召转介给特定司机。最后，廉署与电讯管理局采取联合行动，结果在电召台发现非法电讯收发器材。虽然没有人被控贪污，电讯管理局却分别检控了数人。

## 银行经理因提供虚假资料而被检控

廉署与内地机关的联系不断向前迈进，让我们可以取得内地文件作为呈堂证据，实在令人鼓舞。过去一年取得的文件证据，包括伪造内地公路费收条以至政府纪录。广州市工商行政管理局的纪录，在一宗案件获法庭接纳为证据。程序是由香港政务司司长签发证明书，从而令内地取得有关公共记录性质的文件可以作为呈堂证据。案中一名银行经理涉嫌与一间投资公司的董事及经理勾结，发出载有虚假资料的银行证明



伪造内地公路费收条样本

*A sample of forged Mainland road toll receipts*

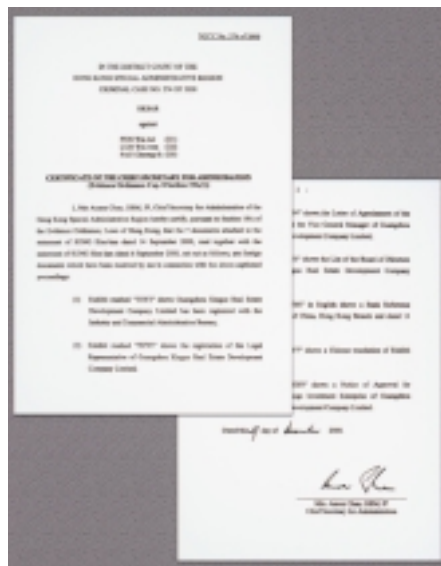
书。该证明书由银行经理签署，虚假地显示该投资公司财政状况良好，以符合内地对联营企业申请注册的要求。两人因串谋讹骗该管理局被法庭判监15至21个月。上诉庭法官在驳回他们的上诉时指出，有关行为对香港作为国际商业及金融中心的声誉，会造成莫大的损害。

ments between groups of taxi drivers and hotel staff are received on a regular basis. One such complaint, alleging operators of a taxi calling station were accepting advantages for diverting passenger calls to selected drivers, resulted in a joint operation with the Office of the Telecommunications Authority (OFTA). As a result, illegal transmitting and receiving equipment was found at the calling station and, although no one was dealt with for corrupt conduct on that occasion, several individuals were prosecuted by OFTA.

## False document brings bank manager to account

It has been very satisfying to see continuing positive progress in our liaison with Mainland authorities. This includes the ability to more frequently introduce documentary evidence before the courts which, this year, has included a range of documents including such items as false Mainland road toll receipts and public records. In one particular case this involved official records held by the

Guangzhou Industry and Commerce Administration Bureau (the Bureau) being admitted as evidence in court. This was by way of a certificate signed by the Chief Secretary for Administration, Hong Kong, which allows for such documents of a public nature from other jurisdictions to be received and admitted as evidence. The case itself concerned a bank manager



从其它司法管辖区取得的政府纪录，必须由政务司司长签发证明书，才可作为呈堂证据

*A Certificate of the Chief Secretary for Administration required when producing public records from other jurisdictions*

alleged to have been corruptly involved with a director and manager of an investment company in the issue of a bank reference letter which contained false information. The letter, signed by the bank manager and falsely indicating sound financial status of the investment company, was

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## 有供始有求

为求促销，售卖同样货物供应商之间的竞争一向非常激烈。在经济环境差的时候，只有适者生存。采购人员下订单时，可能趁机要求收取回佣。可是，情况有时刚好相反，供应商竟占了上风。在一宗案件中，某种电脑零件的香港独家代理商的营业经理向买家索取订购金额某个百分比的利益。该营业经理及其他人等被控索取和提供合共超过五百万元的利益，目前正在候审。

used to satisfy the requirements for registration of a joint venture in the Mainland. The individuals were sentenced to terms of imprisonment of between 15 months and 21 months for conspiring to defraud the Bureau. In dismissing their appeal, the Appeal Court Judge commented this conduct could have dealt a serious blow to the reputation of Hong Kong as an international commercial city and financial centre.

## Supply creates demand

There will always be strong competition in the private sector between suppliers of similar commodities in their endeavours to effect sales. This healthy competitiveness becomes more intense in difficult economic times when survival of the fittest can lead to buying agents taking advantage of an opportunity to demand kick-backs in return for placing orders. However, occasionally the roles are reversed, where it is the supplier who has the upper hand in the transaction. This was so in one particular case where the sales manager of a company acting as the exclusive Hong Kong agent for the supply of computer component parts corruptly used his unique position. He solicited from those companies who were unable to obtain supplies from elsewhere a percentage of the value of goods ordered. The sales manager and others are presently awaiting trial, having been charged with corruptly offering/soliciting advantages amounting to over \$5 million.





E组人员在2001年满怀热忱、冲劲十足、竭尽所能地面对工作上的挑战。

是年，E组人员共将160名触犯贪污或相关罪行的被告带上法庭，即平均每星期三人。

E组负责调查涉及乡村代表、旅行社、旅游业、酒店业、保险业、保安业、报界、传播媒介及印刷业的贪污指控，工作范围相当广泛。由于贪污举报飙升，E组人员的个案量也日趋繁重。

年内本组成功检控不少案件，以下简述数宗案例。

### 三人因贪污及走私手提电话而被定罪



走私货 - 手提电话和电池

The smuggled contraband - mobile phones and batteries

廉署人员在一项行动中，于文锦渡关卡截停一部保安公司的装甲车，拘捕随车的保安人员（及后再拘捕其他人等），当场发现车上藏有950部手提电话及928具电话机电池，准备走私到内地去。保安装甲车的司机及随车的保安队长在区域法院承认贪污及走私罪，分别被判入狱两年和十个月。至于手提电话贸易公司的东主，经审讯后亦以同样罪名被定罪，判监三年零三个月。

Endeavour, Enthusiasm and Energy continued to be essential elements required by officers of E Group during 2001.

160 defendants, an average of over three a week, were brought before the Courts during the year by E Group officers for corruption and associated offences.

The Charter of E Group is very diverse with a responsibility for investigating allegations of corruption against village representatives and in the travel, tourism, hotel, insurance, security guard, press, media and printing industries. The general increase in corruption reports was reflected in a much heavier case load for the officers of E Group.

A number of investigations were successfully concluded during the year and the following are just a small sample of the type of cases dealt with by the Group.

### Three persons convicted over corruption facilitated phone smuggling



廉署人员在边境埋伏，突击截查贪污走私分子

The corruption/smuggling ambush

In an earlier E Group operation ICAC officers intercepted a security company armoured vehicle at the Man Kam To border crossing and arrested the crew of the vehicle and, subsequently, a number of other persons. Concealed inside the vehicle were 950 mobile phones and

928 phone batteries valued at \$2.78 million, which were being corruptly smuggled to the Mainland. The driver of the security vehicle and the vehicle crew commander pleaded guilty at the District Court to corruption and smuggling offences and were sentenced to two years' imprisonment and ten months' imprisonment respectively. The owner of a mobile phone trading company who was convicted of similar offences, after trial, received a sentence of three years and three months.

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## 前噶喀中尉因贪污罪入狱

一名前英军噶喀中尉因贪污罪而被判监。他任职保安公司保安主管时，曾向尼泊尔籍人士(当中不少是前噶喀兵)收受贿款，以协助他们在建筑工地获聘为保安员。九名尼泊尔籍保安员亦因向该主管行贿以获聘用而被定罪。

## 雇员再培训局案

有人被指行贿，以便将电脑训练课程的费用夸大，讹骗雇员再培训局。经调查后，圣公会圣匠堂社区中心前主管及课程经理因骗取雇员再培训局十六万元津贴及导师费，在区域法院各被判监两年。其中一名被告的女朋友和母亲据称曾在再培训课程中授课，所以理应收取导师费，但廉署调查后发现并非事实。

## 医生及跌打医师因医疗保险诈骗案而入狱

一名前保险经纪被指曾收受贿款，协助失实的保险索偿。经调查后，一名医生及一名自由保险经纪承认21项串谋诈骗罪，并要求在判刑时一并考虑其他44项罪名，两人其后均被判监。一名跌打医师亦被判入狱，另外25人也因牵涉多宗虚假索偿或收取有关款项而被检控。

## 前旅行社高级职员承认收受利益

一家旅行社的前助理总经理承认收受利益，作为向旅行社推荐澳洲旅游团承办者的报酬。

## 因虚构内地意外骗取保险赔偿而被判入狱两年

一名油漆工人，以伪造医生证明书、医院费用收据、出院纪录，以及意外及住院索偿表格讹骗保险公司，声称自己在福建省

## Ex Gurkha lieutenant jailed for bribery

A former Gurkha lieutenant of the British Army was sent to prison for corruption. Whilst employed as a security supervisor for a security company he accepted bribes in return for assisting Nepalese men, many of whom were former Gurkha soldiers, to obtain employment as security guards at construction sites. Nine Nepalese guards were also convicted of paying bribes to the supervisor in order to secure employment.

## Employees Retraining Board (ERB) case

Following an investigation into allegations that bribes had been paid to facilitate the inflation of costs relating to computer training courses in order to deceive the ERB, the former head and project manager of the Holy Carpenter Church Community Centre were each sentenced at the District Court to two years' imprisonment for deceiving the ERB of \$160,000 in allowances and tutor fees. Claims that a girlfriend and the mother of one of the defendants had taught retraining courses and were entitled to tutors fees were false.

## Doctor and bonesetter jailed for medical insurance fraud

Following investigation into an allegation that a former insurance agent had accepted bribes to facilitate false insurance claims, a medical practitioner and a freelance insurance agent pleaded guilty at court to 21 counts of conspiracy to defraud. They each asked for 44 other offences to be taken into consideration before being sentenced to terms of imprisonment. A bonesetter was also jailed. 25 other persons were additionally prosecuted for involvement in the numerous false claims submitted, or in the disbursement of funds obtained.

## Ex senior executive of a travel agency admits accepting advantages

The former assistant general manager of a travel agency pleaded guilty to accepting advantages for recommending an Australian tour provider to the travel agency.

遭遇交通意外而脑部受伤，最终被判入狱两年。廉署在调查此案期间，获内地有关当局协助。调查源自一宗投诉，指一名保险经纪收受贿款以进行虚假保险索偿。两名内地医院的证人曾到香港出庭作供，裁判官认为他们的证供诚实可靠，遂将被告定罪。

为了主动联络业界及建立伙伴关系，E组人员在调查工作以外，还须不时向外界介绍执行处的工作。两名调查主任分别在两个由廉署主办的保险业专业操守研讨会上发言，题目是「打击保险业内的贪污」，内容



一名廉署调查主任在保险业专业操守研讨会上发言

*An investigator addressing the Conference on Professional Ethics for the insurance industry*

包括在调查保险业贪污案时所遇到的各种贪污手法。该两个研讨会分别以保险经理及经纪为对象，旨在向他们解释防贪法例的有关规定。与会人士均热烈参与讨论，彼此交流意见、知识和经验。

调查人员的工作十分忙碌，所以必须适当地加以调节。E组在11月举办每年一度的训练营，让属员有机会讨论对工作有影响的事情。他们还在新界区进行野外定向比赛，藉以建立团队精神，提升解决难题及领导别人的能力。这项活动极具挑战性，并与他们的日常工作截然不同。

本人已从E组调往其他工作岗位，但过去两年在E组工作，实在乐趣无穷。本人谨祝E组人员来年继续取得成功，并深信他们会保持一贯的专业水平。

## Two years' imprisonment for cheating insurance companies with claims for bogus accidents on the Mainland

A painting worker who cheated insurance companies by making claims using false medical certificates, hospital expense receipts, discharge summaries, and accident and hospitalisation claim forms to purport that he sustained brain injuries following an alleged traffic accident in Fujian Province, was jailed for two years. The ICAC obtained assistance from Mainland authorities in this investigation, which emanated from a complaint that an insurance agent had accepted bribes for processing false insurance claims.

Two witnesses from a hospital in the Mainland attended court in Hong Kong to give evidence. The magistrate found their evidence to be reliable and honest, and convicted the accused.

In addition to their duties as investigators, officers are also required, from time to time, to give presentations on the work of the Operations Department as part of our strategy of proactive liaison and partnership with industries. Two investigators spoke at each of the two ICAC organised conferences on professional ethics for the insurance industry. Their topic, "Tackling Corruption in the Insurance Industry" included examples of the nature of corrupt practices encountered by ICAC Operations Department officers when investigating corruption within the world of Insurance. The two conferences aimed, respectively, at insurance managers and agents, were an opportunity for relevant aspects of the prevention of bribery laws to be explained. All involved were able to participate in an exchange of ideas, knowledge and experience.

Life as a busy investigator has to be suitably balanced. At the E Group annual training camp held in November, officers had an opportunity to discuss matters affecting their work. They participated in an orienteering exercise in the New Territories to enhance their team-building, problem solving and leadership skills. This was very challenging and totally different from their normal duties.

I have recently been transferred from E Group to another post. I have enjoyed the past two years in E Group and wish all members every success in the year to come. I know they will continue to be a highly professional team.





## 引渡回港面对审判



一名逃往澳洲的疑犯终被引渡回港受审  
A fugitive to Australia faced trial in Hong Kong eventually



一名前行政人员从加拿大引渡回港接受审讯  
A former executive was returned from Canada

## 截

至2001年止，香港特区政府共与13个国家签有引渡协议。本人在上期年报提及仍在进行中的数宗冗长引渡程序。那时，我们正努力引渡一名在1995年逃离香港的电脑公司前雇员，他在销售总值二百九十万元的电脑硬件时涉嫌贪污及做假帐，于1998年在加拿大多伦多被拘捕。我们亦力求引渡一名做假帐骗取其雇主逾三百万元的建筑师回港受审。他在1994年离港，最终于1999年4月在澳洲悉尼被拘捕。这两名逃犯用尽一切法律途径反对被引渡，在所有上诉程序失败后终于被引渡回港，两人均于2001年被法庭定罪。

## 作贼心虚

贪污枉法的人有时也会作贼心虚。香港某上市公司的一名物业经理，曾收受两名地产经纪二百六十万元佣金，作为推荐他们销售其雇主多个重新发展工地的报酬。他其

## Returning to face justice in Hong Kong

By 2001, the HKSAR Government had signed extradition agreements with thirteen countries. In last year's Review I mentioned certain protracted extradition proceedings which we continued to pursue. We were then actively seeking the return of an ex-employee of a computer company who left Hong Kong in 1995 and was arrested in Toronto, Canada, in 1998 for offences of corruption and false accounting relating to the sale of computer hardware, valued at \$2.9 million. We were also seeking the return of an architect who dishonestly obtained over \$3 million from his employers by falsifying accounts. He left Hong Kong in 1994 and was arrested in Sydney, Australia, in April 1999. Both fugitives vigorously fought extradition by all legal means but were finally returned to Hong Kong after all avenues of appeal were exhausted. Both were convicted in Hong Kong courts in 2001.

## A guilty conscience

Even corrupt people sometimes have a guilty conscience. A property manager of a listed company in Hong Kong felt remorse after he accepted \$2.6 million commission from two estate agents as a reward for recommending them to handle the redevelopment of several of his employer's sites. He informed his employer of his guilt and made full and frank admissions when interviewed by ICAC officers. He pleaded guilty and received 18 months' imprisonment in the District Court.

## A display of fame

A man falsely represented to a debt collector that he had connections with some government officials and that he could secure an acquittal in the debt collector's forthcoming trial. He solicited a reward of \$300,000 to be deposited into a bank account in the Mainland, which he deceptively opened, using a name identical to the Secretary for Justice. The man was subsequently convicted of attempting to obtain property by deception and sentenced to 16 months' imprisonment.

## Zero down payment

As a result of a corruption allegation, enquiries revealed that a number of unscrupulous property agents in the New Territories falsely inflated in the Sales and Purchase agreements the selling price of village houses by

后心中有愧，向雇主承认错误，并向廉署人员坦白招供。他在区域法院承认控罪，被判监18个月。

## 冒名行骗

一名男子向一名收债人假称与某些政府官员有联系，可使后者在审讯中获无罪释放，并索取三十万元报酬，要求对方存入他特意以律政司司长相同名字开设的内地银行帐户。该男子其后被裁定企图以欺骗手段取得财产罪名成立，被判入狱16个月。

## 零首期付款

廉署接获贪污举报后展开调查，发现新界区若干不良地产经纪，在买卖契约上将村屋售价夸大高达百分之三十，使买家可欺诈地取得较高按揭贷款以全数支付实际的屋价，因而不需筹措银行根据借贷条例不会借出的百分之三十首期付款。案中共有96人被捕，包括有关的地产经纪、物业买家、及一名律师行文员，案件牵涉69宗交易，所涉金额达二千万。

## 不寻常网上罪行

一家大型国际电脑软件公司提供资讯技术训练课程并主持有关考试。香港某网站在互联网上扬言有试题出售，该网站主持人据称以贪污手段获得有关试题。一名廉署人员假扮顾客，经互联网购买试题，后来发现试题不是真的。在廉署追查下，疑犯终于被捕。

## 广南案

广南案持续多年，已往年报均有报导。调查始于1998年底，在香港上市的广南(集团)有限公司的高层管理人员涉嫌贪污诈骗，涉及的信用状贷款逾十八亿元。案件分别在高等法院及区域法院审讯，共有12名被告被裁定罪名成立，被判监二至九年不等。目前还有四宗案件在高等法院候审，而若干广南高层人员(包括前主席在内)及同谋仍被通缉。

up to 30% to facilitate the prospective purchasers' fraudulently obtaining mortgage loans to fully cover the actual selling price. Consequently, the purchasers were not required to raise the 30% down payment, which the bank would not lend to them, in accordance with the regulated lending policy. 96 persons were arrested, including property agents, property purchasers and a solicitor's clerk, for offences involving over 69 transactions, totalling \$20 million.

## Unusual cyber crime

A major international computer software company offers training courses on IT skills and administers proficiency examinations. On the Internet, a Hong Kong based web site offered for sale questions for these examinations, and it was alleged that the operator of the web site had obtained the questions by corrupt means. An ICAC officer, posing as a customer, purchased questions via the Internet. It was established that they were not genuine questions, and the suspect was eventually traced and arrested.

## The Guangnan cases



广南案 - 继续通缉在逃疑犯  
Guangnan Case - The pursuit of fugitives continues

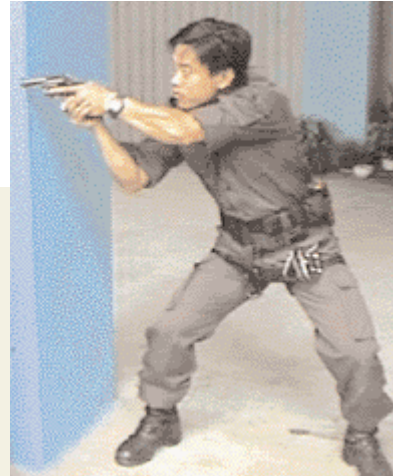
This matter has been reported in previous Reviews. The investigation commenced in late 1998 involving the senior management of Guangnan (Holdings) Ltd., a Hong Kong listed company, in corruption related fraud totalling over \$1.8 billion. Separate trials in the Court of First Instance and the District Court have resulted in the conviction of 12 defendants who were sentenced to terms of imprisonment ranging from two to nine years. Four trials

await hearing in the Court of First Instance. 28 arrest warrants are outstanding for other senior executives of Guangnan and their associates, including the former chairman.



助理调查主任谢旭升

**Martin TSE Yuk-sing, Assistant Investigator**



从香港科技大学毕业后，谢旭升成为半导体工业界中一位电子工程师。在1996年5月加入廉政公署任职助理调查主任之前，他曾在香港辅助警察队服务了两年。

谈及他加入廉署后的工作，谢旭升说：「虽然六年时间不算长，但我认为这几年是我有生以来最精采、最享受和最富挑战性的时段。刚加入廉署不久，我就成为配枪人员，曾参与各种行动，包括保护证人和突击搜查非法外围马投注中心等。1998年5月，我有幸被挑选参与香港警察训练学校为期两个月的体能训练教练课程，因而有机会学习体能训练的理论及实践方法，并认识了不少在警界及其它政府部门的朋友。身为廉署两名具认可资格的体能训练教练之一，除肩负日常繁忙的调查工作外，我还要为廉署的配枪人员和新入职人员提供体能训练。廉署给予我最佳的培训与工作机会，我以身为廉署一分子为荣。」

After graduating from Hong Kong University of Science and Technology, Martin worked as an electronics engineer in the semiconductor industry. During this time, he also served as an auxiliary police officer for two years prior to joining the ICAC as an Assistant Investigator in May 1996.

Of his career with the Commission, Martin says: "Although six years is not a long time, I consider these years to have been the most remarkable, enjoyable and challenging period of my life. Shortly after I joined the Commission, I became an Arms Issued Officer (AIO) and have been involved in various operations, varying from witness protection to raids on illegal bookmaking centres. In May 1998, I had the honour to be chosen to attend a two-month Physical Training Instructor (PTI) course at the Hong Kong Police Training School. During the course I gained both theoretical and practical experience in physical training and made a number of friends, both in the police service and in other government departments. Being one of only two qualified PTIs in the ICAC, I am involved with providing physical training for both AIOs and new recruits, in addition to my busy daily investigative work. The Commission provides me with excellent training and job opportunities. I am very proud to be part of it."



「攀登至山之巔，方知頂峰多被浮  
云白雪掩蓋……」（拜倫 1788-  
1824）

"He who ascends to mountain tops, shall find The loftiest  
peaks most wrapt in clouds and snow ....." ( Lord Byron,  
1788-1824)

由于去年本组有多宗案件完满审  
结，大家都带着成功感踏进新  
年度，而部分同事满以为已达山之巔，亦属  
人之常情。但这种舒泰心情并不持久，我们  
很快便体会到仍须拨开顶峰的浮云白雪，今  
年的表现更要胜过去年。本人由衷地感谢负  
责调查银行及金融界复杂案件的Z组同事，  
对他们不达成誓不休的决心和面对挑战的  
无比勇气，深表敬佩。

## 贪污与假信用卡



假卡集团利用火柴盒般大小的盗码器盗  
取信用卡资料制造假卡  
A skimmer of match box size used to cap-  
ture credit card data for counterfeiting

多年来，我们就假信用卡  
及相关的贪污罪行成功提出检  
控，令犯罪分子提高警觉和加强  
防备，案件因此较难侦破。然  
而，廉署调查人员凭着这方面的  
专业知识和技能，仍然取得骄人的成绩。为  
此，「国际万事达卡」在本年6月特向廉署  
人员颁发感谢状。

本年3月，廉署接获线报，得知某假  
卡集团四名成员计划前往南韩首都汉城，以  
便在当地行使假卡犯案，而制造假卡的资料  
是在香港及其他地方盗取的。一队廉署人员  
飞往南韩协助汉城警方辨认疑犯，假卡集团  
成员终于被拘捕。廉署亦同一时间在香港采  
取行动，结果检获用以制造假卡的信用卡资  
料及电脑软件。该集团的主脑在汉城服刑后

Year 2001 commenced with a tune of success as we  
had a number of enquiries satisfactorily complet-  
ed in the previous year and some of us, being merely  
human, inclined to consider ourselves having achieved the  
mountain tops. This comfort however did not last long. It  
took no time for us to realize that we would have to fight  
the remaining clouds and snow, and perform even better  
this year. I am truly grateful to the officers in Z group who  
deal with complex enquiries in the banking and financial  
sectors, and respect them for their determination to achieve  
and courage to face challenges.

## Bribery & counterfeit credit cards (CCCs)

In the area of CCC and related corrup-  
tion, we have had successful prosecutions for  
many years. Our previous successes caused  
criminals in this area to adopt a high level of  
alertness and precautions, thus making it more  
difficult for us to detect these crimes. However, the professionalism of ICAC investi-  
gators specialized in this area produced  
impressive results and MasterCard  
International presented them a certificate of  
appreciation in June this year.

In March this year, information was  
received that four members of a CCC syndi-  
cate were organizing a trip to Seoul, South  
Korea, where they intended to utter CCCs manufactured  
with data they captured in Hong Kong and elsewhere. A  
team of ICAC officers travelled to Korea to assist the Seoul  
Metropolitan Police in the identification of the suspects.  
The criminals were arrested in Seoul. In Hong Kong, simul-  
taneous actions were taken, resulting in the seizure of credit  
card data and computer software used in the manufacture  
of CCCs. The leader of the syndicate was charged with  
other CCC offences upon his return to Hong Kong after  
serving a prison sentence in Seoul.

Courts are now gravely concerned about crimes and  
corruption involving CCCs. During the year, two defen-



「国际万事达卡」因廉署人员成功  
侦破假信用卡活动而颁发感谢状  
Appreciation shown by  
MasterCard International to  
ICAC officers for their successful  
detection of credit card counter-  
feiting activities

被送返香港，再被控以其他与假信用卡有关的罪名。

法庭对涉及假信用卡的贪污及其他罪行非常关注。年内，有两名被告被判入狱15个月。另一宗案件的三名被告则分别被判监两年半、三年及四年。

## 其他重要案件：

### 税务贷款骗案

五名人士以虚假资料向某外资银行申请总数约一百万元的税务贷款，在本年8月裁定罪名成立，被判监六至廿个月不等。

### 健身中心贪污诈骗案

一所健身中心的18名营业员被控以虚假文件欺骗其雇主，触犯《防止贿赂条例》第9(3)条。他们滥用业务推广计划，藉词是由现有会员所介绍，向临时光顾的客人提供他们不应享有的回赠，以便赚取更多佣金。其中十名被告承认控罪，其余八人则判守行为三年。

### 严重妨碍司法公正

当一名工地管工在2000年10月因做假帐罪名受审时，廉署人员怀疑控方主要证人可能受到干扰。后来证实被告曾派人恐吓证人，使他不会作出对被告不利的证供，而被告因此在初审时获判无罪释放。廉署人员锲而不舍追查恐吓事件，终于证实确有其事。最后，恐吓者与工地管工同被裁定妨碍司法公正罪名成立，分别被判监12个月及18个月。

### 涉及塑胶制造厂的贪污案



dants were sentenced to 15 months' imprisonment. In another case, three defendants were jailed for two years and six months, three years and four years.

## Other significant cases :

### Tax loan scam

Five persons applying for tax loans totalling about \$1 million from a foreign bank with false supporting information were convicted in August this year. The defendants were sentenced to imprisonment from six to 20 months.

### Corruption-related fraud in a fitness centre

Eighteen sales persons of a fitness centre were charged this year for misleading their employer with false documents, contrary to Section 9(3) of the Prevention of Bribery Ordinance. They abused the procedures of a business promotion program and awarded "walk-in" applicants to the centre with rebates to which the applicants were not entitled, on the pretext that these applicants had been introduced by existing members. This scheme enabled them to earn more commissions. Ten of the defendants pleaded guilty and the remaining eight were bound over for a period of three years.

### A serious case of perverting the course of public justice

During the trial of a construction foreman for false accounting offences in October 2000, ICAC investigators suspected that the main prosecution witness might have been interfered with. It was later proven that the defendant had sent an intimidator to threaten the witness so that he would not give unfavorable evidence against the defendant. The defendant was acquitted in the original trial but ICAC investigators pursued the threat aspect and successfully proved it. The intimidator and the construction foreman were both convicted of perverting the course of public justice. They were respectively sentenced to 12 and 18 months' imprisonment.

### Corruption involving PVC manufacturing companies

A company director of two PVC manufacturing companies and two partners of a machine supplying company were convicted of conspiring to defraud the PVC manufac-

两间塑胶制造厂的一名公司董事与一家机器供应商的两名合伙人，被裁定于1994至1996年间串谋诈骗该两间塑胶制造厂罪名成立，手法是以夸大价钱向供应商购买机器，而该董事从中获得三百三十万元非法回佣。他替雇主订购塑胶原料时又将价钱总共夸大了一百五十万元，被裁定欺骗罪名成立。三名被告分别被判监三年零三个月、两年及一年零九个月。

### 楼宇管理贿赂案

一间楼宇管理公司的总经理向葵涌两幢工业大厦的业主立案法团主席及一名委员行贿15万元，以获取维修工程合约，在区域法院被裁定有罪，主审法官判他入狱两年零三个月。面对与楼宇管理有关的贪污投诉不断上升，上述判刑正好发出了严明警告。

### 重要行动：

#### 廉政公署检获历来最大笔的现款

在2月的一次行动中，我们检获的现款及贵重财物合共约值二千万港元。案涉一间旅行社的两名董事，他们涉嫌贪污，利用伪造的商业合约容许一间财务公司向该旅行社索偿三千万港元，而该财务公司的索偿额实际仅为二百

五十万元而已。我们采取行动时，适逢该两名旅行社董事不在香港。撰写本文的时候，廉署正申请发出拘捕令，通缉他们归案。财务公司的两名董事则在行动中被拘捕。

### 涉及洗黑钱活动的贪污案(警廉联合行动)

2001年9月，我们对一个洗黑钱集团采取行动，发现在过去五年来，平均每天有五千万港元现金由专人从中国内地带进香港，所涉及金额约共五百亿港元之巨。一名银行经理

turning companies by causing them to purchase machinery at inflated prices between 1994 and 1996. The director received \$3.3 million in unlawful rebates. He was further convicted of deception offences for inflating purchase prices of PVC materials by a total amount of \$1.5 million when ordering materials for his employers. The defendants were sentenced to imprisonment for three years and three months, two years, and one year and nine months, respectively.

### Bribery in building management

A general manager of a building management company was convicted at the District Court of having offered \$150,000 to the chairman and a member of the Incorporated Owners of two industrial buildings in Kwai Chung with a view to obtaining a renovation contract. The trial judge sentenced him to imprisonment for two years and three months. The sentence sent a timely message in view of the rising trend of corruption complaints concerning building management.

### Important operations :

#### Largest cash seizure in the history of the ICAC

In February, cash and valuables amounting to about \$20 million were seized during an operation. In this case, two directors of a travel agency were suspected of corruption by forging a business contract which allowed a finance com-

pany to claim from the travel agency \$30 million compensation when the finance company was only entitled to \$2.5 million. The two directors of the travel agency were not in Hong Kong during the operation and, at the time of writing, warrants of arrest are being sought against them. Two directors of the finance company were arrested.

### Money laundering & bribery (ICAC/Police joint investigation)

In September, our overt operation on a money laundering syndicate disclosed that, over the past five years, a daily average of \$50 million cash had been moved to Hong



廉政公署检获有史以来最大笔的现款  
Largest cash seizure in the history of the ICAC





洗钱集团从内地带进香港的现金  
Money brought across the border into Hong Kong by a money laundering syndicate

涉嫌贪污，协助该集团掩饰金钱的来源。案中共有39人被捕。

由于案件同时涉及有组织及严重罪行，香港警方与廉署于11月成立联合调查小组进行调查。我们正就银行经理的贪污控罪，征询律政司的法律意见。

### **广播公司采购代理商涉嫌贪污**

10月时，我们就一间国际广播公司的总采购代理商涉嫌贪污进行拘捕和搜查行动。该采购代理商的董事被指向本地供应商索取并收受合共一千三百万元的非法回佣。采购代理商的两名董事及一名涉嫌分摊回佣的广播公司高级行政人员同被廉署拘捕。

Kong across the border from the Mainland by couriers. The total amount involved is believed to be around \$50 billion dollars. A bank manager is suspected of corruption in assisting the syndicate to conceal the source of money. 39 persons were arrested in this case.

As offences under the Organized and Serious Crimes Ordinance (OSCO) were disclosed in addition to the corruption aspect, a joint investigation team comprising ICAC and Hong Kong Police officers was formed in November 2001 to deal with the OSCO issues. Legal advice is being sought on preferring corruption charges against the bank manager.

### ***Bribery of a broadcasting corporation sourcing agent suspected***

In October, an arrest/search operation was conducted in respect of suspected bribery of the sole sourcing agent of a worldwide broadcasting corporation. It is alleged that the directors of the sourcing agent solicited and accepted unlawful rebates amounting to \$13 million from local suppliers. Two directors of the sourcing agent and a senior executive of the broadcasting corporation who was suspected to have had a share of the rebates were arrested.



## 助理调查主任刘伟娟

### Sarah LAU Wai-kuen, Assistant Investigator



刘伟娟在 1999 年2月加入廉署，任职助理调查主任，目前负责银行界贪污案件的调查工作。不久以前，她因一宗调查到美国出差，她认为此行既有趣又富挑战性。

刘伟娟谈及此行的经验时说：「对于我这样经验浅的初级职员来说，三个星期的海外出差，毫无疑问让我增广见闻和给我非常宝贵的学习机会。与外国执法人员一起工作、与多国金融机构的董事会面，以及会见不同行业的外国人，都扩展了我作为调查员的视野，并为日后的工作建立良好的联系网络。廉政公署给我非常难得的培训和工作机会，我对身为廉署一分子感到自豪。」

Sarah joined the Commission in February 1999 as an Assistant Investigator, and is currently involved in the investigation of corruption in the banking sector. She recently travelled to the United States in connection with an investigation, and found the experience interesting and challenging.

"Without doubt," Sarah says of the experience, "the three-week overseas duty visit was very good exposure and most educational for me as a junior officer with limited experience. Working together with foreign law enforcement agents, meeting with directors of multinational financial institutions, and interviews with a variety of foreign nationals were all distinct platforms for broadening my perspectives as an investigator and establishing liaison contacts for the future. The ICAC provides me with excellent training and job opportunities. I am very proud to be part of it."



### 调查科三

#### 执行处助理处长（三）陈德成，IDS

本人于2001年11月调任调查科(三)，负责管理G组、H组、R组及X组的工作。对本人来说，这次调任就如「回老家」一样，因为本人于1977年入职调查员时就是派驻G组，负责搜集情报及运用线人查案。九十年代中期，本人任职X组首席调查主任，该组专责调查涉及公共机构及公开选举的贪污案件。至于H组和R组，则负责为其它调查科提供行动支援服务，包括跟踪监视、情报分析及证人保护。

与以往比较，调查科(三)现今的职责范围更广泛、策略更主动、运作更精密。调查科(三)助理处长的新岗位是本人的新挑战，而本人希望在新人事新作风下，调查科(三)的工作会有所得益。

### INVESTIGATION BRANCH 3 (IB/3)

#### BY GILBERT CHAN TAK-SHING, IDS, ASSISTANT DIRECTOR OF OPERATIONS 3

I took over Investigation Branch 3 (IB/3) in November 2001 to oversee G, H, R and X Groups. To me, the transfer is like home-coming because my first posting as a young Investigator in 1977 was in G Group, dealing with intelligence gathering and informant handling. In the mid-'90s, as a Principal Investigator, I supervised X Group investigating corruption concerning public bodies and public elections. As regards H and R Groups, they provide operational support to other Investigation Branches, including surveillance, intelligence analysis and witness protection.

Compared with the past, the purview of IB/3 nowadays is much more diversified, the strategies more proactive and the modus operandi more sophisticated. The new post as AD/3 offers me a welcome challenge and I hope IB/3 will also benefit from a new pair of eyes.





G组的工作往往带敏感性、有时有危险性，并通常具挑战性，对同事的要求非常高。2001年G组在搜集情报、运用线人、卧底行动、及与内地和海外执法机构联络各方面的特定工作，都取得重大发展和成果。

## 搜集情报及运用线人

2000年初推行的「线人发展计划」，能有系统地评估有线人潜质的人，并在合适情况下，将他招揽及加以运用。G组目前拥有的线人，来自不同阶层及各行各业。从线人得来的情报，会配合现有情报资料加以分析，然后发布给调查人员，以协助进行中的调查工作，或据之而主动地展开新的贪污调查。先进科技及经进一步改良的资讯网络，使G组可与前线调查人员及时而有效地分享情报资料。

年内，一宗由线人提供情报的案件导致四名被告，包括一名警员、一名退休高级警员及两名伙伴，同被裁定串谋罪名成立。证据显示有关警务人员收受四万五千元贿款，协助一宗伤人案的疑犯获释。各被告最后被判监禁三至四年不等。这案是最典型的「授受相悦」例子，要不是线人提供情报，便永远不会被揭发。

年内，有另一宗根据线人情报展开调查的案件，导致四宗在高等法院原讼法庭进行的审讯，其中一宗审讯的三名被告被裁定与毒品相关的罪名成立，被判监四年至六年零八个月不等。而在撰写本文时，另外三宗审讯以及引发这些检控的贪污调查仍在进行中。

## 卧底行动

G组辖下「卧底小组」的成员，曾接受全面及专业的训练，专责策划及进行卧底行动。2001年，该小组的八名成员（包括领导该小组的总调查主任）曾探访澳洲及英国的对口机构，接受进一步培训并交流经验，而海外的卧底特工亦曾回访廉署。

The work of G Group, often sensitive, sometimes dangerous, always challenging, presents its officers with considerable demands. 2001 saw significant developments and successes in the G Group charter areas of intelligence gathering, informant handling, undercover operations, and operational liaison with the Mainland and overseas law enforcement agencies.

## Intelligence gathering and informant handling

The Informant Development Programme (IDP), established in early 2000, provides a systematic approach to the evaluation and, where appropriate, subsequent recruitment and handling of potential informants. G Group currently maintains a pool of informants recruited from all walks of life. Intelligence gleaned from this source is analysed in the context of existing intelligence and, where viable, either disseminated to investigators to assist in ongoing investigations or used proactively to generate new corruption investigations. Sophisticated and recently enhanced IT networking enables G Group to share intelligence with frontline investigators in a timely and efficient manner.

As an example of the value of informant-generated cases, one such investigation in 2001 led to the conviction of four defendants, including a police constable, a retired senior police constable and two of their associates on conspiracy charges. Evidence revealed that the police officers had accepted a bribe of \$45,000 in return for their assistance in securing the release of a suspect in a wounding case. The defendants were sentenced to terms of imprisonment between three and four years. This case was a typical example of the "satisfied customer" syndrome, which would never have come to light but for the information supplied by the informant.

Another informant-generated case during the year under review resulted in four trials at the Court of First Instance. In one trial three defendants were convicted of drugs-related charges and sentenced to imprisonment terms ranging from four years to six years and eight months. At the time of writing the remaining three trials are ongoing, as is the original corruption investigation which led to these prosecutions.

## 卧底训练

2001年6月，G组举办第三期线人运用及卧底行动训练课程，参与学员共20人，除了14名廉署人员外，其余六人分别来自澳门廉政公署、马来西亚反贪局、新加坡贪污舞弊调查局及新加坡警方。两个星期的训练课程，除了培训运用线人的技巧与卧底策略外，还有助于促进经验交流及建立联络网。



广东省人民检察院反贪污贿赂局局长许天祥先生到访，与廉署执行处首长郭文纬合照

Visiting Director of the Anti-Corruption and Anti-Bribery Bureau, Guangdong Provincial People's Procuratorate, Mr. XU Tianxiang with ICAC Head of Operations, Mr. Tony KWOK Man-wai

## 与内地的联系

廉政公署与内地人民检察院实行的「个案协查计划」，继续发挥成效。2001年，廉署人员在内地总共接见了31名证人，而内地检察人员也曾就他们的案件，在香港接见了68名证人。详细统计数字见附录甲。

内地官员经常循正常联络渠道探访廉署，我们亦乐于向他们介绍廉署的工作。不同阶层的廉署人员也定期回访内地执法机关及政府部门。我们认为两地人员交流对加深彼此了解有莫大的裨益。

从2000年1月开始，廉政公署的国际反贪通讯以季刊形式定期刊登于廉署网站，网址是 <http://www.icac.org.hk/news1.html>。通讯为各地执法机构及其他组织提供一个网上论坛，以便交流资讯和分享经验，在国际层面上联手打击贪污。

## Undercover operations

Officers of G Group's Undercover Unit, who have undergone comprehensive and professional training, specialise in undercover operations. In 2001, eight officers of the Unit, including the Chief Investigator in charge, visited their counterparts in Australia and the United Kingdom for further training and experience-sharing purposes. Overseas undercover operatives also visited the ICAC on a reciprocal basis.

## In-house undercover training

In June 2001, G Group conducted its 3rd Informant Handling and Under-cover Course. Participants, totalling 20, comprised 14 ICAC officers and six delegates from law enforcement agencies from other jurisdictions: the Macau Commission Against Corruption, the Malaysian Anti-Corruption Agency, the Singaporean Corrupt Practices Investigation Bureau and the Singapore Police Force. In addition to providing training in informant handling skills and undercover tactics, the two-week course was designed to foster experience sharing and liaison networking between participants.

## Liaison with the Mainland

The Mutual Case Assistance Scheme operated by the ICAC and the Mainland People's Procuratorates to assist investigations in each other's jurisdiction continues to yield valuable results. During 2001, the ICAC interviewed a total of 31 witnesses in the Mainland, while at the request of the Mainland authorities a total of 68 witnesses were interviewed in Hong Kong in connection with Mainland investigations. The table at Appendix A provides relevant detailed statistics.

By way of general liaison, Mainland government officials frequently visit the ICAC, where they are briefed on our work. On a reciprocal basis ICAC officers at a variety of levels periodically visit Mainland law enforcement agencies and government organisations. We have found these cross-boundary exchanges to be of particular value in terms of enhancing mutual understanding.





坦桑尼亚国务部大臣 The Hon. Wilson M. Masiling 到访，与廉署执行处处长郭文纬合照

Visiting Minister of State, Tanzania, The Hon Wilson M. Masiling, with ICAC Head of Operations, Mr. Tony KWOK Man-wai

G组属下的「国际联络小组」，负责统筹外地访客的接待工作。有关2001年外地访客的详情见附录乙。附录丙撮录廉署人员年内所参与的国际会议及训练课程。

G组大体上可说扮演双重角色。在搜集情报、运用线人、卧底行动、训练和联络方面，G组为执行处调查人员提供重要的行动支援。同时，又负责建立及维持与其他执法机构联络的有效渠道。这些工作既繁复又充满挑战性，但成绩却是有目共睹的。过去和现在的G组同事，对廉署被誉为全球反贪机构的典范，不无贡献。



美国联邦调查局小组主管Mr. Thomas Fuentes到访，与廉署执行处处长郭文纬合照

Visiting FBI Section Chief, Mr. Thomas Fuentes, with ICAC Head of Operations, Mr. Tony KWOK Man-wai

## International liaison

Since January 2000, the ICAC International Anti-Corruption Newsletter has been published on-line on a quarterly basis. It can be accessed on the ICAC official web-site: <http://www.icac.org.hk/news1.html>. The Newsletter is a "cyber-forum" for international law enforcement agencies and other institutions to exchange information and share experiences with a view to combating corruption internationally.

The Commission continues to host overseas visitors on a regular basis - a task co-ordinated by G Group's International Liaison Section. A breakdown of such visits during 2001 can be found at Appendix B. Appendix C summarises the various international conferences and training courses attended by ICAC officers during 2001.

In essence, G Group performs a dual role. Whether in the field of intelligence, informant handling, undercover work, training or liaison, the Group provides essential operational support to the Department's investigative workforce, while at the same time forging and maintaining vital communication channels, both within the Department and with other law enforcement agencies. The dynamics involved in these tasks are complex and challenging, but the results speak for themselves. G Group officers, past and present, can justifiably claim to have made a significant contribution to establishing the reputation of the ICAC as one of the world's leading protagonists against corruption.



澳洲联邦警队署理副处长 Mr. Denis McDermott 到访，与廉署执行处处长李俊生合照

Visiting Acting Deputy Commissioner, Australian Federal Police, Mr. Denis McDermott, with ICAC Director of Investigation, Mr. Francis LEE Chun-sang

## 附录甲 - 个案协查统计数字

## Appendix A - Mutual Case Assistance - Cross-boundary Investigations

累积数字截至2001年12月31日 Accumulative Figure as at 31.12.2001								
年份 YEAR	廉署在内地进行的调查 ICAC Enquiries in Mainland					内地在香港进行的调查 Mainland Enquiries in HK		
	要求协查的 次数 No. of Cases Requested	前赴内地次数 No. of Visits in Mainland	会见的证人数目 No. of Witnesses Interviewed	来港作证的证人 数目 No. of Witnesses Testified in HK	涉及的案件宗数 Cases Involved	要求协查的 次数 No. of Cases Requested	来港次数 No. of Visits in HK	会见的证人数目 No. of Witnesses Interviewed
1988	4	5	16	0	0	2	2	17
1989	3	3	5	3	2	3	1	12
1990	7	9	28	0	0	7	7	27
1991	8	9	28	0	0	10	9	23
1992	10	13	18	0	0	9	9	53
1993	14	6	14	5	3	11	7	25
1994	17	4	12	0	0	9	8	14
1995	27	8	14	7	4	27	18	24
1996	28	25	34	8	2	31	25	73
1997	34	12	22	1	1	35	19	33
1998	33	12	21	0	0	41	31	70
1999	34	13	19	3	2	50	40	108
2000	47	29	34	13	5	82	69	115
2001	47	27	31	5	6	56	66	68
总数 Total	313	175	296	45	25	373	311	662

附录乙 - 外地访客

Appendix B - Overseas Visitors to ICAC

日期 Date	国家 Country	组织 Organisation
二月 February	韩国 Korea	Dankook University Hankuk University of Foreign Studies
三月 March	荷兰 Netherlands 越南 Vietnam 尼日利亚 Nigeria 泰国 Thailand	Customs Policy & Legislation Department Hai Phong City Code of Conduct Bureau Chulalongkorn University
四月 April	泰国 Thailand 新加坡 Singapore	International Law Enforcement Academy Singapore Police Force
五月 May	澳洲 Australia 坦桑尼亚 Tanzania	Senator for Western Australia President's Office
六月 June	新加坡 Singapore 菲律宾 Philippines	Singapore Home Team Department of Justice
九月 September	美国 USA 澳洲 Australia	Federal Bureau of Investigation Australian Federal Police
十月 October	坦桑尼亚 Tanzania	Ministry of State (Good Governance of Tanzania)
十一月 November	韩国 Korea 法国 France	Presidential Commission on Anti-Corruption Ministry of Finance
十二月 December	美国 USA	Georgetown University

## 附录丙 - 廉署人员参与的国际会议及训练课程

### Appendix C - Overseas Conferences and Training Courses Attended by ICAC officers

日期 Date	出席代表 Officer(s) Attending	会议／研讨会名称 Title	地点 Venue
一月 January	一名高级调查主任 1 Senior Investigator	国际执法学院品格保证及贪污调查课程 ILEA Integrity Assurance and Corruption Investigations Course	泰国曼谷 Bangkok, Thailand
	一名高级调查主任 一名助理调查主任 1 Senior Investigator 1 Assistant Investigator	新加坡警队情报分析及整理课程 Singapore Police Force Intelligence Analyst/Collator Course	新加坡 Singapore
	执行处首长 一名首席调查主任 一名总调查主任 Head of Operations 1 Principal Investigator 1 Chief Investigator	新加坡国际经济罪行会议 2001 Singapore International Economic Crime Conference 2001	新加坡 Singapore
二月 February	一名总调查主任 1 Chief Investigator	皇家加拿大骑警策略情报分析课程 Royal Canadian Mounted Police Strategic Intelligence Analysis Course	加拿大渥太华 Ottawa, Canada
	两名高级调查主任 2 Senior Investigators	新加坡警队前线情报人员课程 Singapore Police Force Field Intelligence Officers Course	新加坡 Singapore
	一名高级调查主任 1 Senior Investigator	新加坡警队警察训练员课程 Singapore Police Force Police Trainers Course	新加坡 Singapore
	一名高级调查主任 一名调查主任 两名助理调查主任 1 Senior Investigator 1 Investigator 2 Assistant Investigators	卧底人员暂驻伦敦都会、大曼彻斯特及美斯赛特警队接受培训 Undercover Officers training attachment to London Metropolitan, Greater Manchester and Merseyside Police Forces	英国伦敦、曼彻斯特及利物浦 London, Manchester & Liverpool, UK
	四名高级调查主任 4 Senior Investigators	暂驻新加坡警队接受培训 Training attachment to Singapore Police Force	新加坡 Singapore
三月 March	一名总调查主任 三名助理调查主任 1 Chief Investigator 3 Assistant Investigators	卧底人员暂驻南澳洲警队、新南威尔斯警队及澳洲联邦警队接受培训 Undercover Officers training attachment to South Australia Police, New South Wales Police and Australian Federal Police Forces	澳洲阿德雷德、布里斯班、悉尼 Adelaide, Brisbane, Sydney, Australia
五月 May	一名高级调查主任 1 Senior Investigator	国际执法学院主管级刑事调查员课程 ILEA Supervisory Criminal Investigator Course	泰国曼谷 Bangkok, Thailand
	一名总调查主任 1 Chief Investigator	第二届会计及金融检讨国际会议 2nd China Accounting and Finance Review International Conference	中国北京 Beijing, PRC
	执行处首长 Head of Operations	第二届打击贪污全球论坛 Global Forum II on Fighting Corruption	荷兰海牙 The Hague, The Netherlands
六月 June	一名高级调查主任 1 Senior Investigator	「万事达卡」亚太区保安会议 MasterCard Asia Pacific Security Conference	澳洲布里斯班 Brisbane, Australia
	一名处长 1 Directorate Officer	国际反贪污专家会议 International Group of Experts on Corruption Conference	澳洲悉尼 Sydney, Australia
	一名助理处长 1 Assistant Director	反贪污公署会议 Corruption Eradication Commission Conference	印尼雅加达 Jakarta, Indonesia

## 附录丙 – 廉署人员参与的国际会议及训练课程

### Appendix C - Overseas Conferences and Training Courses Attended by ICAC officers

日期 Date	出席代表 Officer(s) Attending	会议／研讨会名称 Title	地点 Venue
七月 July	一名总调查主任 1 Chief Investigator	联邦调查局国家学院课程 FBI National Academy Course	美国维珍尼亚州 Virginia, USA
	一名高级调查主任 一名助理调查主任 1 Senior Investigator 1 Assistant Investigator	伦敦都会警队主办全英卧底及评估训练课程 National Undercover and Assessment Training at London Metropolitan Police Force	英国伦敦 London, UK
	一名助理处长 1 Assistant Director	警队改革建立诚信会议 Police Reform Building Integrity Conference	澳洲布里斯班 Brisbane, Australia
八月 August	一名高级调查主任 1 Senior Investigator	国际执法学院主管级刑事调查员课程 ILEA Supervisory Criminal Investigator Course	泰国曼谷 Bangkok, Thailand
	一名总调查主任 1 Chief Investigator	金融罪行调查员国际协会会议 International Association of Financial Crime Investigators Conference	美国 USA
九月 September	一名总调查主任 1 Chief Investigator	澳洲警队管理发展课程 Australian Police Management Development Programme	澳洲悉尼 Sydney, Australia
	三名高级调查主任 3 Senior Investigators	国际执法学院管理进修课程 ILEA Advanced Management Course	美国新墨西哥 New Mexico, USA
	两名高级调查主任 2 Senior Investigators	大曼彻斯特警队国家及国际诈骗案件调查课程 National and International Fraud Investigation Course, Greater Manchester Police	英国曼彻斯特 Manchester, UK
十月 October	一名处长 1 Directorate Officer	国际反贪污专家第九次会议 9th Interpol International Group of Experts on Corruption Meeting	法国里昂 Lyon, France
	一名处长 一名助理处长 1 Directorate Officer 1 Assistant Director	第十届国际反贪污会议 10th International Anti-Corruption Conference	捷克共和国布拉格 Prague, Czech Republic
十一月 November	一名总调查主任 1 Chief Investigator	皇家加拿大骑警高级警务人员管理课程 RCMP Senior Police Management Course	加拿大渥太华 Ottawa, Canada
	一名高级调查主任 1 Senior Investigator	资源管理进修课程 Advanced Source Management Course	英国诺丁汉郡 Nottingham, UK
	一名高级调查主任 1 Senior Investigator	APG洗黑钱手法及类型工作坊 APG Money Laundering Methods & Typologies Workshop	新加坡 Singapore
	一名总调查主任 1 Chief Investigator	网络安全会议 Network Security Conference	荷兰阿姆斯特丹 Amsterdam, The Netherlands
	一名首席调查主任 1 Principal Investigator	澳洲警队(行政)管理发展课程 Australian Police Management Development Programme (Executive)	澳洲悉尼 Sydney, Australia
	一名高级调查主任 1 Senior Investigator	网上罪行国际会议及暂驻皇家加拿大骑警接受培训 Policing Cyberspace International Conference and attachment to Royal Canadian Mounted Police	加拿大温哥华及渥太华 Vancouver and Ottawa, Canada
	一名首席调查主任 1 Principal Investigator	提供传统优质客户服务课程 A Holistic Approach to Delivering Quality Customer Service Course	英国贝克郡 Berkshire, UK
十二月 December	一名总调查主任 1 Chief Investigator	国际刑警第一届防止诈骗国际会议 Interpol 1st International Conference on Prevention of Fraud	法国里昂 Lyon, France





H组为执行处各调查科提供跟踪监视支援，包括策划和执行跟踪行动、在监视行动中提供技术支援，以及向被挑选的调查人员提供跟踪监视的培训。

本人很高兴向大家报告，H组在过去一年十分忙碌，亦一再取得美好成果。我们与调查队伍并肩合作，配合情报及技术支援，策略运作得非常成功，下述两宗个案就是其中例子。

第一宗个案关于一名地产巨子，在其丈夫遗产的民事诉讼期间需要将其丈夫的遗嘱交由政府化验师作科学鉴证。后来，廉署接获举报，称有政府化验所人员接触该地产巨子，索取一千万元作为捏造对其有利的化验报告的报酬。廉署马上展开调查，包括暗中监视受疑人的活动。不久，我们进行埋伏行动，终于拘捕两名男性疑犯，分别是一名执业大律师及律师。两人后来被控勒索罪名。在随后的审讯过程中，我们的跟踪队员提出了有力证供，证明两名被告有罪。

第二宗案件涉及一名保安公司保安员与他的小队指挥官的贪污勾当，两人均负责以装甲车武装押运现金。我们安排大规模跟踪监视行动，包括监视及录影某走私集团与该两名贪污职工的活动。我们在边境关卡截停装甲车，并将疑犯拘捕。从车上搜出约一千个未报关的手提电话及电池，约值三百万元。

### 加强专业知识及交流经验

正如本人去年所述，H组致力掌握科技发展，以维持专业水平及工作成效。年内，H组新设立一个技术支援小组，为各调查组别提供高效率的综合支援服务。由于科技发展一日千里，犯罪活动亦日趋精密和国际化，我们需要与同类机构交流经验，互相学习，以求进步。所以，年内我们继续通过职务联系及暂驻方式，与加拿大、新加坡及美国的执法机关，以及邻近的澳门廉政公署，进行交流。

HGroup provides surveillance support to the Department's Investigation Branches in the form of planning and execution of physical surveillance, furnishing technical support during surveillance operations and undertaking surveillance training for selected investigating officers.

I am pleased to report that H Group has had another busy and productive year in providing surveillance support service to the Investigation Groups. Our current strategy, in partnership with the investigating team, together with intelligence and technological support, has turned out to be very successful. This can be illustrated by the two cases which I will deal with below.

The first case concerned a property tycoon who was party to civil litigation over the estate of her husband. During the course of the litigation, it was considered necessary to refer the husband's will to the Government Chemist for forensic examination. A report was later made to the ICAC alleging that the property tycoon had been approached by a member of the Government Laboratory, who solicited \$10 million in return for manipulating the result of the forensic examination in her favour. Immediate investigative action was taken, including covert monitoring of the suspect's activities. Within a short period of time, an ambush operation was mounted resulting in the arrest of two male suspects, who were later identified to be a practising barrister and a solicitor. The pair were later charged with an offence of blackmail, and in the ensuing trial our surveillance agents gave crucial evidence establishing the guilt of the two defendants.

The second case concerned alleged corruption on the part of a security guard of a security firm and his crew commander, who were responsible for transportation of cash under armed escort in an armoured vehicle. Extensive surveillance was mounted, including physical observation and video-recording of the activities of a smuggling syndicate and the two corrupt employees, culminating in the interception of the armoured vehicle at the border control point and the arrest of the suspects. Inside the vehicle, about a thousand mobile phones and batteries worth about \$3 million, which were unmanifested cargo, were recovered.

面对未来的新挑战，本人与组内管理人员，会致力推行开明管理，培育学习文化，鼓励彼此关怀以建立凝聚力，从而提升整体工作效率。最后，本人欲藉此机会感谢H组同事经常保持一贯的专业精神、不屈不挠和尽忠职守。



## Enhancing professionalism and experience-sharing

As I said last year, we are mindful of the need to maintain the Group's professionalism and effectiveness, insofar as we are able to capitalize on technological development in maintaining the Group's operational capability. During the year, a new section - the Technical Aid Section - was formed within H Group to provide an efficient and integrated support service to the Investigation Groups requiring technical assistance. With the rapid development of technology and increasing sophistication and globalisation of criminal enterprise, we recognize the need to learn from our counterparts through experience-sharing. During the year, we continued to have useful exchanges with other law enforcement agencies overseas, including Canada, Singapore and the USA through operational liaison and attachment, as well as with our neighbouring counterpart in Macau - The Commission Against Corruption, Macau SAR.

In anticipation of new challenges, I and my senior officers aim to enhance H Group's efficiency by promoting and practising open and understanding management, nourishing a learning organizational culture, and building a strong sense of cohesion and mutual caring. Lastly, I would like to take the opportunity to thank my colleagues in the Group for their professionalism, perseverance and dedication to duty.

跟踪队拍得的照片显示贪污集团参与走私活动 - 接载手提电话及电池的装甲车试图经文锦渡关卡偷运货物出境

Surveillance photographs showing activities of a corruption syndicate involved in cross-border smuggling. Mobile phones and batteries were delivered to an armoured vehicle which eventually crossed the border via Man Kam To control point

高级调查主任梁理成

Senior Investigator Dominic LEUNG



梁理成在 1974 年加入廉署任职助理调查主任，发觉工作充满挑战性，又十分刺激。随着经验累积，眼光开阔了，且一直以来，这种感觉从未减退。27 年的前线调查工作，给他带来八张处长嘉许状。他最满意的「代表作」可说是 1999 年获颁的嘉许状，表扬他在一宗造马案所作的贡献。问及他对将来的展望，梁理成说：「我一直都从工作中得到满足感、友谊和归属感。我深信这些无价宝足以成为我多工作十年的动力。」

Dominic LEUNG joined the ICAC in 1974 as an Assistant Investigator. He immediately found the work challenging and exciting. Over the years that feeling has not abated although experience now allows a different perspective. 27 years of front line investigation work have resulted in eight Directorate commendations, the most satisfying being that awarded in 1999 for his contribution in a corruption related horse race fixing case. When asked about the future, Dominic says, "I have always found job satisfaction, friendship and a sense of belonging and I am sure these values will enable me to work for another decade."



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**R**组负责提供各方面的支援服务，包括制作统计资料和认清贪污趋势、情报分析和整理、枪械训练、证人保护，以及特遣行动。

## 统计资料

R组储存有关贪污举报和调查结果的主要统计资料，为执行处以至整个廉署提供相关、可靠和适时的统计数据，以便进行情报研究，以及规划和调配资源。本组定期提交统计报告和客观分析作不同用途，包括由高层人员主持的简报会和联络会议。此外，本组亦每年出版一份关于公务员贪污及舞弊行为的报告，供公务员事务局和各部门首长参考。该报告是配合「公务员廉洁守正计划」而出版，它概述政府部门存在的贪污及舞弊行为，并指出容易出现贪污舞弊的范畴，以提高官员对有关问题的警觉性。

## 情报研究及整理

2001年，R组继续发展资讯科技的应用，提升了中央研究组用以整理情报和提供情报支援的情报资料库系统的效能。中央研究组除了在部门内传送资讯和情报外，亦每季出版一份关于贪污统计数据和情报的分析报告，供廉署处长级人员传阅。该份报告特别强调中央研究组收集得来的情报，并探讨社会、经济和政治事件对贪污发展趋势可能造成的影响。

## 证人保护及枪械训练

R4是R组内一个经过特别训练及拥有特别装备的小组，负责训练廉署配枪人员，以及执行证人保护计划和其它特遣行动，包括拘捕有暴力倾向人士、强行进入楼宇及确保高危住所的安全。

根据《证人保护条例》，执行处处长（政府部门）被指定为「证人保护计划」的批准当局，负责监管计划的运作，而R4则负责

**R**Group is responsible for providing support services in the areas of production of statistics and identifying corruption trends; intelligence analysis and development; firearms training, witness protection and special tactical operations.

## Statistics

R Group maintains key statistical information on corruption reports and results of investigations. It serves not just the Operations Department but the whole of the Commission. It provides relevant, reliable and timely statistics to facilitate intelligence research and planning, and deployment of resources. Periodic statistical reports, together with objective analyses, are produced for a variety of purposes including briefing and liaison meetings conducted by senior officers. R Group also publishes an annual report on corruption and malpractices in the civil service for the information of Civil Service Bureau and heads of government departments. The report, published in conjunction with the Civil Service Integrity Programme, serves to provide an overview of the problems of corruption and other malpractices in government departments, to highlight the areas which are more susceptible to corruption and malpractices, and to promote a greater awareness of the problems.

## Intelligence research and development

During the year, continuous IT development has resulted in the enhancement of a dedicated intelligence database system for use by the Central Research Unit (CRU) in the central development of intelligence and the provision of tactical and strategic intelligence support to the Department. In addition to maintaining the flow of information and intelligence within the Department, the CRU also publishes a quarterly report on analysis of statistics and intelligence on corruption for circulation amongst directorate officers in the Commission. This report places strong emphasis on intelligence gathered by CRU and seeks to identify the extent to which social, economic and political events may have influenced developments in the corruption scene.



安排为廉署证人提供保护和其它方面的协助。「证人安全委员会」负责评估风险及决定证人受保护的程 度。证人一旦加入保护计划，他的身分、所在地点，以及为保护他而作的特别安排，便只有R4的总调查主任才可知道。该组亦负责在廉署以外保护和护送囚犯。



配枪人员在射击场受训/强行进入楼宇演习  
*Arms Issued Officers in training at firing range/forced entry exercise*

## Witness protection and firearms training

R4 Section, a specially trained and equipped Section in R Group, is responsible for training the Commission's Arms Issued Officers (AIOs), implementing witness protection programmes, and special tactical operations - which include the arrest of potentially violent persons - forced entry and securing high risk premises.

Under the Witness Protection Ordinance, the Director of Investigation (Government Sector) is the designated approving authority for the establishment and maintenance of the Witness Protection Programme (WPP) under which the Section is to arrange for the provision of protection and other assistance for ICAC witnesses. Risk assessment and the level of protection are determined by a Witness Security Panel and once a witness enters a WPP, his identity, location and the specific arrangements made for his protection are restricted exclusively to the Chief Investigator in command of the Section. The Section is also responsible for the protection and escort of prisoners outside ICAC premises.









X组负责调查涉及公共机构及与公开选举有关的贪污举报。

## 公共机构

由于涉及公共机构的贪污对社会民生影响深远，调查工作往往既敏感又引起公众关注。为了有效打击这方面的贪污，X组采取了主动出击和伙伴合作的策略，成功地取得各大公共机构管理层的合作。事实上，下述案件大部分都是由公共机构的管理层向廉署举报的。

## 涉及贪污的跨境走私活动

去年我报导了一宗涉及一名九广铁路公司(九铁)货运调度经理的贪污案件，该名经理涉嫌收受一个集团共二十万元贿款，协助该集团从事跨境走私活动。廉署人员从一列由香港开往内地的火车上搜获价值数百万元的未报关香烟滤咀原料。该批原料足以制成14亿支香烟，对内地政府税收而言，会造成重大的经济损失。2000年3月，该名经理



偷运过境前放在火车总站月台上的香烟滤咀原料  
Cigarette filter material on the platform at the Railway Terminal, prior to being smuggled across the border

被裁定受贿和走私罪名成立，判处入狱四年。其后，他同意和廉署合作，提供资料协助廉署作进一步调查。2001年7月，走私主脑和他的雇员在区域法院被控行贿和走私罪名。走私主脑人经审讯后被裁定罪名成立，判处入狱三年；该名雇员则因证据不足而获释。这个案说明了贪污案件的特性：成功检控往往非常倚赖同谋者的证供。

X Group is responsible for the investigation of complaints of corruption involving public bodies and public elections.

## Public bodies

As corruption in this area has a significant impact on the well-being of the community, this type of investigation is frequently sensitive and tends to attract public attention. To effectively combat corruption in public bodies, X Group adopts a proactive strategy and partnership approach. These measures have been very successful in fostering the co-operation of management in the various public bodies. In fact, the majority of the following cases were reported by management of the public bodies concerned.

## Cross-border smuggling facilitated by corruption

Last year, I reported a corruption case involving a freight manager of the Kowloon Canton Railway Corporation (KCRC), who allegedly accepted bribes amounting to \$200,000 from a syndicate for rendering assistance in cross-border smuggling activities. Millions of dollars worth of unmanifested raw material for cigarette filters was seized from a train departing from Hong Kong for the Mainland. The seizure was sufficient to manufacture 1.4 billion cigarettes, thus causing a huge financial loss to government revenue in the Mainland. In March 2000, the manager was convicted of bribery and smuggling offences and was sentenced to four years' imprisonment. He subsequently agreed to co-operate with the ICAC and provided information to assist in further investigation. In July 2001, the smuggler and his employee were charged with similar offences at the District Court. The employee was acquitted due to insufficient evidence, but the smuggler was convicted after trial and was sentenced to three years' imprisonment. The case illustrates the peculiar nature of corruption where, very often, successful prosecution relies heavily on the evidence of an accomplice.

## Corruption in works contract

In January 2001, a works supervisor of the Mass Transit Railway Corporation (MTRC) and a sub-contractor

## 涉及工程合约的贪污行为

2001年1月，一名香港地下铁路公司（地铁）工务督导员和一名分判商，被控受贿和行贿罪；他们涉嫌串通，在一项四百五十万元的地铁车站维修合约接受劣质工程和夸大造价。受贿者所得到的包括奢侈饮食、卡拉OK及夜总会享乐和金钱利益。案件在区域法院审讯，工务督导员和分判商皆被裁定罪名成立，分别判监21个月及12个月；法官更勒令该工程督导员归还地铁四万元。



抽样测试显示钻石山地铁站漏水维修工程的防水涂层尚未完工、工程造价差劣、维修深度不足

*Sample test showing incomplete waterproof coating, poor workmanship and repair at insufficient depth in the Diamond Hill MTR Station Water Leakage Repair Project*

2001年5月，一名中华电力有限公司（中电）高级技术员，被控收受七十三万元作为优待一名承判商的报酬。提供利益者承判了中电一项安装内部保安系统总值逾四百万元的合约，但中电进行内部核数时发现价值二百多万元的设备未有安装或采用了次等材料。该承判商和他的经理亦被控贿赂、串谋诈骗和行使虚假文件罪名。在本文撰稿时，案件仍在审理中。

## 巴士钱箱被窃

去年，我报导过一宗案件，关于城巴集团有限公司（城巴）一名钱箱收集员涉嫌行贿上司，以便从钱箱偷取现金。该案经廉署调查后，发现并无贪污证据。该钱箱收集员在2001年5月被控盗窃罪，其后被裁定罪名成立，判处监禁四个月，法官更勒令被告把盗窃所得归还城巴。

were charged with bribery offences in relation to their corrupt collusion in conniving at sub-standard work and inflation of costs in a \$4.5 million contract to carry out repairs at an MTRC station. The advantages included lavish meals, visits to karaoke, entertainment at nightclubs and other financial benefits. After trial at the District Court, they were convicted and respectively sentenced to 21 and 12 months' imprisonment. The Work Supervisor was ordered to repay \$40,000 to the MTRC.

In May 2001, a Senior Technician of China Light & Power (CLP) was charged with accepting \$730,000 for favouring a contractor. The offeror was responsible for the installation of internal security systems for CLP in a contract worth over \$4 million. An internal audit conducted by CLP revealed that equipment valued at more than \$2 million was either not installed, or was of inferior quality. The contractor and his manager were also charged with bribery offences, conspiracy to defraud and forgery. Their trial is ongoing at the time of writing.

## Theft from bus coin box

Last year, I reported a case concerning a coin collector of Citibus Group Limited (CGL), who allegedly bribed his supervisor to facilitate the theft of cash from coin boxes. Enquiries revealed no evidence of corruption, but in May 2001, the coin collector was charged with theft and was subsequently convicted. He was sentenced to four months' imprisonment and ordered to repay CGL the stolen proceeds.

## Public elections

On the election front, the new Elections (Corrupt and Illegal Conduct) Ordinance came into operation in March 2000. During the year, we continued to maintain close liaison with the Election Affairs Commission, with whom we have been working to ensure fair and open elections, free from corrupt influence.

## District Council elections

In April 2001, a successful candidate in the 1999 District Council Elections was charged with conspiracy to defraud the Registration and Electoral Office and inciting others to pervert the course of public justice. Enquiries

## 公开选举

选举方面，新的《选举(舞弊及非法行为)条例》已于2000年3月实施。过去一年，我们一如既往，与选举管理委员会保持紧密联系，确保选举公平、公开和廉洁。

## 区议会选举

2001年4月，一名在1999年区议会选举中胜出的候选人，被控串谋诈骗选举事务处及煽动他人妨碍司法公正。调查发现一间律师事务所的两名雇员，在该候选人的指使下，以欺诈手段用该候选人所提供的假地址登记为选民，以便选举时可投她一票。她其后更要求他们说谎，以阻挠有关的刑事调查。该两名雇员遭检控时承认控罪，并指证该候选人。结果，该候选人被裁定罪名成立，判处入狱三个月。她已就判罪提出上诉。

## 立法会议员触犯「公职人员行为不当」罪

2001年5月，一名前立法会议员被控受贿、公职人员行为不当、伪造账目和盗窃罪名。他涉嫌接受贿赂滥用立法会议员的职权，并以不诚实手法侵吞顾问费。2001年12月，他在区域法院被裁定不当使用职权，贪污性收受六万元贿款，以及利用虚假会计文件盗取两万元罪名成立，判处入狱十八个月。

主审法官所作的以下一段判词，清楚说明该立法会议员滥用职权的不当行为：－

「……立法会议员有权从事与议员角色无关的职业，但绝不能混淆两个身分，以掩饰自己假意执行公职而实则专业身分收取报酬。……他利用自己的地位……收受六万元这事实说明他不诚实、贪污和渴望在执行公职时暗中谋取个人利益。……公众利益因他的行为而受损。这种腐败行为严重偏离担任公职人士所承担的受信责任，理应受到谴责和惩罚。」

revealed that, on the candidate's instruction, two employees of a solicitor's firm fraudulently registered as electors using false addresses provided by the candidate so as to enable them to vote for her in the election. She subsequently asked them to lie in order to frustrate criminal investigation. The two employees were prosecuted, pleaded guilty to the charges, and testified against the candidate. As a result, she was convicted and sentenced to three months' imprisonment. She has filed an appeal against her conviction.

## Misconduct in public office by a legislator

In May 2001, a former Legislative Councillor was charged with offences of bribery, misconduct in public office, false accounting and theft in relation to his acceptance of bribes to abuse his office as a legislator, and misappropriation of consultation fees by deception. After trial at the District Court in December 2001, he was convicted of corruptly accepting \$60,000 through the misuse of his public office and of stealing \$20,000 by using false accounting documents. He was sentenced to eighteen months' imprisonment.

The following part of the judgment delivered by the trial judge aptly describes the misdeeds of the legislator in abusing his office:-

*"…… Legislative Councillors are entitled to pursue a career independent of their role as legislators. What they are not permitted to do is to blur those identities, to conceal the fact that they are receiving reward in their professional capacity whilst purporting to act in their public office …… The fact that he used his position …… to accept \$60,000 illustrated his dishonesty, corruption and a desire to obtain a secret and personal benefit for discharging his public duty …… The public interest was harmed by his conduct which constituted a substantial and corrupt deviation from the fiduciary duty undertaken by those who hold public office. It is conduct deserving of condemnation and punishment."*

助理调查主任王汉文

Assistant Investigator, Kelvin WONG Hon-man



王汉文进行爆破行动演习

*Kelvin in action - break-in exercise*

王汉文在 1998 年入职廉署时，给人的印象是一个文静内向的人。所以，当他自愿加入成为配枪人员时，大家都有点意外。配枪人员是自愿性质的，但对体能和应变能力的要求甚高。王在 1999 年正式成为配枪人员，而自 2001 年调往证人保护及枪械组以来，一直协助训练新加入的配枪人员。他对自己的工作感到自豪，并说：「配枪人员的训练和所面对的不同环境，肯定有助建立我的自信和耐力。」

Kelvin was described as a quiet and reserved character when he joined the Commission in 1998. It was, therefore, quite unexpected to see him volunteering to join the Arms Issued Officer (AIO) cadre, a voluntary service that makes high demands of its members in terms of physical fitness and the ability to handle challenging situations. He was formally admitted as an AIO in 1999 and has, since his transfer to the Witness Protection and Firearms Section in 2001, been deployed to assist in training new AIO recruits. He takes pride in his work and says, "The AIO training and operational exposure have certainly helped to build up my confidence and stamina".







### 调查科四

#### 执行处助理处长（四）贝守朴

相信读者不难察觉到，最近几期的执行处年报，不断出现「忙碌」及「工作量繁重」这两个字眼；而今年也不例外。其实，只要稍为留意 1997 年以来不断增长的贪污举报数字，就自然会明白个中原因。简单而言，廉政公署须要调查更多案件、拘捕更多罪犯以及提出更多检控。调查科一、二、三在人手及其他资源上因而承受了不少压力，这是显而易见的。然而，案件数目增加对调查科四所造成的影响，却不是那么明显。事实上，调查工作有所增加，自然会令支援服务的需求随之上升：愈多人被拘捕，扣留中心职员的工作压力便愈大；调查案件数目愈多，会见疑犯和证人的数目便愈众，而中文主任及中央誊写组人员的工作量便愈繁重。调查工作增加亦令管理服务的需求上升，因为有需要简化制度和程序以纾缓对资源所造成的压力。

资讯科技发展一日千里，我们必须与时俱进，从而寻求突破以图领先。调查案件增加令检获的电脑愈来愈多，电脑资料鉴证组的同事因而忙个不休。联合国和经济合作及发展组织所发起的打击贪污及有组织罪行国际公约，以及在本港进行法律改革的迫切需要，更增加了法律研究组人员的工作压力。另一方面，由于廉署提倡调查人员持续专业发展，我们更须善用培训资源。

不错，这是一个工作量繁重、非常忙碌的年头。但面对挑战，本调查科的人员仍是一如既往地倾尽全力支援前线人员的调查工作，在执行处永无休止的反贪战役中默默地作出贡献。我在此谨向他们致以衷心谢意。

### INVESTIGATION BRANCH 4 (IB/4)

#### BY MIKE BISHOP, ASSISTANT DIRECTOR OF OPERATIONS 4

Anyone who has read this publication regularly over the last few years cannot help but have noticed the frequency with which the terms "busy" and "heavy workload" appear throughout the entire text. This year is no exception. A glance at the burgeoning corruption report statistics since 1997 puts this phenomenon firmly into perspective. Simply put, we have been investigating more cases, arresting more offenders and initiating more prosecutions. Obviously, this places considerable strain on investigative resources, human and otherwise, in Investigation Branches 1, 2 and 3. Slightly less obvious is the effect of all this additional investigative effort on my own Branch. In fact, increased operational activity translates, pro-rata, to increased demands on

support services. The more people arrested, the greater the pressure on Detention Centre staff, who are responsible for the processing and detention of detainees. The more cases investigated, and suspects and witnesses interviewed, the more transcription and translation services are required from the Chinese Language Officers and Central Transcription Unit staff. Increased operational activity translates also to increased pressure on Management Services as the need grows for streamlining procedures and systems to ease the resultant strain on resources.

In the field of information technology, where advances take place at breath-taking speed, it is necessary at the best of times to run quickly to remain in one place, and to sprint to make any headway. But here also, increased operational activity has had a profound impact, as the corresponding rise in seizures of computers for evidential purposes stretched our computer forensics capacity to the very limit. International initiatives to combat organised crime and corruption, generated by organisations such as the United Nations and the OECD, together with pressing need for legal reform on a local basis, ensure that our Legal Research Section staff are kept on their toes, while the drive for continuous professional development of all our investigative staff places yet more pressure on training resources.

Yes, it's been a very busy year, with a very heavy workload, but to their eternal credit, my officers, as always, have risen to the challenge in support of their colleagues in the investigative arena. In recognition of the immense contribution they have made, and continue to make to the success of the Operations Department in its unceasing war on corruption, I take this opportunity to thank them all most sincerely.



I组的工作，既繁重、多样化、又复杂。身为本组首席调查主任，我认为本组工作极具挑战性之余，亦不失其趣味性。本组职员共 150人，我们一直悉力以赴，多方面支援执行处职务。

## 举报中心



举报中心人员各自处理日常工作  
Report Centre staff at work

举报中心全年无休，每天24小时运作，负责接受并处理来自不同途径的贪污举报。市民可以亲身投诉，或以电话、传真、电邮、来函等方式举报。我们亦接受廉署分区办事处或其他政府部门转介的投诉。执行处的无线通讯网络亦设于举报中心，方便向所有职员提供即时内部资讯，例如快速反应的行动安排或紧急联络、车队支援、甚至是天气报告等。

举报中心在 2001年共接获7,135宗举报(包括不涉及贪污的投诉)，上一年只有6,823宗而已。观乎电邮方式举报的数字日趋上升，可见举报模式亦与时并进。至2001年底，我们共接获 132宗经廉署网址之电邮举报，在 2000年则只有67宗。

## 扣留中心

扣留中心与举报中心同属I组，负责看守被廉署扣留的疑犯并确保其安全。根据《廉政公署条例》及《廉政公署(被扣留者的处理)令》的规定，大部分被廉署扣留人士被捕后扣留时间不超过48小时。又根据香港特别行政区首长命令，凡经判定有罪人士，

As Principal Investigator, I Group, I find that the work of the Group, in volume, diversity and complexity, continues to provide stimulating challenges and interest. Through over 150 staff, the Group provides a variety of support services to the Operations Department, outlined as follows.

## Report Centre

Maintaining a 24-hour service throughout the year, the Report Centre receives and processes corruption complaints from numerous sources, including walk-in complainants, telephone, fax, e-mail, letter, referral from ICAC Regional Offices, and from other government departments. The Report Centre also maintains the Department's radio communications network, as well as providing officers with immediate information on internal matters, such as operational arrangements for rapid responses or urgent contacts, transport availability and even weather reports.

In the year 2001, the Report Centre received a total of 7,135 reports (including those not relating to corruption), compared to 6,823 reports in 2000. The changing communication environment was reflected in a rise in the use of e-mail as a mode of reporting. By end of 2001, we had received 132 e-mail reports, many via the ICAC web-site, compared to 67 received in the year 2000.

## Detention Centre

Under the same command as the Report Centre, the Detention Centre is responsible for the security and safe keeping of suspects detained in ICAC custody. In accordance with the provisions of the ICAC Ordinance and the ICAC (Treatment of Detained Persons) Order, the majority of detainees remain in custody for no longer than 48 hours following arrest. Under an order issued by the Chief Executive of the HKSAR Government, however, convicted persons who are willing to assist in ICAC investigations, and perhaps testify against other suspects, may be temporarily returned to ICAC custody for de-briefing purposes. These individuals are known as Resident Informers.

The Detention Centre comprises 17 cells, which are currently being upgraded under a renovation programme. During the year, Justices of the Peace made 23 unscheduled visits as part of a system of checks and balances designed to

由于自愿协助廉署调查，或愿意顶证其他疑犯，可暂时还押廉署羁留，接受盘问，他们被称为「居留证人」。



扣留室  
Detention Cell

扣留中心共设有 17 间扣留室，经翻修工程后，面目一新。本年内，为达致监察与制衡的目的，太平绅士共进行 23 次未经事先安排的探访，确保扣留中心设施完备及被扣留者获得良好对待。2001 年内，扣留中心共处理 1,468 名被捕人士，及羁留共 1,063 人。对比 2000 年的 1,254 名被捕人士及 894 名被扣留者，充分反映扣留中心是年的工作实在非常繁忙。

本年内，扣留中心职员接受收取非体内 DNA 样本的训练课程，并参与由惩教署主办的三天进修课程，以提升执勤时的专业知识及水平。

## 翻译、传译及誊写服务

执行处共有 33 名中文主任，负责支援调查及检控方面的翻译工作。除通晓中文（包括广东话及国语）及英语外，其中数人更能操其他中国方言。

执行处于 1995 年 11 月成立中央誊写组，现在共有组员六名，负责协助各调查小组誊写接见疑犯的录影纪录。该组为调查人员提供不可或缺的支援服务。

## 一般行政支援服务

工作范围包括财政管理，人力资源管理（包括编制事宜及职位调派）、物资采购、

ensure that Detention Centre facilities are adequate and that detainees are fairly treated. In 2001, the Detention Centre processed 1,468 arrested persons and detained 1,063 persons. This compares with 1,254 and 894 persons, respectively, in the year 2000, reflecting a very high workload.



扣留中心看管人员在惩教署接受训练  
Guarding Officers in-service training at Correctional Services Department

During the year, Detention Centre staff received professional training in the taking of non-intimate DNA samples, and also attended three-day refresher courses delivered by the Correctional Services Department to enhance their expertise and professionalism in the performance of their duties.

## Translation, interpretation and transcription services

33 Chinese Language Officers (CLOs) provide essential support to the Department's investigations and prosecutions. Apart from possessing primary linguistic skills in Chinese (Cantonese and Mandarin) and English, several CLOs have specialist proficiencies in various Chinese dialects.

The Central Transcription Unit (CTU) with six transcribers, was established in November 1995 to assist Investigating Sections in transcribing videotaped interviews of suspects. The unit has proved a most valuable resource in support of investigative staff.

## General administration support services

These include financial management, human resources administration, (including establishment matters and postings), supplies procurement, building security, acquisition and design of new accommodation and the maintenance of our existing premises.

In 2000, a Central Property Unit (CPU) was formed to cope with the increasing demand of Investigation Groups



部门大楼的保安及维修，以及取得和设计新办公室。

执行处在2000年成立中央证物仓小组，以应付各调查组需要存放的大量文件及其他证物。2002年初，将会设立一个保险库，以存放贵重案件财物。

为改善部门工作环境，我们在2001年为每位调查员购置现代化的办公桌间隔屏，及以卷门文件柜取替旧式文件柜，以腾出较多空间。这些设备不单使工作间更宽敞，更令同事在开放式的办公室内，可以专心工作，保持较高机密性及得到较多私人空间，但同时亦保持个别调查组的特性。

## 建立团队精神

I组人员分别在不同职能岗位上默默耕耘。2001年5月，本组举办三次名为「团队精神活力营」的宿营活动，以促进互信及合作精神，共有141位同事参与。筹委会刻意安排不相熟的同事同队活动，从而加深彼此了解和建立团队精神。

## 快速反应队

快速反应队早于1994年成立，当时仅属试验性质。由于证实该组确能迅速而有效地处理较简单案件，其后便成为常设队伍，但成员则由各调查科轮流抽调。鉴于工作量年年增长，政府由2001年4月起增拨资源，将快速反应队纳入执行处的编制中。快速反应队由一位总调查主任领导，共有14名调查员。他们平均每月处理约430宗案件。

快速反应队在2001年共完成调查1,031宗案件，全部获「审查贪污举报咨询委员会」同意无须作进一步调查。经过初步调查而发现有贪污或相关罪行的罪证后，快速反应队年内共转介40宗案件予其他调查组别，作更深入的调查。

for extra storage of documents and other exhibits required for prosecution purposes. By early 2002, a strong room for high value case property will also have been established.

In the year 2001, in order to enhance the Department's working environment, we provided all investigators with modern desktop partition screens and space-saving sliding door cabinets, to replace conventional filing cabinets. These measures not only make more work space available, but also minimise distractions and provide more confidentiality and privacy for investigators in their large, open-plan Group offices, whilst maintaining the all important team identity.

## Team building

To further enhance mutual trust and co-operation among I Group personnel who are normally separately located and operate in different functional units, three residential "Team Building/Energy Training Camps" were organized for a total of 141 officers in May 2001. Those who participated in the various exercises were deliberately mixed with less familiar colleagues, to explore the value of mutual cooperation, understanding and team spirit.

## Quick Response Team (QRT)

The QRT was established on an experimental basis in 1994. After consistently demonstrating its effectiveness and success in dealing promptly and efficiently with the more easily resolved cases, it subsequently became a permanent feature, albeit staffed by temporary deployment of officers from Investigation Branches on a rotational basis. In April 2001, in response to burgeoning annual caseloads, additional government funding was secured and the QRT became part of the Department's official establishment. Headed by a Chief Investigator, the Team is staffed by 14 investigators, and deals with a monthly average caseload of around 430.

In the year 2001, 1,031 cases were concluded by the QRT with the endorsement of the Operations Review Committee that no further investigative action be taken. During the same period, following preliminary QRT investigation which revealed evidence of corruption or related offences, 40 cases were transferred to Investigation Groups for more in-depth investigation.



J组为执行处提供行政及支援服务，职权范围覆盖部门内一些最重要的环节，包括制定策略、管理事务、招聘职员、训练及发展以及法律研究。

## 制定策略

自1996年开始，J组每年均为首席调查主任及总调查主任举办策略性计划研讨会，共同研究执行处所面对的政策问题。研讨会的首要目的，在找出部门外在环境及内在情况具关键性影响的问题，从而提出解决方案，让处长级管理层利用有关素材，为部门未来五年的整体计划，制定相应的策略。2001年的研讨会在4月举行，而部门第四个五年整体计划已于同年8月公布。本年度研讨会中提出了一项大家非常关注的问题，就是工作量无论在数量或复杂性均不断增加。另外，研讨会上亦集中讨论职员持续专业发展的概念与如何推广有关概念及达致最佳成效的问题。为使各人充分了解部门的目标和承诺，所有职员均获派一份五年整体计划书。

## 管理事务

2001年12月，管理事务组(J1)进行第二次部门职员意见调查，目的是征询同事对工作及福利各方面的意见。高级管理层欢迎普查结果，认为有助找出在工作及环境上有待改善的地方。



执行处首长郭文伟先生向总调查主任指挥课程学员讲授减压良方  
Mr. Tony KWOK, Head of Operations speaking to CI Command Course members about stress management

J Group provides administrative and support services to the Operations Department. The Group's charter embraces responsibility for some of the most important aspects of the Department's work. These include strategic planning; management services; recruitment, training and development; and legal research.

## Strategic planning

Since 1996, policy issues affecting the Operations Department and the way in which it is heading have been identified in annual Strategic Planning Workshops, organized by J Group with the participation of all Principal and Chief Investigators. These workshops aim first to identify critical issues affecting the Department in the context of both the external and internal environment, and then to formulate basic proposals addressing them. This provides the Directorate with the raw material from which to refine and develop strategies for incorporation in the Department's Five-Year Corporate Plan. The 2001 workshops took place in April, and the Department's fourth Five-Year Corporate Plan was published in August. A prominent concern addressed in this year's workshops was the increasing workload faced by the Department, both in terms of volume and complexity. Another issue focussed upon by the workshops was the concept of continuous professional development of staff, and the question of how best to promote and achieve progress in this area. In order to ensure that they are fully aware of the Department's objectives and commitments, all officers are supplied with a copy of the 5-Year Corporate Plan.

## Management services

In December 2001, the Management Services Unit, J1 Section, carried out the second Departmental staff survey to seek and collate staff views on various aspects of work and staff welfare. The results were welcomed by senior management, who found them extremely useful in identifying areas for improvement in staff working and environmental conditions.

In addition to its "think tank" role, the Section is responsible for reviewing operational procedures and management practices, making

J1除了充当部门的「智囊」外，亦负责检讨工作程序与管理方法，提出改善建议，并制定工作指引以提升部门的整体效率和成效。

此外，J1组亦为多个委员会提供秘书服务，其中当然包括「审查贪污举报咨询委员会」。律政司司长、警务处处长、行政署长和廉政专员都是该委员会的当然委员，另外还有12名成员是由行政长官委任的社会贤达。「审查贪污举报咨询委员会」的成员紧密合作，监察执行处在权力、问责性和资源运用方面的情况，然后就他们认为重要的事宜向行政长官提出意见。

## 训练与职业前途发展



第14期入职训练课程的学员在训练主任梁文杰督导下进行拘捕和搜查演习

Course members of Induction Course No. 14 conducting an arrest and search exercise under the supervision of Training Officer Mr. Keith LEUNG



最高人民检察院外事局局长叶峰博士(居中者)与指挥课程学员合照

Dr. YE Feng (centre) Director, Foreign Affairs Bureau, Supreme People's Procuratorate with CI Command Course members

recommendations for improvement, and formulating guidelines to optimise effectiveness and efficiency throughout the Department.

J1 Section also provides secretariat support to several committees, including, of course, the Operations Review Committee (ORC). ORC membership comprises the Secretary for Justice, the Commissioner of Police, the Director of Administration and the Commissioner of the ICAC as ex-officio members, and 12 members appointed from the private sector by the Chief Executive in recognition of their widely accepted integrity and sense of civic responsibility. ORC members work closely together to monitor the work of the Operations Department, in terms of its powers, accountability and use of resources, and to advise the Chief Executive on matters they consider should be brought to his attention.

## Training and career development

During the year, the Operations Department Training School, J2 Section, ran an induction course for 31 newly recruited Assistant Investigators. The recruits underwent 17 weeks classroom training in law, investigation techniques and court procedures, and further training in physical fitness, use of firearms and team building at the ICAC Residential Training Centre in Tuen Mun. A "foster father" scheme is provided within the Department to assist initial orientation and ensure the wellbeing of new recruits. Selected Principal Investigators are assigned as foster fathers to new recruits, and provide them with ongoing guidance, counselling and support during the early stages of their careers. Additionally, mentors - experienced investigators with relevant inter-personal skills - provide on-the-job training and advice to the new recruits after induction training. Under this system, the "rookies" benefit from their mentors' operational experience and expertise, while their individual training needs are systematically addressed.

To promote a learning culture within the Department, J2 Section organises a variety of in-house courses, operational workshops, seminars and recall sessions for officers up to and including the rank of Chief Investigator. These events provide participants a forum for



年内，执行处训练学校(J2)为31名新聘助理调查主任举办入职训练课程。新聘人员接受为期17周的入职训练，内容包括法律知识、调查技巧及法庭程序的课堂讲授，以及在屯门廉政公署训练营进行的体能锻炼、枪械使用及建立团队精神活动。部门并设立「监护人计划」，协助新聘人员熟习和适应工作环境，并确保其福利得到照顾。多名首席调查主任被委派为新聘人员的「监护人」，在他们开展事业的初期，不断提供指导、辅导及扶助。此外，新聘人员完成入职训练课程后，会由资深调查员出任其导师，耳提面命，提供在职训练。「导师计划」让「新丁」吸收导师的宝贵工作经验和专业知识，而个别人员的培训需要亦得到充分照顾。

为推动部门内的持续进修文化，J2先后为总调查主任及以下职级人员举办多元化的内部课程、工作坊、研讨会、进修班，让参与者有机会分享及交流专业知识、检讨实际工作经验。J2亦负责统筹和安排职员参与本地和海外的训练课程。

## 晋升遴选评核中心

如去年的年报所述，执行处的晋升遴选评核中心于2001年成立。旧的晋升遴选方式是全赖上级推荐及升级面试时的表现。为使调查主任级的晋升遴选更公平、客观及具透明度，部门以评核中心取代旧有制度。晋升遴选评核中心由J2主理及协调，遴选过程历时共两天半，由遴选小组设定一系列的模拟案情，以测试考生的关键才能，过程充满竞争性。成功通过遴选试的考生将面对最后甄选，由遴选委员会一并考虑其成绩、以往工作纪录及面试表现，以决定他是否适合晋升。2001年共有35名助理调查主任在新制度下参与晋升遴选，事后，虽然只有九人获晋升，但在一次不记名调查中，他们一致同意评核中心成功达成既定目标。

## 总调查主任指挥课程

总调查主任指挥课程一向由J组首席调查主任兼任课程总监，目的是培训新晋升

sharing their professional experience and reviewing various practical aspects of their work. J2 also arranges and co-ordinates overseas and external local training for officers.

## Assessment Centre

2001 saw the establishment and implementation of the Department's Promotion Assessment Centre, referred to in this publication last year. Aimed at providing a fairer, more objective and transparent selection process for promoting officers to the Investigator rank, the Assessment Centre replaced the existing selection system which relied entirely upon recommendation and promotion board performance. During the two-and-a half day Assessment Centre process, which is organised and co-ordinated by J2 Section, candidates undergo evaluation by assessment panels in a series of practical scenarios designed to test their core competency skills. The process is competitive, and those who successfully pass the Assessment Centre tests then appear before a final selection board where their results, operational "track record" and performance before the board are considered together. 35 Assistant Investigators underwent the new promotion selection process in 2001, and although only nine were promoted as a result, all agreed in an anonymous survey that the Assessment Centre was an almost unqualified success in terms of meeting its objectives.

## Chief Investigators Command Course

The Chief Investigators Command Course is designed to equip newly promoted Chief Investigators with some of the additional leadership and management skills they will need in their new role, and is traditionally run by the Principal Investigator of J Group, as Director of Studies. Command Course Number 23, which took place over a five week period in September and October 2001, provided me with my first experience in this capacity. I enjoyed it immensely, and derived considerable satisfaction from the experience. Although designed for our own officers, the ICAC has traditionally made places available to other law enforcement agencies, both locally and overseas. The 2001 course catered for 27 participants from 13 local and overseas agencies, including officers from the Hebei Provincial People's Procuratorate and Beijing Municipal Procuratorate in the Mainland. Also among the participants were members of the Malaysian Anti-Corruption Agency, the



南澳大利亞洲大學國際管理學院何教授(右起第三人)與指揮課程學員合照  
*Professor OXENBERRY (third from right) of the University of South Australia Graduate School of Management with CI Command Course members*



高檢外事局副局長王洪祥博士在北京課程結業禮上致詞  
*Dr. WANG Hongxiang, Deputy Director, Foreign Affairs Bureau, Supreme People's Procuratorate, addressing the Hong Kong delegation at the end of the study visit*

的總調查主任在新崗位所需的領導及管理才能。本人有幸首度主理 2001 年 9 月至 10 月間為期五周的第 23 期指揮課程，除了非常享受其過程外，個人也从有關經驗中得到極大滿足感。雖然課程是特別為本署職員設計的，我們一向都誠邀本地及海外其他執法機構派員參加。2001 年的課程共有 27 名來自 13 個本地及海外機構的學員參與，其中包括來自中國內地河北省人民檢察院及北京市人民檢察院的學員，還有從馬來西亞反貪局、新加坡警方與貪污舞弊調查局、澳門廉政公署與檢察院派來的學員，可說是國際盛會。

課程中管理學部分，更首次獲南澳大利亞洲大學國際管理學研究院的「工商管理碩士遙距課程」承認，學員如欲進修該碩士遙距課

Singapore Police and the Corrupt Practices Investigation Bureau, as well as Macau's Comissariado Contra a Corrupcao and Gabinete do Procurador. A truly cosmopolitan event!

For the first time, the management studies component of the course was accredited with the University of South Australia International Graduate School of Management distance MBA programme. Under this accreditation arrangement, by virtue of having completed the Command Course, members who wish to pursue this programme further will be accredited with one of the twelve modules required. The course programme featured a study visit to the Supreme People's Procuratorate and the National Procurators College in Beijing, an experience which members found both interesting and useful, particularly in enhancing their understanding of Mainland anti-corruption work and legislation.

## Legal research

The Legal Research Unit (J3 Section) works in close liaison with the Department of Justice and various policy bureaux in the Government Secretariat on legal issues that affect the work of the Operations Department. J3 Section also examines investigative practices and procedures in the light of changing legislation and court judgements to ensure that they remain appropriate and up to date. Relevant judgements and important legal advice are summarised by J3 staff and disseminated to staff via the Department's computer network.

In the international arena, J3 Section contributes to the Hong Kong SAR Government's input on various international conventions on corruption and related crime, such as the United Nations Convention on Transnational Crime, to which Hong Kong is to become a signatory. With the Director of Investigation/Private Sector as a member of the Interpol International Group of Experts on Corruption, J3 makes regular contributions to the Interpol library of best practices in anti-corruption work.

In 2001, the Section completed the research project on the need to codify the Common Law offence of Misconduct



程，于完成指挥课程后，可免修该课程十二卷其中一卷。指挥课程包括前往北京最高人民法院及国家检察官学院进行考察，学员觉得是次考察趣味性及实用性兼备，尤其加深他们对内地反贪工作与反贪法例的认知。

## 法律研究

法律研究组(J3)与律政司及政府总部不同的决策局紧密联系，就可能影响执行处工作的法律问题，交流意见。J3亦不时根据法例改变及法庭判决，检讨调查方法与程序，确保其适当性及与时并进。J3职员会将具有代表性的判决及重要法律意见撮要，然后经部门内的电脑网络系统传送给所有职员。

在国际方面，J3就多项贪污及相关罪行国际公约为香港特别行政区政府提供资料，例如香港即将成为缔约成员的联合国跨国罪行公约。由于执行处处长(私营机构)是国际刑警国际反贪污专家成员，J3亦经常撰文，向国际刑警的反贪文库投稿，谈论最佳反贪方法。

2001年，J3完成了将普通法「公职人员行为不当」罪行条文化的研究，建议制订更清晰的法律条文，使执法机构能更有效地对付公职人员以权谋私的行为。当局于2001年年底成立跨部门工作小组，仔细研究有关的立法问题。该小组由副行政署长任主席，成员分别来自律政司、公务员事务局及廉政公署。

总的来说，J组在2001年工作十分繁忙，成果甚丰。

in Public Office (referred to elsewhere in this, and last year's Review). The exercise was aimed at clarifying the existing Common Law provision in definitive legislation in order to deal more effectively with public officials misusing their office for personal gain. A working committee chaired by the Deputy Director of Administration, with representatives from the Department of Justice, the Civil Service Bureau and the ICAC as members, was formed in late 2001 to study the legal ramifications of the proposal.

All in all, this has been another extremely busy and productive year for the whole of J Group.



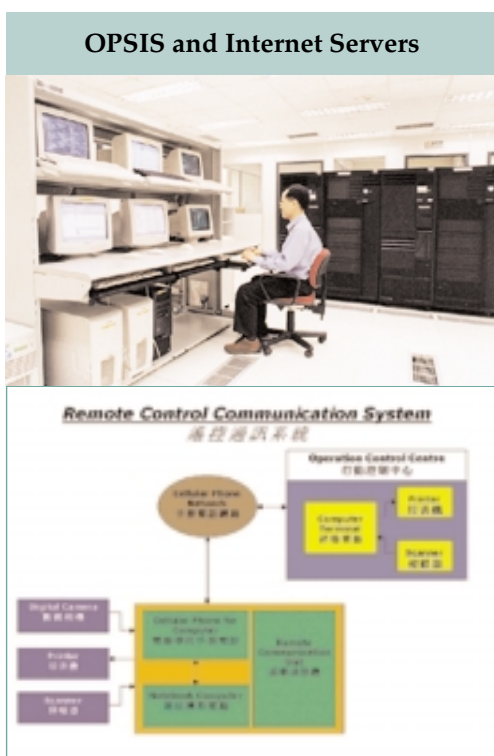
指挥课程学员参观国家检察官学院展览厅

CI Command Course members visiting the exhibition hall of the National Procurator College in Beijing



K组最主要的职责，是为执行处提供资讯科技及财务调查方面的支援。我出任K组首席调查主任至今已近五年，但我仍然觉得这份工作充满挑战性，为我带来无限的满足感。

## 执行处资讯系统



随着执行处资讯系统在 2000 年成功推行，执行处每名调查人员现在随时都可以使用先进的调查及情报管理系统来处理个案及更新个案进度。除了联机投诉记录、个案管理及情报分析等功能外，现时的执行处资讯系统更提供崭新及容易使用的應用程式，以提高调查工作的成效；其中包括一套统计数字汇报系统，以及一套遥距通讯及控制系统。通过该遥距通讯及控制系统，外出工作的调查人员可以自远处接触到大量有用的资料，而高层人员则可以从自己的办公室监督、指挥及控制廉署行动的进度。

执行处资讯系统自推出后已进行了多项改善，我们亦已为执行处人员提供了各项深入的训练课程，确保他们能够善用该系统，从而获取最高效益。

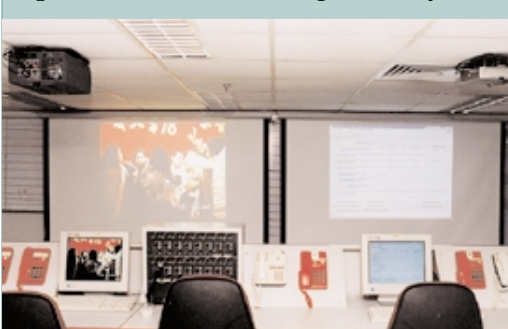
The primary responsibility of K Group is to provide information technology and financial investigation support to the Operations Department. It is almost five years since I became Principal Investigator of K Group, and I continue to find my work both challenging and satisfying; the following paragraphs may provide some insight as to why.

## Operations Department Information System

Following the successful implementation of the Operations Department Information System (OPSIS) in 2000, each and every investigating officer in the Department has at his or her fingertips advanced investigation and intelligence management systems to process and update the progress of cases. Apart from complaints logging, case management and intelligence analysis, OPSIS now provides

new, user-friendly applications to increase the effectiveness of the investigation process. These include a statistical reporting system and a Remote Communications and Control System

### Operation Control Management System



(RCCS). Through the RCCS, officers in the field are able from remote locations to access a wealth of useful information, while senior officers can monitor, direct and control the progress of ICAC operations from their offices.

Since many enhancements have been made to OPSIS following implementation, various intensive training courses have been provided to officers to ensure that they are able to derive optimum benefit from the system.

## Department computer network

The Operations Department Local Area Network (OPSLAN) entered a new phase during the year, when the network was upgraded and the number of workstations was increased to over 700. The enlarged user base has, not surprisingly, resulted in an exponential increase in email usage. We are closely monitoring the system to ensure that it continues to offer a stable and reliable service to our colleagues.

## 部门电脑网络

### OPSLAN Servers



去年，执行处局域网进入了另一阶段：网络系统获得提升，工作站的数目亦增加至超过700个。使用者的数目增加，电邮的使用量自然又以指数倍增。我们一直进行密切监察，确保系统继续为各同事提供稳定可靠的服务。

为了进一步加强我们的资讯科技系统保安，我们开展了一项计划，引进更有效的措施来保护执行处局域网免被入侵，以保障机密和个人资料。在2002年年初，政府办公室自动化设施将获提升而包括一个机密的电邮系统；届时包括廉署在内的使用者之间的电邮通讯，将受到更强大的加密技术所保护。此外，我们将最新的智能卡、电子证书及公匙基建等技术。

## 互联网资源中心

为了促进执行处有效运用互联网技术，我们成立了一个互联网资源中心。所有执行处人员均获提供个人的电邮户口，可以经互联网资源中心，透过方便及多用户接达的互联网与全球各点通讯。

## 电脑资料鉴证

无论政府部门、私营机构抑或个人都越来越倚重电脑。尽管资讯科技使营商和消闲活动变得更方便和更有效率，但电脑却难以抵御不法分子的攻击。在这个资讯科技普及的年代，盗窃或损坏数据或财物等是越来越常见的电脑罪行；当中，电脑往往被用来

To further improve the security of our information technology systems, we began a project to introduce more effective measures to protect OPSLAN against intrusion, and safeguard confidential information and personal data. In early 2002, the SAR Government's Office Automation Facilities will be upgraded to include a confidential mail

system, and e-mail communications between users, including the ICAC, will be protected by powerful encryption. Moreover, the latest smart card, electronic certificate and public key infrastructure technology will also be introduced.

### One Officer One Workstation



## Internet Resource Centre

To promote optimum use of Internet technology within the Department, we have established an Internet Resource Centre (IRC). All officers have been provided with their own e-mail accounts, and can now communicate with points around the globe through convenient, multi-user access to the Internet via the IRC.

## Computer forensics

There is a growing dependency on computers by both public and private sector organisations, as well as private individuals, but whilst IT has done much to facilitate the convenient and effective pursuit of business and leisure activities, computers are vulnerable to attack by the unscrupulous. As a result, computer crime - theft of, or damage to data or property - has become an increasingly prominent feature of the IT era. The use of computers, either as a means to commit crime or to store data which represents potential evidence of corruption or related crime, is commonplace, and this is where K

### Computer Forensics Training





犯罪或者储存可能成为贪污或相关罪行的证据。K组属下的电脑资料鉴证及研究发展组(K5)，在这方面发挥了重大作用。

K5最主要的工作，是向主流调查人员提供电脑资料鉴证的专业知识，协助他们从电脑中搜寻、检索和分析电子资料，以提出犯罪证据。在2001年，K5共参与检取了逾80部电脑，全部载有对调查工作极为重要的资料。另一方面，为了确保我们的电脑资料鉴证能力保持领先地位，我们继续与本地和海外的对等机构交流经验，而廉署人员亦参加由各大学、主要电脑资料鉴证工具产销商及海外执法机构所举办的训练课程。此外，我们也为全部调查人员提供基本的电脑资料鉴证训练。

廉署是特区政府的「电脑相关罪行跨部门工作小组」的核心成员。该工作小组由保安局担任主席，其成立目的是在资讯科技急速发展下，认清资讯科技对执法人员所带来的挑战，检讨现行的有关法例是否足够，以及建议应如何应付所面对的各种问题。

## 财务调查

### Financial Investigation Training



对K组属下的财务调查组(K4)来说，2001年是极具挑战性的一年，因为其它调查科要求协助进行复杂的财务调查的数目大幅增加。基于案件的复杂性，K4人员必须具备丰富的专业知识和财务调查经验。

年内，K4曾协助主流调查人员进行超过80宗财务调查，破解了牵涉逾340家公司

Group's Computer Forensics and Research and Development Section (K5) comes into play.

K5 Section is heavily involved in providing computer forensics expertise to mainstream investigators, assisting them in the search for, and retrieval and analysis of electronic information from computers in order to provide evidence of criminality. In 2001, the Section was involved in the seizure of over 80 computers in this respect, all of which contained information materially relevant to investigations. To ensure that our computer forensics capability remains at the leading edge we continue to share experience in the field with our local and overseas counterparts, and our officers attend training courses organised by universities, major computer forensics tools vendors and overseas law enforcement agencies. We also provided basic computer forensics training to all of our investigators.

The ICAC is a core member of the SAR Government's Inter-departmental Working Group on Computer Related Crime, chaired by the Security Bureau. The Working Group was established to identify the challenges presented by information technology to law enforcement, to review the adequacy of existing legislation in that regard and to make recommendations as to how best to address the issues identified, in the light of rapid development in information technology.

## Financial investigation

2001 was a year of particular challenge for K Group's Financial Investigation Section (K4), the number of requests from other Investigation Branches for assistance in complex financial investigations having sharply increased. The complexity of such investigations typically demands a high degree of financial investigative knowledge and expertise on the part of financial investigators - qualities possessed in abundance by K4 Section officers.

During the year, officers of K4 Section conducted over 80 financial investigations in support of their mainstream colleagues, unravelling complicated fraudulent transactions involving over 340 companies/individuals, and **\$9 billion in value**. Moreover, by using our own in-house forensic accounting expertise rather than employing external accountants, the Department made savings in expenditure of around \$11 million.

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／个人的复杂欺诈性交易，涉及金额高达90亿元。此外，由于我们利用了本身的会计鉴证专家，而不是向外聘请会计师，执行处因此节省了约1,100万元的开支。

除了财务调查服务之外，K4也协助其它调查科进行银行查询，以及进行土地注册、商业登记及公司注册的查册工作。该组并透过执行处训练学校，提供财务调查课程。

As a supplement to its financial investigation service, K4 Section also provides assistance to other Branches by conducting bank enquiries, and land, business registration and company searches. The Section is also responsible for conducting financial investigation courses through the Operations Department Training School.



## 举报中心 - 特派职位

### Report Centre - A Command Posting



陈启鸿在举报中心工作  
*Ben CHAN at work in the Report Centre*



陈启鸿「单对单」接听市民举报贪污的电话  
*Ben "one-on-one" with a member of the public making a corruption report*

执行处内某些岗位是指定的「特派职位」，意思是指一些特定工作范围，让职员可从中取得有助职业前途发展的经验。举报中心就是最佳的例子，因为在那里工作的调查人员会与致电廉署热线举报贪污的市民作「第一次接触」。

陈启鸿在 1997 年加入廉署，其后三年半一直从事公共机构和私营机构方面的贪污调查工作。他继而调往举报中心工作。但他很快便明白新任务是多么的重要；他深深体会到，从前累积的调查经验、耐心、体谅、以及能够有条理地提出问题，是取得公众信任与信心的必要条件。

「我非常高兴自己有这个机会。」他说：「我认为调职举报中心让我成为一个更全面的调查人员。」

Certain posts within the Operations Department are designated "Command Postings". These are specialised areas in which it is considered particularly beneficial for an officer to gain some experience for career development purposes. One example is the Report Centre, where investigating officers are exposed to "first contact" with members of the public who wish to report corruption through the ICAC's "hotline".

Mr. Ben CHAN Kai-hung joined the ICAC in 1997. After three and a half years' experience investigating corruption in public bodies and the private sector, he was posted to the Report Centre for a twelve month stint. At first, Ben admits, he was not thrilled with the idea, because it took him away from active investigation. However, he soon came to appreciate how important his new role was; his previous investigative experience, together with patience, understanding, and an ability to ask logical, intelligent questions, were, he quickly realised, vital in establishing trust and confidence with members of the public.

"I'm glad, now, that I was given this opportunity," Ben says. "I feel that my posting to the Report Centre has made me a much better all-round investigator."



L组首席调查主任虽然是直接向执行处处长(私营机构)汇报工作,但行政上L组是隶属执行处架构中的调查科四。L组共有两个调查小组,各由一名总调查主任及四名高级调查主任组成,另有一小队文书人员提供支援服务。

L组的正式名称是「内部调查及监察组」,负责调查针对廉署职员的贪污指控及非刑事投诉。倘若对廉署人员的刑事指控不涉及贪污成分,则有关案件会转介香港警务处负责调查。

所有针对廉署人员的贪污指控会即时向律政司司长报告,由其决定应由廉署展开内部调查。如律政司司长决定由廉署作内部调查,通常都会由L组负责。完成调查针对廉署人员的贪污指控后,L组会向律政司司长呈递详尽调查报告,就是否提出检控,听取其法律意见。无论提出检控与否,调查结果及有关法律意见都会向「审查贪污举报谘询委员会」报告,供委员会审议。完成调查针对廉署人员的刑事指控后,不论是否提出检控,L组都会作出评审,看有没有需要作出任何内部行政措施或采取纪律处分行动。

L组主要工作是处理针对廉署人员的非刑事投诉。于接获投诉后,有关详情会立即向廉政专员汇报,正式记录在案。然后,就有关投诉,分别致函投诉人、有关职员(被投诉者)及「廉政公署事宜投诉委员会」。一般来说,会尽快就投诉展开调查。但是,如果有关投诉牵涉尚在审理中的刑事案件,则可能根据法律意见而将调查延后,等待有关案件审结。

「廉政公署事宜投诉委员会」成员由行政长官委任,委员会每年举行三次会议,职权范围主要是监察廉署如何处理针对廉署人员的非刑事投诉,并在其认为适当情况下,就处理投诉的进度和结果进行检讨。当委员会发现廉署的工作程序有缺点时,会建议对有关程序作出检讨和改善。因此,廉署

Although the Principal Investigator of L Group reports directly to the Director of Investigation (Private Sector), the Group is located administratively within Investigation Branch 4 of the Operations Department and consists of two sections, each staffed by a Chief Investigator and four Senior Investigators, supported by a small clerical team.

The Internal Investigation and Monitoring Group, to give L Group its formal title, is responsible for the investigation of allegations of corruption and non-criminal complaints against all personnel employed within the Commission. Criminal allegations against ICAC personnel that do not include an element of corruption are referred to the Hong Kong Police Force for investigation.

Allegations of corruption against ICAC officers are immediately reported to the Secretary for Justice who will decide whether or not investigation should be undertaken by the ICAC itself. If so, the investigation will normally be conducted by L Group. At the conclusion of an investigation into allegations of corruption against ICAC personnel, a report detailing the findings is forwarded to the Secretary for Justice for legal advice on the question of prosecution. Irrespective of whether or not a prosecution ensues, the result of the investigation, together with the legal advice, are reported to the Operations Review Committee for their consideration. At the conclusion of all criminal investigations against ICAC officers, whether or not a prosecution takes place, an assessment is made as to the need for consequential internal administrative or disciplinary measures.

Non-criminal complaints against ICAC officers, which constitute the bulk of L Group's work, are immediately reported to the Commissioner for formal registration. The complainant, the officer(s) subject of the complaint, and the independent ICAC Complaints Committee (ICC) are then informed of the complaint by letter. Normally, a complaint will be investigated as soon as possible, but where it is inextricably linked to a criminal investigation which is sub-judice, it may be deferred, on legal advice, pending the outcome of that case.

The ICC, whose members are appointed by the Chief Executive, meets three times a year, its terms of reference to monitor, and where it considers appropriate, to review the progress and outcome of non-criminal complaints against

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在调查完后不时会向职员发出程序指引，以防止将来发生同类投诉。在2001年，已数度发出这类指引，从而改善客户服务及保障职员免遭类似投诉。

为加强廉署职员认知公众投诉最常见的原因，L组曾发表内部报告，列举年内所接获投诉大概所属性质。报告内容亦包括有关投诉所引致的行政措施或纪律处分行动（但不会公布个别姓名），以及在工作程序上所作的改变。

L组其中一项重要工作是与执行处训练学校保持紧密联系。诚然，社会人士对廉署的诚信及廉署人员的道德操守均抱很高的期望。为此，L组人员经常参与训练课程，向学员讲解维持高专业水平和个人品格的重要性。

ICAC officers. When the ICC identifies shortcomings in related ICAC procedures it may make recommendations for those procedures to be reviewed and rectified. As a result, concluded complaint investigations occasionally result in the issue of procedural guidelines to officers in order to preclude the likelihood of future similar complaints. During 2001 a number of such guidelines were issued, thus enhancing customer service and safeguarding officers against potential complaints.

As an additional means of raising ICAC officers' awareness of the most common causes of complaint from members of the public, L Group publishes internal reports setting out, in general terms, the nature of all complaints received during the year. The report includes details of any resultant administrative or (without identifying individuals) disciplinary consequences of complaints dealt with, as well as relevant changes to procedures.

An important facet of L Group's work is its relationship with the Department's Training School. The community quite rightly has high expectations as to the integrity of the ICAC and the conduct of its officers. To ensure that those expectations are met, L group officers regularly contribute to training programmes and courses, addressing officers on the need to maintain the highest professional and personal standards.

黎俊宏

EDDY LAI



黎俊宏在中央誊写组工作情况  
*Eddy at work in the CTU*

执行处中央誊写组人员黎俊宏获立法会议员陈智思先生颁发 2001年「模范残疾雇员奖」，而高级中文主任曾润生则代表廉署领取感谢状。中央誊写组成员全部是肢体残障人士。

Eddy LAI Chun-wang of the Operations Department's Central Transcription Unit (CTU) received the "Outstanding Disabled Employees Award 2001" from Legislative Councillor, the Honourable Bernard CHAN, while, on behalf of the Commission, Senior Chinese Language Officer, Mr. TSANG Yan-sang, receives the Employer's Certificate of Appreciation. The CTU is staffed almost exclusively by individuals who are in some way physically disabled.



# 汇报统计数字 Report from the Abacus



点豆者  
*The R1 'bean counters'*

随着各资料库转换到新的「执行处资讯系统」，统计人员在2001年一整年内都非常忙碌。

2001年共接获 4,476宗与选举无关的贪污举报，较2000年的4,390宗增加了2%，是历来的最高纪录。关于政府部门人员涉嫌贪污的举报，从2000年的1,732宗减至1,587宗，减幅为8%。其中涉及警务人员的举报，从上一年的602宗，下降15%至513宗；而涉及其他政府部门人员的举报，也从上一年的1,130宗跌至1,074宗，跌幅为5%。另一方面，关于私营机构人员涉嫌贪污的举报，则从上一年的2,402宗增加6%至2,542宗；而涉及公共机构人员的举报，更从上一年的256宗激增至347宗，增幅高达36%。

可追查的举报再创新高，从2000年的3,141宗增至3,261宗。涉及政府部门人员的可追查举报，从2000年的1,066宗下降至1,011宗，跌幅为5%。其中涉及警务人员的举报，从上一年的370宗下降9%至338宗；

The year under review has been a busy one for our Statistical Officers following the conversion of our databases onto the new Operations Department Information System (OPSIS).

The year 2001 saw an all-time record high in the total number of non-election corruption reports received - 4,476 compared with 4,390 in 2000, representing an increase of 2%. The number of corruption reports relating to the public sector fell in 2001 by 8% (from 1,732 to 1,587) with reports involving the Police decreasing by 15% (from 602 to 513), and the rest of the Government sector showing a 5% decrease (from 1,130 to 1,074). Reports concerning the private sector increased by 6% (2,402 to 2,542) and those relating to Public Bodies also increased by 36% (from 256 to 347).

The total number of reports considered capable of investigation (pursuable reports) rose from 3,141 in 2000 to 3,261 in 2001 - another record high. The number of pursuable reports relating to the public sector fell in 2001 by 5% (from 1,066 to 1,011) with reports involving the Police decreasing by 9% from 370 to 338, and the rest of the



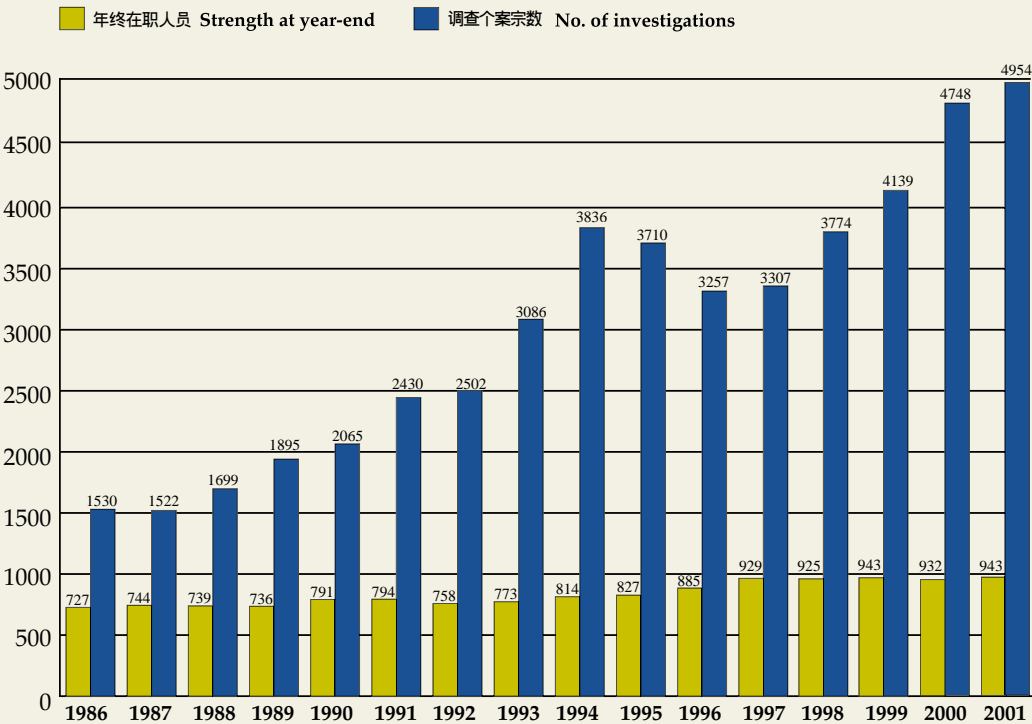
而涉及其他政府部门人员的举报，也从上一年的 696 宗降至 673 宗，跌幅为3%。另一方面，涉及私营机构人员的可追查举报，则从上一年的 1,903 宗增至 2,005宗，增加了 5%；而涉及公共机构人员的举报，更从上一年的 172 宗激增至 245 宗，增幅达 42%之多。

2001年，廉署共接获 245 宗与选举有关的贪污举报，其中四宗涉及 1999年区议会选举，237 宗涉及 2000 年立法会选举，而其余四宗则分别涉及1988年区议会选举（一宗）、1998/1999乡事委员会选举（一宗）及 2001年乡事委员会选举（两宗）。在这些举报当中，243 宗有足够资料展开调查。

Government sector also showing a 3% decrease (from 696 to 673). Pursuable reports concerning the private sector increased by 5% (1,903 to 2,005) and those relating to Public Bodies also increased by 42% (from 172 to 245).

In 2001, we received 245 corruption reports concerning elections, of which four related to the 1999 District Council elections and 237 to the 2000 Legislative Council elections, while the remaining four related to District Board elections in 1998 (1), Rural Committee election in 1998/1999 (1) and Rural Committee elections in 2001 (2). 243 contained sufficient information for investigation to commence.

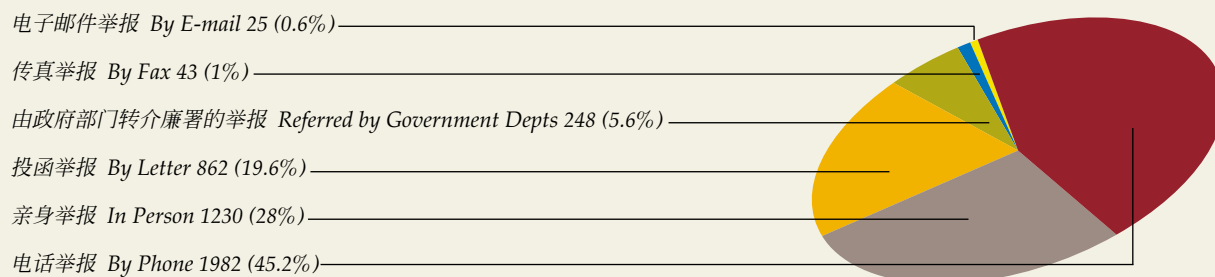
调查个案宗数及执行处在职人员(一九八六年至二零零一年)  
Investigations Undertaken and Strength of the Operations Department  
(1986 -2001)



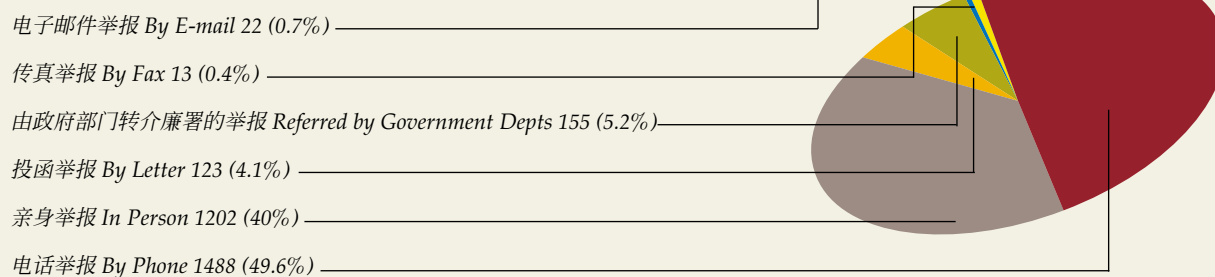
注：调查个案宗数包括在该年展开的调查个案数目以及上一年未完结的调查个案数目。  
NOTE: Investigations undertaken are investigations commenced during the year + outstanding investigations brought forward from previous years.

## 二零零零年接获之贪污举报（不包括与选举有关的举报）－ 依举报形式分类 Methods of Reporting Corruption (Excluding Election Reports) - 2000

### 接获之举报宗数 All Reports

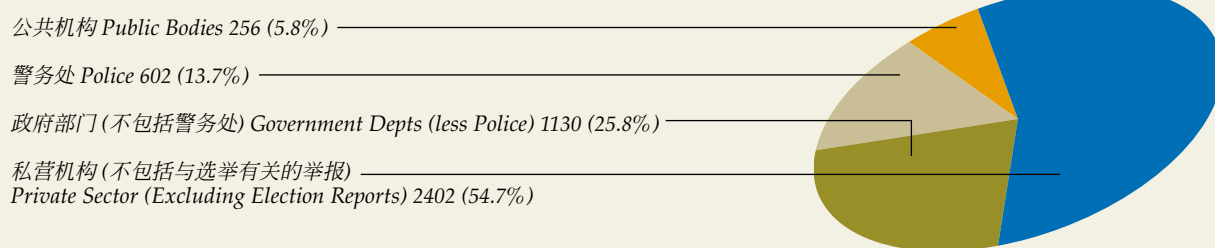


### 具名举报 Reports by Identified Complainants

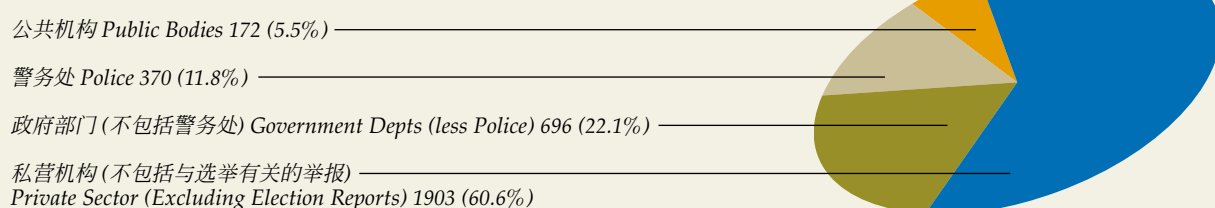


## 二零零零年接获之贪污举报（不包括与选举有关的举报）－ 依机构分类 Corruption Reports Recorded by Sector - (Excluding Election Reports) - 2000

### 接获之举报宗数 All Reports

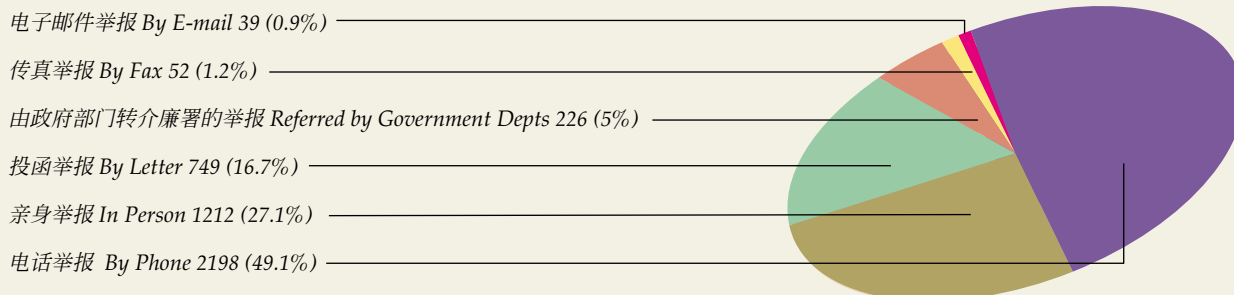


### 可追查之举报宗数 Pursuable Reports

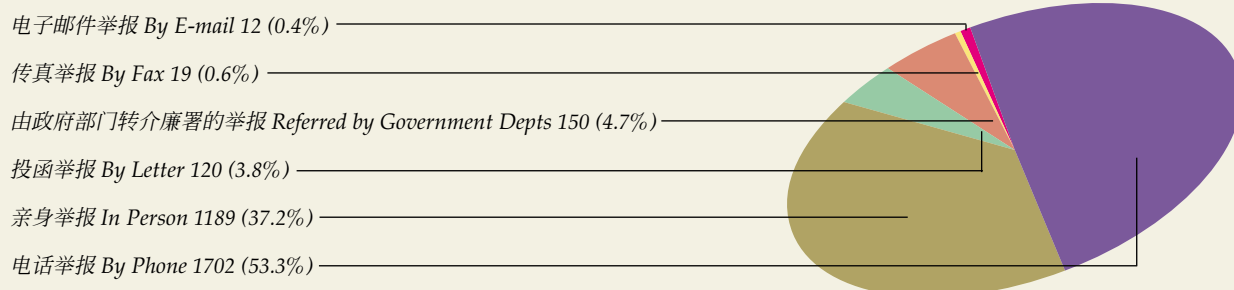


## 二零零一年接获之贪污举报（不包括与选举有关的举报）－ 依举报形式分类 Methods of Reporting Corruption (Excluding Election Reports) - 2001

### 接获之举报宗数 All Reports

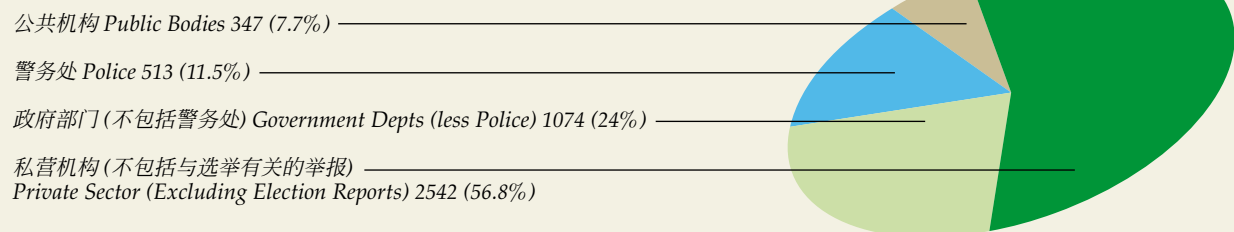


### 具名举报 Reports by Identified Complainants

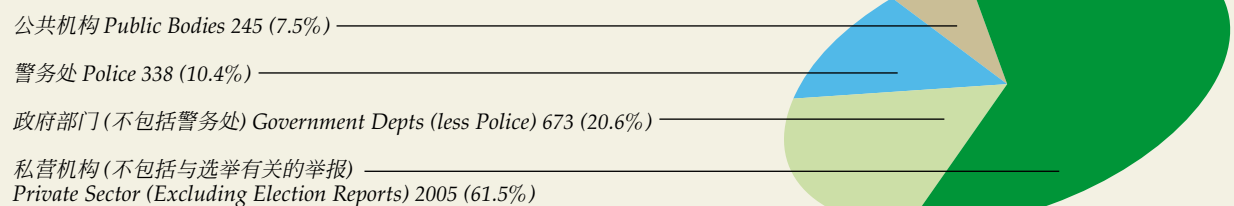


## 二零零一年接获之贪污举报（不包括与选举有关的举报）－ 依机构分类 Corruption Reports Recorded by Sector (Excluding Election Reports) - 2001

### 接获之举报宗数 All Reports



### 可追查之举报宗数 Pursuable Reports



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在 2001 年内完成检控的 600 名被告当中，559 名是在录影情况下接受问话的。其中有 138 人质疑问话内容，而只有 35 人的问话（涉及 19 宗案件）不被法庭接纳为证供。在问话内容不被接纳的 19 宗案件当中，12 宗是由于法官或裁判官不能在无合理疑问下信纳疑犯乃自愿认罪。

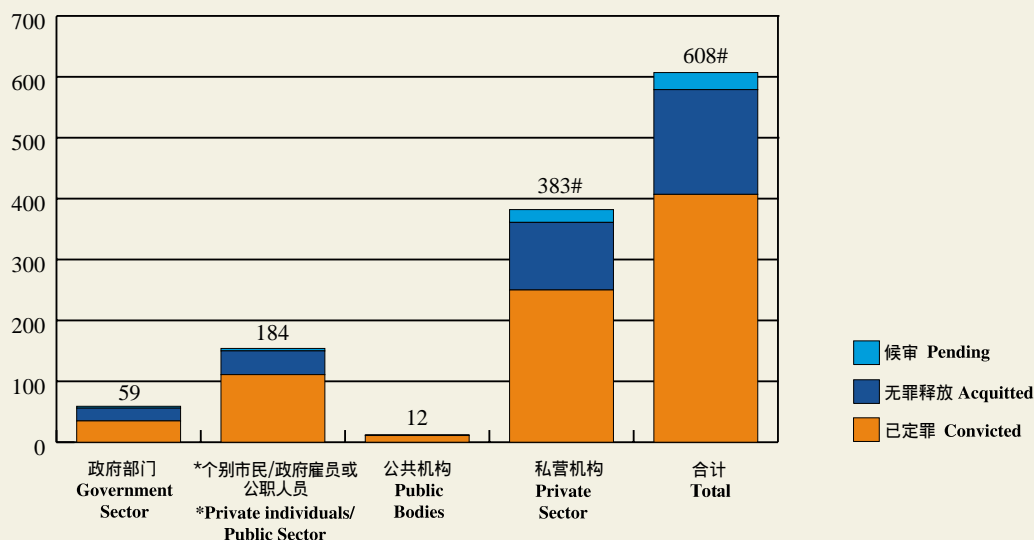
2001 年共有 535 人被廉署检控，包括 464 名私营机构人员及个别市民，当中 101 人是因为涉及《防止贿赂条例》第 9 条所指的贪污交易；21 人是因行贿政府或公职人员而被控触犯《防止贿赂条例》第 4(1) 条及第 8 条；三人被控串谋触犯第 4(2) 条所订罪行；一人以行贿手段促致公共机构合约，违反《防止贿赂条例》第 5(1) 条；而其余 338 人则因为触犯其他条例所订罪行而被检控。警方在处理其他罪案时，拘捕了五名行贿警务人员的人士，并在廉署同意下，承担有关检控事宜。廉署在 2001 年完成检控的 600 被告当中，423 人被定罪。年内还有 85 人被施行警戒。在 2001 年，「审查贪污举报咨询委员会」建议对 188 人采取纪律处分，较 2000 年的 295 人为少。

559 of the 600 defendants whose prosecution was completed in 2001 were interviewed on video. Only 138 challenged the interviews, and as a result the interviews of 35 individuals, relating to 19 cases, were ruled inadmissible. In 12 cases in which the interviews were ruled inadmissible, the judges or magistrates were not satisfied beyond reasonable doubt that the admissions made were voluntary.

535 persons were prosecuted in 2001. This total included 464 individuals in private sector cases, comprising 101 prosecuted for involvement in corrupt transactions contrary to Section 9 of the Prevention of Bribery Ordinance; 21 for offences of offering bribes to Government officers or public servants contrary to sections 4(1) and 8; three for conspiracy to commit Section 4(2) and one for offering bribes to procure a public body contract contrary to Section 5(1); and 338 for offences under other ordinances. With the agreement of the ICAC, the Police undertook the prosecution of five persons arrested for offering bribes to police officers during police investigations into other offences. Of the 600 defendants whose prosecution was completed in 2001, 423 were convicted. A further 85 individuals were formally cautioned. In 2001, the Operations Review Committee recommended disciplinary action against 188 persons compared with 295 in 2000.

## 二零零零年因贪污及相关罪行而被检控的人数

### Number of Persons Prosecuted for Corruption & Related Offences in 2000



\*个别市民因与公职人员勾结而被检控的案件

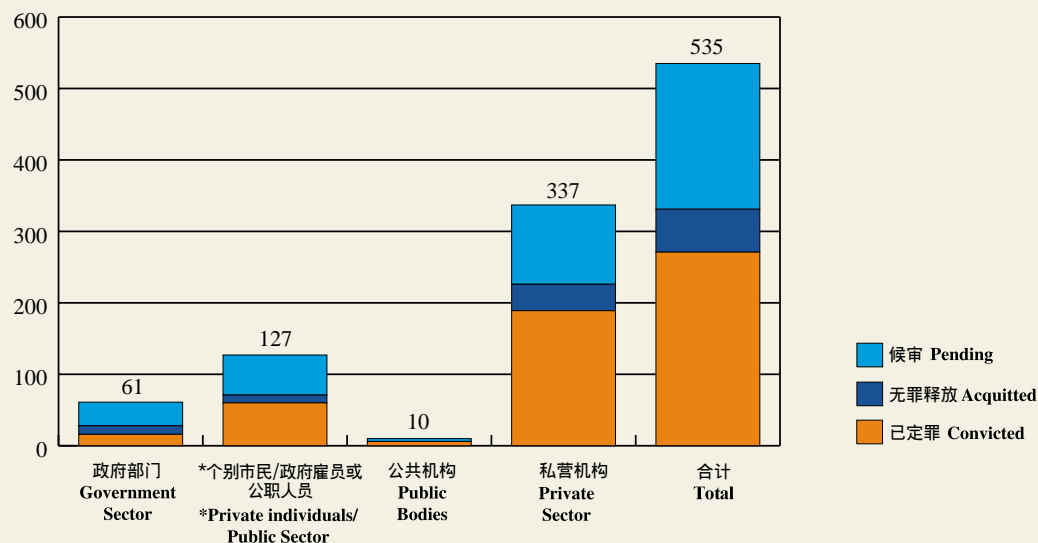
\*These are cases in which private individuals were charged for their dealings with public servants.

#一人在候讯期间死亡

#1 died while awaiting trial.

## 二零零一年因贪污及相关罪行而被检控的人数

### Number of Persons Prosecuted for Corruption & Related Offences in 2001



\*个别市民因与公职人员勾结而被检控的案件

\*These are cases in which private individuals were charged for their dealings with public servants.

## 联络资料 Liaison Contact Details

为便利联络，以下列出廉政公署主要职员的姓名、职责范围和联络电话：（多名首席调查主任较早前进行职位轮调）。

To facilitate further liaison, a directory of personalities, their areas of responsibility and their contact telephone numbers follows: (some of the officers have changed posts since their submissions to this Review).

职衔 POST	现任该职者 INCUMBENT	电话 TEL. NOS.
廉政专员 Commissioner	黎年 Mr. LAI Nin (Alan)	2826 3111
副廉政专员兼执行处首长 Deputy Commissioner and Head of Operations	郭文纬 Mr. KWOK Man-wai (Tony)	2826 4301
执行处处长（政府部门） Director of Investigation (Government Sector)	李俊生 Mr. LEE Chun-sang (Francis)	2826 4307
执行处处长（私营机构） Director of Investigation (Private Sector)	李铭泽 Mr. LI Ming-chak (Daniel)	2826 4302
助理处长（调查科一） Assistant Director 1	葛辉 Mr. A.A. Godfrey (Tony)	2826 4303
助理处长（调查科二） Assistant Director 2	黄世照 Mr. WONG Sai-chiu (Ryan)	2826 4407
助理处长（调查科三） Assistant Director 3	陈德成 Mr. CHAN Tak-shing (Gilbert)	2826 4304
助理处长（调查科四） Assistant Director 4	贝守朴 Mr. M.J. Bishop (Mike)	2826 4409
首席调查主任（A组） Principal Investigator A	罗国忠 Mr. LO Kwok-chung (Jeremy)	2826 4296
首席调查主任（B组） Principal Investigator B	苏炳雄 Mr. SO Ping-hung (Daniel)	2826 4282
首席调查主任（C组） Principal Investigator C	吴炳国 Mr. NG Ping-kwok (P.K.)	2826 4272



## 联络资料 Liaison Contact Details

职衔 POST	现任该职者 INCUMBENT	电话 TEL. NOS.
首席调查主任 (D组) Principal Investigator D	祈国利 Mr. P. Gregory (Peter)	2826 4018
首席调查主任 (E组) Principal Investigator E	柏谨信 Mr. J.N. Parkinson (Neil)	2826 4247
首席调查主任 (F组) Principal Investigator F	李志雄 Mr. LEE Chi-hung (Denis)	2826 4253
首席调查主任 (G组) Principal Investigator G	朱敏健 Mr. CHU Man-kin (Ricky)	2826 4711
首席调查主任 (I组) Principal Investigator I	黄乐宁 WONG Lok-ning (Dominic)	2826 4211
首席调查主任 (J组) Principal Investigator J	曹渭仁 Mr. TSO Wai-yan (Kenny)	2826 4305
首席调查主任 (K组) Principal Investigator K	张华邦 Mr. CHEUNG Wah-pong (Louis)	2826 4234
首席调查主任 (L组) Principal Investigator L	姚卓华 Mr. YIU Cheuk-wah (George)	2826 4761
首席调查主任 (R组) Principal Investigator R	黄兆樟 Mr. WONG Shiu-cheung (Danny)	2826 4235
首席调查主任 (X组) Principal Investigator X	岳士彬 Mr. G. Osborn (Gerry)	2826 4061
首席调查主任 (Y组) Principal Investigator Y	许家民 Mr. HUI Kar-man (Ricky)	2826 4248
首席调查主任 (Z组) Principal Investigator Z	陈础强 Mr. CHAN Chor-keung (Stephen)	2826 4366

邮寄地址： 香港中环美利道2号美利道停车场大厦地下  
 电话(24小时)： 2526 6366      电子邮递： [general@icac.org.hk](mailto:general@icac.org.hk)  
 网址： <http://www.icac.org.hk/news1.html>  
 举报中心(图文传真)： 2868 4344

**Postal Address:** Ground floor, Murray Road Carpark Building, 2 Murray Road, Hong Kong.  
 Tel (24 hours): 2526 6366      E-mail: [general@icac.org.hk](mailto:general@icac.org.hk)  
 Website: <http://www.icac.org.hk/news1.html>  
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文汇报

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Wen Wei Pao