



**NACAC**

National  
Anti-Corruption  
Advisory Council



Implemented by

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State Secretariat for Economic Affairs SECO

# REPORT

GIZ-TIP NACAC EAST ASIA  
LEARNING JOURNEY,  
HONG KONG

08 -16 MARCH  
**2024**

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## 1. GLOSSARY OF TERMS

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<b>ACA</b>	Anti-Corruption Agency
<b>ACRC</b>	Anti-Corruption and Civil Rights Commission
<b>CPAS</b>	Corruption Prevention Advisory Services
<b>CPD</b>	Corruption Prevention Department
<b>CRD</b>	Community Relations Department
<b>CSB</b>	Civil Service Bureau
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>HK</b>	Hong Kong
<b>HKIAAC</b>	Hong Kong International Academy Against Corruption
<b>HKSAR</b>	Hong Kong Special Administrative Region
<b>IAACA</b>	International Association of Anti-corruption Authorities
<b>ICAC</b>	Independent Commission Against Corruption
<b>MACC</b>	Malaysian Anti-Corruption Commission
<b>NACAC</b>	National Anti-Corruption Advisory Council
<b>NACS</b>	National Anti-Corruption Strategy
<b>NDP</b>	National Development Plan
<b>NPA</b>	National Prosecuting Authority
<b>PB</b>	Public Body
<b>SA</b>	South Africa
<b>SIU</b>	Special Investigating Unit
<b>TIP</b>	Transparency, Integrity, and Accountability Programme
<b>UNCAC</b>	United Nations Convention Against Corruption
<b>UNODC</b>	United Nations Office on Drugs and Crime

## 2. BACKGROUND

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The Transparency, Integrity and Accountability Programme of GIZ in South Africa (TIP), in partnership with the International Association of Anti-corruption Authorities (IAACA) and the Hong Kong International Academy Against Corruption (HKIAAC) of the Independent Commission Against Corruption, Hong Kong, China, invited the National Anti-Corruption Advisory Council (NACAC) and representatives of the Law Enforcement Agencies to the East Asia Learning Journey on the implementation experiences of the ICAC and other anti-corruption authorities. The Learning Journey took place on 08 to 16 March 2024 .

The host organizations were the Independent Commission Against Corruption (ICAC), HKIAAC, and IAACA. The learning journey included a two-day workshop, designed to draw on the experiences of the anti-corruption authorities of Hong Kong, Malaysia, and the Republic of Korea in the establishment and ongoing functioning of these authorities. The Learning Journey had focused themes which were delivered over a four-day programme divided according to six sessions as follows:

### **DAY 1: Monday - 11 March 2024**

- ✓ Introduction to ICAC HK
- ✓ Operational Module
- ✓ ICAC's work strategy, mandates & legal powers
- ✓ Work of the reporting Centre (How are the corruption complaints received/handled)
- ✓ Visit to Regional office, Community Relations Department

### **DAY 2: Tuesday- 12 March 2024**

- ✓ Corruption prevention Module
  - Introduction to the corruption prevention department
  - Corruption Prevention Strategies and Methodologies
- ✓ Education module
  - Introduction to the Community Relations Department and Community Education Strategies
  - Creative use of new technology and social media in promotion of probity culture

### **DAY 3: Wednesday - 13 March 2024**

- ✓ Introduction of the delegation
- ✓ Session 1-3

### **DAY 4: Thursday - 14 March 2024**

Session 4-6

### **DAY 5: Friday - March 2024**

- ✓ Visit to the Civil Service Bureau

The broad themes outlined for learning included the powers and functions of the anti-corruption agency, governance issues, whistle-blower protection, monitoring and evaluating impact made and implementation of vulnerable sector approach to fighting corruption. This report gives an overview of discussions over the five day programmes.

## 3. LEARNING JOURNEY DAY1: 11 MARCH 2024

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### 3.1. Institution & person visited: Independent Commission Against Corruption (ICAC)

On 11 March 2024, the SA delegation visited the Independent Commission Against Corruption Facilities in Hong Kong, China. The delegation was received by the Commissioner, Deputy Commissioner and various staff members from ICAC. On behalf of the ICAC, introductory remarks were delivered by the Commissioner, Deputy Commissioner and from South African delegation Professor Firoz Cachalia introduced the team. The delegation proceeded to a training room whereby introductory presentations to ICAC and their facilities was made. The commissioner hosted the delegation for lunch.

### 3.2. Short overview of partner/institution visited

The ICAC is the statutory independent anti-corruption body of Hong Kong with the primary objective of combating corruption in both the public and the private sectors. It was established in 1974 and has been operating independently from the Hong Kong government and law enforcement agencies. ICAC is headed by the Commissioner who reports directly to the Chief Executive of Hong Kong. The aim of the ICAC is to prevent corruption in the public and in the private sector.

The Deputy Commissioner reported that the establishment of ICAC was due to corruption being rampant during the 1950's and 1960's. Corruption was seen as the way of life where anything you wanted/needed (even a basic need) had to be paid for, for example, firefighters, hospitals etc. In 1973, Peter Fitzroy Godber, the Police Chief Superintendent was accused of corruption and snuck out of Hong Kong whilst he was under investigation. The public outcry from his escape, the lack of trust in the police (being the most corrupt) and the lack of public confidence in the government's efforts to fight corruption led to the establishment of the ICAC.

The ICAC'S independent status is derived from the ICAC Ordinance (Cap.204) which stipulates the statutory mandate of the ICAC in combatting corruption through investigation, prevention and education. The Basic Law of Hong Kong Special Administrative Region (HKSAR) provides constitutional guarantee against interference of their work. The ICAC impartially and rigorously



enforces the law at all times, making corruption a high-risk crime in Hong Kong and the corrupt will be pursued relentlessly irrespective of their background, status and position.

### 3.3. Title/subject of session

- Meeting with the Commissioner of the ICAC
- Overviews of the Hong Kong ICAC: (Work, Strategy, Mandates & Legal Powers)
- Operations Module: Introduction to Operations Department and Tour to Investigate Facilities (ICAC Building)

### 3.4. Introductory presentation by SA delegation:

*2.4.1 Professor Firoz Cachalia introduced his NACAC delegation as follows:*

- Prof Cachalia – NACAC Chairperson
- Adv Khumalo – NACAC Councilor (Responsible for procurement workstream)
- David Lewis – NACAC Councilor (Responsible for anti-corruption architecture)
- Sekoetlane Phamodi NACAC Councilor (Responsible for MERL)
- Sefura Matlala (NACAC Secretariat)
- Olwethu Tau (NACAC Secretariat)

*2.4.2 South African Law Enforcement Agencies as represented by:*

- Adv Rodney De Kok – National Prosecuting Authority (NPA)
- General Seswantsho Lebeya – (DPCI)
- Adv. Andy Mothibi – Special Investigating Unit (SIU)

2.4.2 TIP GIZ Representatives

Mr Ruan Kitshoff

Mr Mokgapi Maleka

Ms Sabeegah Motala

### 3.5. Summary of input/description of site visit/meeting:

The ICAC provided an opportunity for a tour of their building, where they showcased their facilities and how they are able to do their jobs. Below were the facilities showcased and how they work:

- Shooting Range: this is where they train their agents in firearms handling and other methods of protection of the whistleblowers. In order to qualify, there are exams that are taken to qualify. There is a Whistleblower Protection Programme which runs 24 hours. It has been noted that the agents hardly use their firearms.
- Reporting Centre: this is where they process reports of corruption, whether it be through email, telephone, or walk-ins. They analyze the reports they receive to determine whether the case can be pursued.
- Detention Centre: this is where they hold their suspects, however, they cannot hold them for more than 48 hours. The suspects receive fair treatment, can contact and



meet with their lawyers and are given a room with a bed and bathroom where they are provided food and drink.

- Video Interview Room: this was introduced in 1990. They have a recording system for transparency and the video recordings are handled with care and confidentiality.
- Witness ID Room: this is where witnesses can identify the suspects through a one-way mirror in order to protect the suspect. The suspects are lined up on the other side of the mirror among actors of similar age and features to make sure that the verification process is legit. The witness and the suspect cannot see each other, everyone is held in a separate area in order to avoid any witness intimidation.
- Forensic Accountants: this section presented their work overtime and the cases of prominent people they investigated.

### 3.6. Highlights and learning points from input:

- Their Strategy enables them to fight corruption in partnership with law enforcement
- Prevention has statutory responsibility and power
- Inspect procedure to make it difficult for people to be corrupt
- Education is important in the long term because society needs to hate corruption in order to make it difficult for people to be corrupt – society will not tolerate, societal values make it easier to control
- Three-pronged Approach: ICAC Commissioner – Law Enforcement: Operations Department – Prevention: Corruption Prevention Department – Education: Community Relations Department – International Cooperation & Administrative Support (International Cooperation and Corporate Services Department)
- Duties of the Commissioner: to receive and consider complaints alleging corrupt practices; to investigate any alleged or suspected offences/any alleged of blackmail committed by a prescribed officer through missuses of office; and to investigate any conduct of prescribed officer which is connected with or conducive to corrupt practices
- Law Enforcement: arrest; detention; require any person to produce suspect's books and records for inspection; seizure; enter and search premises/place; detain a suspect's travel documents; restrain a suspect's property; and obtain information from a suspect and related third parties (authorization from courts is required)
- The Chief Executive can also be investigated
- They have service contracts that are for 30 months (to ensure staff performance)
- All staff need to declare investments once every year
- Commission is empowered to investigate any form of corruption including murder cases
- Complainants identity and confidentiality is of utmost importance
- 2000 corruption complaints are in the private sector, the public sector complaints remain quite low
- Subject to findings, report will be compiled; report with evidence is then forwarded to Department of Justice to determine whether prosecution should be implemented, if yes, case is heard by Judge to determine guilt, if not guilty/insufficient evidence, report

needs to be compiled and submitted to Operations Review Committee (professional citizens who scrutinize work to see if investigation was conducted morally and whether case can be completed or not)

- There is an oversight Committee which consists of citizens who meet in person every 6-7 weeks; Investigators need to attend to personally answer questions arising, investigators can also make referrals to them

### 3.7. Ideas that SA should consider for adaptation and application:

There are various ideas that South Africa should consider:

- Do not accept corruption – zero tolerance, educate from kindergarten to university and within different sectors of government

#### **Time-tested-3-pronged Approach**

- **Enforcement: Operations Department**
- **Prevention: Corruption Prevention Department**
- **Education: Community Relations Department**

- Prevent corruption at its source
- Be impartial when dealing with corruption and uphold justice
- Rule of Law, governments commitment and general public help the fight against corruption
- Incorporate digitalization in your processes
- Government Department CANNOT say no to monitoring by the agency, they have to cooperate
- Hold standard of integrity and morality in government and private sector, do not give it any excuse (from amount of bribe, the amount does not matter – from driving school to the top)
- Whistleblowers: it is important to protect whistleblowers and have better structures/laws to assist them

### 3.8. Website/additional information links:

- [www.icac.org.hk](http://www.icac.org.hk)
- [www.siu.org.za](http://www.siu.org.za)
- [www.npa.gov.za](http://www.npa.gov.za)
- [www.saps.gov.za](http://www.saps.gov.za)
- <http://anticorruption.gov.za>



### 3.9. Photographs



ICAC DELEGATION



SOUTH AFRICAN DELEGATION



GIZ TEAM

## 4. LEARNING JOURNEY DAY 2: 12 MARCH 2024

### 4.1. Institution & person visited:

Independent Commission Against Corruption (**ICAC**) was visited and the day introduced the delegation to the Corruption Prevention Department. The officials that represented the visited institutions are: Ms Anita Choy: Principal Corruption Prevention Officer, and Mr Cyrus Tsui, Senior Staff Officer

### 4.2. Short overview of partner/institution visited:

The ICAC is the Anti-Corruption Agency of Hong Kong established in 1974. It is currently celebrating 50 years of its existence, and has been successful in reducing levels of corruption significantly.

### 4.3. Title/subject of session: Corruption Prevention and Education

The discussion consisted of four titles.

- Introduction to the Corruption Prevention Department by Ms Anita Choy: Principal Corruption Prevention Officer, ICAC.
- Corruption Prevention Strategies and Methodologies by Mr Cyprus Tsiu, Senior Staff Officer, ICAC.
- Introduction to the Community Relations Department and Community Education Strategies by Mr Franklin Chiu, Principal Youth and Education Officer, ICAC.
- Creative Use of New Technology and Social Media and Promotion of Probity Culture by Mr Bryron Kwan, Chief New Media Officer, ICAC.

The introductory briefing was done by Ms Choy. The power point was provisionally promised based on the consent from the role-players who made presentations. The

DAY  
TWO



presentation covered the outline, three-pronged approach that focuses on Prevention, Education and Enforcement. An organisational structure of ICAC, which reflects on the various Departments that attend to the three critical elements of the strategy was shared. Within the Departments, there are Assignment groups that focus on specific activities. The Presentation was supplemented by three videos.

Franklin Chiu who is the Principal Youth and Education Officer, shared the ICAC's Community Education Strategy. This is a good step to ensure that the public is educated about the evils of corruption. The Structure of Community Relations Department was shared. There are representatives in the three regions. Ethics officers goes through Ethical Leadership programme. Corruption Prevention networks are entrenched. Drama and worksheets crafted by experts.

Mr Byron Kwan who is the Chief Mass Communication Officer shared the approaches on communicating the message of anti-corruption practices. He emphasised on adaptation to the new developments in communication space. Social media platforms seems to be more effective.

#### **4.4. Summary of input/description of site visit/meeting: Corruption Prevention Department**

The Corruption Prevention Department (CPD) focuses on plugging the loopholes that may allow for corruption. It is made up of approximately 60 staff, grouped together in groups that specialize in different sectors. The CPD also provides advisory services to both the public and private sectors. Staff are professionals from varying backgrounds including architect, engineers etc. Section 5 of the ICAC Ordinance lays out the appointment and power of the Commissioner.

**Philosophy: prevention is better than cure – through good governance, preventive and detective controls.**

The Statutory Duties of CPD are laid out in section 12 of the ICAC Ordinance and are as follows:

- Examine government and public bodies procedures and secure them from corruption-prone practices
- Advise on how to eliminate corrupt practices
- Advise government departments of changes in practices and procedures to reduce the likelihood.

This is mandatory for government, but for private sector it is on request. The CPD will provide recommendations. If these recommendations are made to government, they must respond within three months, which can include either implementation or negotiation. The CPD will also support government bodies through implementation. Non-compliance has occurred, but fear of public image is a powerful persuasive factor.

ICAC Ordinance Section 13 gives the ICAC the powers to:

- Enter government offices and require prescribed officers to answer questions
- Request government bodies to produce standing orders, directives, office manuals, instructions for examination
- Access to photograph, copy all records

Civil-service-wide regulations exist on certain topics e.g. conflict of interest, procurement etc. ICAC reviews any department-specific manuals or regulations, and examine them for compliance. ICAC has created sector-specific corruption prevention guides to vulnerable sectors including recommendations. It encourages them to refer to these guides if they create their own, but also proactively examine their procedures and systems to detect risks.

The Corruption Prevention Advisory Committee advises on priorities of CPD and examine reports of ICAC for effectiveness. It is comprised of external professionals from society, in good standing, and is voluntary. They are not ICAC officials and are appointed by chief executive, so they are independent. They are organized into sub-committee which meet twice per year. Senior management of the ICAC and other government bodies also participate in these meetings.

### Corruption Prevention Work

All services offered by the CPD are free and tailor-made. There are several tools/methodologies used by the CPD:

*Assignment studies* are detailed examinations of systems and procedures, 71 assignment studies were completed in 2023. They look at corruption risks related to livelihood and public safety, and risk of public concern on subjects such as procurement, law enforcement, regulations, funding schemes and sector-specific.



*Consultations* are quick advisory services to government and public bodies such as examination of instructions or manuals before they are launched. 606 consultations were conducted in 2023 including with the Airport Authority and Insurance Authority.

*Tools/resources* developed by CPD are made available to be used by government, public bodies and all organisations, such as corruption prevention guides, best practice, training etc. *Capacity Building* is on offer for corruption prevention.

*Corruption Prevention Advisory Services (CPAS)* are available on request to the private sector. Intelligence from other departments is essential to CPD work. After investigations are completed, for instance, this report will pass to the CPD so that they can initiate assignment studies. In ongoing investigations if there is relevant information, top management between departments will be in communication.

ICAC has a working relationship with Audit Department which works more on efficiency and compliance. Once reviews are completed, they upload and ICAC is informed. The CPD also relies on information from civil society and the public.

### CPD Support to the Public Sector



The regulatory framework for the services of the CPD is found in General Circular No. 2/2019. In addition, General Regulation 451 Proposal for Legislation requires Bureaus or Departments (B/Ds) to consult the ICAC when amending or formulating legislation, or to consult on whether a new organization should be a Public Body (PB), because there is more oversight and control over a PB. The Executive Council Procedures Manual states that B/Ds need to consult ICAC in policy formulation.

The Corruption Prevention Group/Liaison Meetings are regular meetings of senior management where they identify areas of concern and map out their workplan.

### *An example of the procurement process and interventions by CPD*

The process	Preventative measures
<ul style="list-style-type: none"> <li>• Established on guiding principles including transparency, innovation and value for money</li> <li>• Personnel involved must declare conflicts of interest and duties must be segregated</li> <li>• For effective internal controls, there are clear policies and instructions such as international standards and regulations</li> <li>• Transparency of information throughout process</li> <li>• Information Security</li> <li>• Effective supervision</li> <li>• Internal audit</li> <li>• Feedback and reporting channel</li> </ul>	<ul style="list-style-type: none"> <li>• Key risks are undue influence, favouritism, manipulation etc.</li> <li>• Basic specifications that avoid brand names</li> <li>• Written justifications</li> <li>• Pre-determine marking schemes and guidelines for marking</li> <li>• Declarations of interest</li> <li>• Segregation of duties and responsibilities</li> <li>• Proper record-keeping</li> <li>• Performance management of suppliers</li> <li>• Mechanism for public to monitor and submit complaints</li> </ul>

### **CPD Support to the Private Sector: CPAS**

The CPD had a dedicated private sector team since 1985. There is increasing demand from private sector for CPAS. In 2022 there were 711 enquiries and 1022 services provided. The most popular services requested and provided include support on codes of conduct, seminars and advice on potential for breach of Hong Kong anti-corruption law. The CPAS pledges to respond within 2 days after receiving a request. They are tailor-made, confidential and free.

The client profile that CPAS works with range from small to medium enterprises to multinational companies including from Hong Kong as well as mainland Chinese and international companies. Clients come from a range of sectors including insurance, property management, construction, retail, catering and education etc. Requests come from management staff up to Chief Executives.

Services available include: advising on legal compliance within Hong Kong, drafting of codes of conduct, advising on procurement, advising on other functions where there may be a risk of corruption such as sales or staff discount schemes. In addition, CPAS can provide resources such as toolkits, guides and sector-specific information available on a dedicated website ([cpas.icac.hk](http://cpas.icac.hk)). It also does seminars or talks for companies and offers training.

CPAS also takes a proactive approach to prevention within the private sector. They partner with trade associations or regulators in order to enhance CP awareness and provide training. They take a consultative approach to developing guides and partners assist ICAC in distributing materials. They also partner with professional associations to target practitioners for capacity building.

### Notes from the Discussion

- Public bodies support the private sector based on principle. Also, sometimes the staff members engaging in corruption are not top management but intermediary staff, which negatively impact the business, and therefore top management requests support.
- In relation to data analytics – information is readily shared across departments. Data is analysed to see trends and where corruption is prone, using this information to distribute work resources.
- The ICAC works closely with non-governmental organizations by advocating for them to incorporate principles of transparency and fairness.
- Regarding employment corruption, it is a risk but not as much as procurement. They advocate for companies to have strict HR rules for employment and promotions.
- With regards to beneficial ownership transparency, in tendering, companies have to declare who their directors, beneficiaries, parent companies and subsidiaries are. They will be held liable for any omissions. This also applies to organisations applying for funding schemes.

### Corruption Prevention Strategies and Methodologies

1. Giving concurrent and early inputs

Covid-19: Anti-epidemic fund

- Assignment studies and consultations
  - Corruption prevention publications
    - o Guides for grant-giving and grantees
  - Post-implementation review (fine-tuning)
  - Corruption-prevention tips for NGOs
    - o E.g. urgent purchase, stock control, use of IT, handling donations etc.
2. Create /partnership synergy with regulators
    - Impose integrity/CP safeguards in their regulatory regimes/procedures
    - Provide resources/training/other services

## EDUCATION

Education and enlisting community support is a statutory duty of the ICAC. The aim is to develop everlasting values and build a culture that supports a strong anti-corruption system. In the 2022 annual survey (face-to-face interview with 1761 randomly sampled people), 98.9% of people had not personally come across corruption and 78.2% were willing to report. The survey showed that older people are slightly more tolerant of corruption. Gender is not considered.

The approach taken by ICAC is an Ethics for all approach. Groups of people are identified and different messaging and comms tools are developed for these groups (e.g. youth, migrants, business community etc.).

The Community Relations Department (CRD) has two divisions, the first is responsible for central or mass communication and the second is regional, which does more group/community-based comms.

The formula for communications is:



The approach to community education and publicity strategy is:

- Partnership
- Ownership – co-creation of messaging so communities take ownership
- Leadership – promote ethical leadership in different sectors

*Integrity for the public sector:* A network of Ethics Officers from all departments/bureaux, which are high ranking officials to promote ethical culture, take ownership of their integrity management programme. Each bureau has to report regularly to the ICAC on what activities they have executed (e.g. thematic seminars, networking, articles in the newsletter/intranet, reviewing policies etc.). The ICAC does talks and refresher courses for all govt departments. They also provide E-learning and integrity training. In the Hong Kong police (which is the largest government department), all new recruits are required to attend an ICAC talk on scenario-based ethics. They are required to attend a fresher talk every 5 years. At every promotion, there is a course which will include an ICAC session. This programme has been proven to maintain good ethics in govt. Reports related to public sector has dropped significantly since 1970s. For integrity for public bodies (about 100 organisations) campaigns and training are available.

*Integrity for the private sector:* Similarly for the business sector, there are consultancy services on business ethics, practical guides and online resources available and provides seminars and talks for specific trades or industries. ICAC partners with major chambers of commerce in Hong



Kong and has a long-term partnership with HK business centre. The business sector has consistently ranked as one of the least corrupt places in the world. ICAC makes effort to attain a level playing field for international investors.

*Integrity for young people:* Youth are the future and need positive values. Values-building should begin at early stages of growth and tie-in with key developmental stages of youth. The ICAC produces curricula-based materials and arrange extra-curricular programmes as well. They also partner with the Education Bureau, schools and parents to provide education on values. These programmes encourage youth to take ownership.

At Kindergarten age, simple values such as honesty, fairness and responsibility are instilled. The Reading for Integrity Project provides picture books and accompanying worksheets which are designed to teach through stories. 30,000+ children and parents are reached with this programme every year.

The iJunior programme involves the selection of student leaders in primary school to assist in promoting integrity and good values. The ICAC provides training on positive values and skills training. 1500 children recruited every year. This programme reaches 90,000 students through the activities they organize.

The iTeen programme involves the selection of student leaders in secondary school.

In tertiary education there is the ICAC Ambassador Programme which trains students as ethical leaders. These Ambassadors go through a training camp and workshops to capacitate and empower students. They then design and implement their own activities making use of a subsidy. The signature programme for youth is the ICAC iELITE Youth Leadership Programme. Seventy youth from iElite, iTeen and iJunior are nominated for this programme which emphasises exposure and an international perspective.



One example of an activity that they participated in was the in the promotion of clean elections, where they developed promotional leaflet and distributed. The iJunior to iElite approach is to increase their independence and engagement in these programmes.

Aside from that, the ICAC has developed a policy guide for national anti-corruption agencies for meaningful youth engagement in partnership with UNODC, IAACA and ICAC. This guide was launched in 2023.

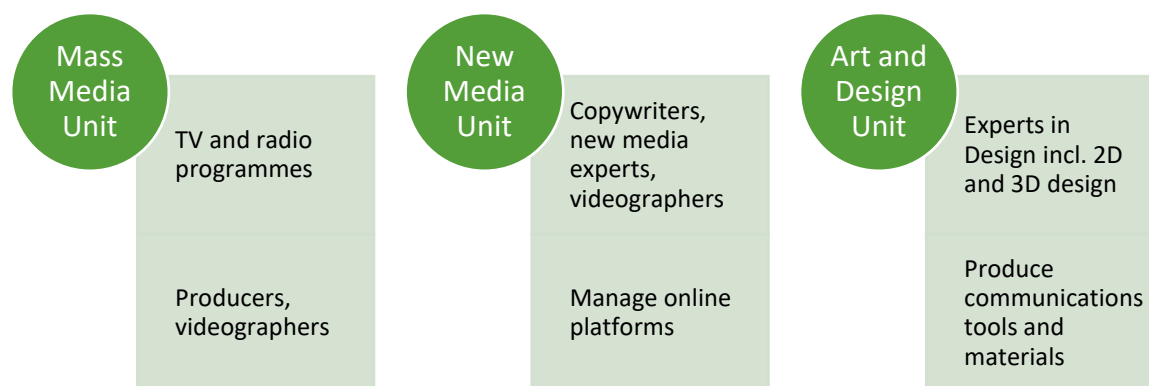
*Community outreach:* There are seven regional offices in different district which receive corruption complaints and run the 'All for Integrity' programme on a continuous basis. This is a public engagement programme for the past nine years. More than 3 million people are reached through activities including experiential exhibitions, shows, film, walking and running events and the ICAC club (volunteers for anti-corruption).

The interventions are evaluated through the use of an annual survey and sometimes focus groups. The interventions are informed by looking at normalised social attitudes, not actions.

## **Creative use of media and new technology of probity culture – Byron Kwan – Chief New Media Officer**

The goals of the use of media and new technology are:

<b>Goals</b>	Effective use of various media
	Heighten public awareness against corruption
	Foster culture of probity
	Garner public support for anti-corruption work
	Promote positive corporate image of the commission



Production of tools and materials rely on trends. Current trends speak to the importance of video content, which is produced for third party platforms such as Facebook and WeChat. With Instagram, ICAC has created filters and short videos. ICAC produces engaging online content for those and their own platforms. Other approaches include the building of a positive corporate image of ICAC on social media, the use of recognisable virtual icons (such as the coffee cup or cartoon characters) and collaboration with youth for design, and Key Opinion Leaders. To create the virtual icons, ICAC did interviews and psychological testing with users to make sure characters resonate with the target audiences.

In the use of mass media, TV advertisements, TV episodes etc. are used for prime time TV. In addition, radio is used and traditional advertising such as bus wraps and billboards. An example of innovative advertising was the use of coffee spray to associate with the coffee cup icon of the ICAC. Ads and programmes are adjusted to identify with the popular concepts of the day.

The ICAC also hosts online content on its own websites (e.g. main website with ICAC content; youth websites with games, anime etc.; dedicated CPAS website). In addition, ICAC manages its own FB page and WeChat channel, more for the purpose of creating a positive institutional image. Using the innovation of AI ICAC has developed Large Language Models to answer common Q&As but this is currently only in use on the youth website to answer questions from youth, who

might not have complex questions. The ICAC's latest TV production has been developed using generative AI roles (which made the background and other characters) plus a celebrity.

#### 4.5. Highlights and learning points from input:

The three prong-approach is institutionalised. The Departments created to focus on their areas of responsibility are coordinated at the top. Prevention is emphasised even when corruption levels are very low. The levels are measured by annual surveys that are being conducted. Educating the community at all levels, including primary and secondary education is emphasised. This is over and above curricula offered at schools. There are guidelines for government institutions and private institutions relating to corruption. Communication in various platforms including social media, television, printed material and press releases are utilised to convey messages. These communications include games for children that helps to inculcate the good social behaviour. Governments Departments have Ethics officers, which ensures that good ethics is embraced in all work environment. Recommendations that are done by officers to strengthen weaknesses are followed up to ensure implementation. Various Committees have been established to ensure proper oversight. These include Corruption Prevention Advisory Service. Corruption Prevention Guide on Governance and Internal Control for Non-Governmental Organisations is one of the good initiatives that reaches the general populace.

#### 4.6. Ideas that SA should consider for adaptation and application:

The ICAC subscribe to the notion of segregation of powers to maintain impartiality in its work. While adopting the three-prong approach, it has not usurped the powers of the prosecuting authority to prosecute matters that it investigates. ICAC has adopted a Zero Tolerance approach, which ensures that no corruption is ignored until it is out of control to receive attention. Perseverance is an element that ensured that the country does not relapse into corruption prone environment experienced before 1974 where corruption was so infested in the community that was seen as a way of life.

South Africa Can Consider the following:

- Include Corruption Prevention as an essential mandate of the anti-corruption agency.
  - This must include advisory capacity, production of training manuals and guidance, offerings to the private sector etc.
  - The ACA should have powers of oversight over the risk of corruption in public institutions, possibly including the power to make mandatory recommendations for reducing risk.
- Build functional relationships with professional bodies, civil society, trade unions, forums etc. to facilitate the sharing of information and development of prevention strategies/content.
- Public education must incorporate communication *and* engagement. The public must be involved in and be encouraged to take ownership of building positive values in.
  - Messaging must be tailored to different categories of people in society e.g. youth, business, etc.

- Innovative tools and strategies must be considered, such as the use of TV programmes and social media
- Corruption prevention must be informed by, among other things, data sourced from trends in investigations.

#### 4.7. Closing remarks and thank you

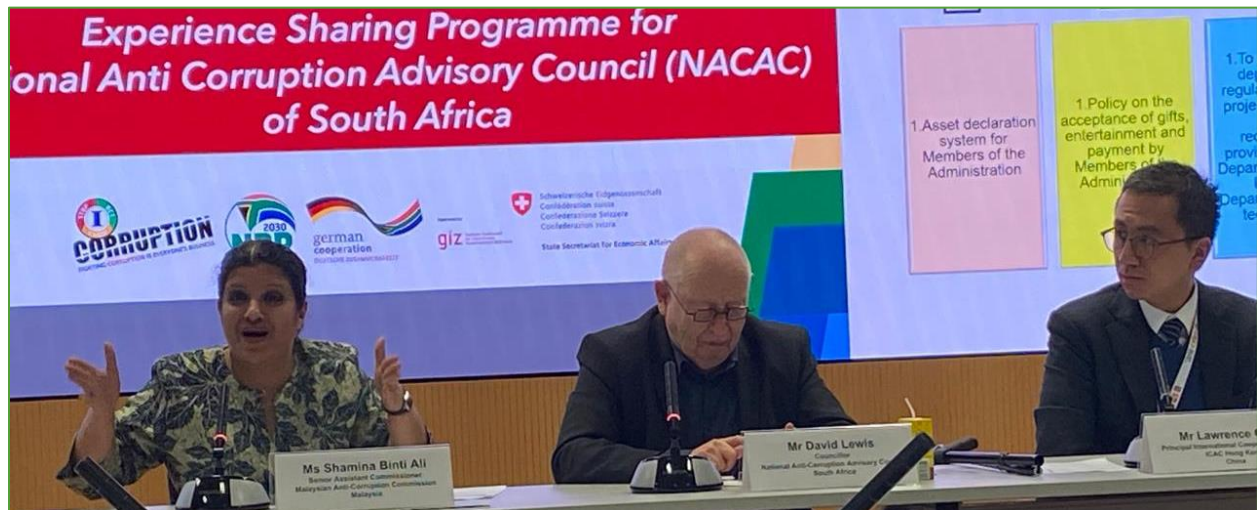
Each official that commented appreciated the presentation made.

#### 4.8. Website/additional information links:

<https://www.icac.org.hk>

Korea WB

#### 4.9. Photographs



*Anti-corruption Architecture –NACAC & Malaysia*





**WHISTLE BLOWER PROTECTION SESSION: KOREA & NACAC**

*NACAC Chairperson*

## 5. LEARNING JOURNEY DAY 3: 13 MARCH 2024

5.1. **Institution & person visited:** In-person workshop with participants from: ICAC, MACC & ACRC and NACAC

5.2. **Short overview of partner/institution visited: (1 paragraph)**

*He warmly welcomed NACAC and the SA delegation, the participants from the Malaysian Anti-Corruption Commission (MACC) and the South Korea's Anti-Corruption and Civil Rights Commission (ACRC). He explained the purpose of the workshop and explained the need to share experiences in the fight against corruption, globally. He emphasised the need for cooperation and to learn from each other, highlighting that it's for the first time that ICAC, HKIACA and IAAACA have collaborated at an international level with this learning journey. He also acknowledged that the previous two days provided an overview of the ICAC and how it works*

### **Input by Ms Inhye Jeon ACRC**

Ms Jeon made a brief input on ACRC and their fight against corruption, civil complaints making recommendations. She later made a detailed presentation on whistleblowing and how S Korea provides incentives to whistleblowers.

### **Input by Shamina Binti Ali MACC**

Ms Binti Ali provided some background regarding Malaysia's fight against corruption and referred to the government takeover by the opposition. In 2018 as the turning point

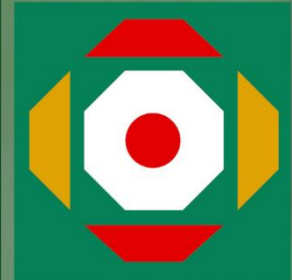
They developed a 5 year plan, and subsequently spent 4 months setting up National Centre for Governance Ethics and Anti-Corruption (NCGEAC). They are now implementing a second 5-year plan, which is supported by government and its 10 prime ministers. They have a planning division with anti-corruption officers with a mandate to oversee the civil service departments focusing on anti-corruption and integrity plans.

### **Input by Wendy Yip: Introduction to ICAC**

Ms Yip provided the history of ICAC which came about largely because of corruption in the civil service, mainly the police, leading to the then Governor forming a commission of inquiry which led to birth of ICAC.

The operational model of ICAC informed by Enforcement, Prevention, and Education methodological approach. They also have an international cooperation dept with two investigation branches, Intelligence gathering and witness protection.

DAY  
THREE





The ICAC model also incorporates numerous checks and balances with mainly the civilian advisory body which meets regularly for briefings and updates on its work, especially on pending cases. The Commissioner is appointed by the Chief Executive, they cooperate with the police, as well as the prosecutions and the department of justice.

**5.3. Title/subject of session:** Workshop day with 3 Sessions

**5.4. Introductory presentation by SA delegation (if done): Presentation by Prof Firoz Cachalia NACAC**

Started by introducing the SA delegation. Talked about coherence was achieved in the fight against corruption. Hoping to draw lessons from the Hong Kong experience as they think about the future Anticorruption architecture for SA.

He referred to the MACCs 5-year plans as an example to be considered since SA has a 10-year strategy, the NACS. He emphasized a move from policy commitment to embedding implementation. Provided context on where SA is in its fight against corruption in relation to work of the Council and identified key questions in the subsequent presentation.

The presentation highlighted brief history of SA society which was divided by race class and patterns of racism, Large informal sector, Economy based on mining. Integrate into global financial system. Politics become an avenue for social mobility.

1996 supreme constitution, multi-party democracy Constitutional court Complex system of guard rails for probity. Accountability and probity. Has the constitution been successful in protecting against corruption risk? Extremely vulnerable to growth of corruption. Early warning was the Arms deal scandal, systemic corruption in the form of state capture and its devastating effects on services.

State Capture: state owned enterprises; law enforcement agencies; ability to fight corruption degraded over last 5 years; and SA is beginning to make progress; with the SIU as an example of excellence. The NPA was also previously captured; and currently there are real efforts to strengthen prosecuting authorities. Former President did loose office. Deposed in his party's conference. Facing criminal charges. Judicial commission of inquiry in response to a growing problem of corruption. Recommendations: finding so prima facie malfeasance and referred evidence to NPA for prosecutions Made recommendations for constitutional reforms. Started appreciating the importance of prevention.

Presentation on NACS. All society approach NACAC appointed in 2022. Education alongside law enforcement. NACAC has 9 councillors and 6 workstreams. Mandate Voluminous evidence heard and recoded by ZONDO. Dealing with corruption head on using 6 strategic pillars listed in the NACS. Critical question how to establish the anti-corruption infrastructure and as recommended by state capture report. Anti-corruption agency; public procurement agencies; creation of formal procurement process; protection of whistle-blowers. Complex set of institutional arrangements



Powers functions and legal status of anti-corruption agencies, protection of anti-corruption agencies from political interference. Strengthen SIU to investigate government depts. How do you insulate political bodies. Entrench body in constitution.

Questions to ask are as follows : How do agencies work, how do single agency approach work, How do they collaborate, what are ethical standards for budgeting, how is public procurement investigated?

## **5.5. Summary of input/description of site visit/meeting**

Explained structure of the prosecution, Role of the prosecution in the fight against corruption, Establishment of the Investigating Directorate on the NPA. There are dedicated prosecutors to support police investigations. Specialized Commercial Crime Unit guides DPCI investigations. Phasing out of different entities, DPCI created. Mandate: 17d of SAPS act, 199 of Constitution. Single policing agency, Mandate of Hawks: 3 main categories: serious organised crime, commercial, serious corruption. Different components headed by major generals. Elements of different types of crimes Provisions in police act. 17J Operational committees; Operational departments participate. SIU, NPA, FIC, SARS sit together.

Section 17I of Police Act ministerial committee. 5 Ministers, police justice home affairs; Govt dept to assist to ensure work of Hawks fulfilled. Oversight over parliament, Operational committee; Can be called to parliament. Sec 17L, retired judge appointed to look at DPCI complaints. Political interference can also be looked at. Mechanism to protect Hawks. Security clearance Although it is in the police service. Head of Hawks and deputies, Appointed in terms of contracts. Auditor, PP, secretariat of police and IPID oversee the work.

SIU charged with the responsibility to investigate corruption. Established in terms of act of parliament, preceded by a commission headed by a judge. Evolved into a statutory body, and is an agency that conducts investigation based on allegations received from public and whistle blowers, can only investigate once a proclamation is published by the president. It has national footprint with provincial offices led by provincial heads. The SIU reports to parliament twice a year.

SIU Vision: preferred states anti-corruption capability, Powers to institute civil proceedings, need to recover monies or assets lost by the State, Collaborate with other state agencies particular. The SIU has special tribunal to recover monies lost by the state and collaborate with other agencies internationally. Further responsibilities of the SIU includes: systemic investigations, maladministration, and malpractice, propose recommendations. Assist with the roll out of anti-corruption strategy using all pillars, to ensure whole of Society approach in action.

## 5.6. Highlights and learning points from input

Third Session focused on Functions and powers of anti-corruption agencies

Panel discussion with David Lewis NACAC, Wendy Yip head internal investigations of ICAC  
Prosecution, NPA- ID -AFU -SCCU; Detection SAPS, DPCI Serious corruption, serious commercial crimes organised crime. Systemic corruption-problems in its governance and management systems. SIU, special tribunal, public protector, Information, and Intelligence gathering, SARB. FIC SARS AG, CRIME INTELLIGENCE

How do we turn around the SAPS, Public Sector Workplace Discipline, and ethics; Public Service commission; Department of public service and administration. Want to retain existing multi-party functions.

Will recommend a new anti-corruption agency: Following functions, investigation of systemic corruption; make power that recommendations is binding, criminal conduct: ID should be encouraged to use investigative resources to build up its case. Responsible for public education. Data analysis. Reports/ complaints from civil society. Should SIU be incorporated into agency, or should SIU take over the new functions? Relationship with SIU important. Powers to launch systemic investigations. President should have the power, but agency could still do. Civil asset forfeiture powers and tribunal. Subpoena. Search and seizure powers. Should be able to hold public hearings. Independent agency. What does independence mean. We shall examine this. NPA should be the sole prosecutor, important to recognise new and ID investigates and prosecutes serious corruption, overlaps with the Hawks.

Must look at mandate of the hawks. Establishing the independence of the Hawks. Will recommend the establishment of a procurement regulatory authority, won't be responsible for policing corruption.

Coordination function: divided responsibility into two parts, First are law enforcement agencies. NPA, Hawks, New agency, or SIU; Coordinate, Civil society; Finally, proposals for appointment of senior government officials.

### WENDY YIP of ICAC

Presentation on functions and powers of ICAC; Judicial review, Integrity of officers- important to achieve public trust. Sufficient powers to achieve anti-corruption objectives.

## DISCUSSION

- ✓ what are the main factors that supported institutional change
  - **ICAC RESPONSE:** question is whether new institutions can gain the trust of the public? Success factors; relatively successful in Hong Kong. Development of the Laws. Checks and balances. ICAC officers on contract. Colleagues upset but have strong determination. Management to emphasized integrity of the organisation.
- ✓ NPA ethics and integrity units; SIU has Internal investigation Unit. Political determination; Independence of institution, Trust; Public lost confidence, public wants to see action, cases

must be investigated, they are testing the system, we must demonstrate that it works. How do we build trust?

- ✓ *General Lebeya*: indicates that DPCI ethics support function as well. Some complaints to the judge, others dealt with internally. Integrity testing. Also have disciplinary processes. Financial disclosure.
  - *ICAC RESPONSE* : If ICAC would not have law enforcement powers how effective would it be? In HK need Investigative powers Corruption complicated crime, it requires comprehensive approach to keep it down. Case after conviction leads to education and then to prevention. So, you need enforcement, law enforcement cannot catch all the criminals. 3 components work together hand in hand.
- ✓ What powers should new institution have? None of agencies has powers to focus on complete value change. Must look at innovation. 3 prongs of effective anti-corruption strategy. Solve coordination problem by putting them in one agency. Narrow questions, can you have an effective corruption agency that doesn't have law enforcement powers? All powers of criminal investigation short of arrest. New agency financial and other resources for agency must be considered. How do we achieve coordination. Multi agency forum we must bite the bullet on coordination.
- ✓ How do we measure integrity? How can we ensure there is political will to promote integrity?

5.7. Highlights and learning points from input: (1/2 page)

### **Topic 2 Architecture- interdependence -cooperation**

- ✓ Can we afford a new body without political will.
- ✓ Malaysian experience Presentation by Shamina Binti Ali  
Senior assistant Commissioner Malaysian Anti-Corruption Commission Formed in 1967, Have national integrity plan GICC, NACP  
What has been accomplished? Completed 85 out of 111 initiatives. Cooperation, Article 56  
Good practices of Malaysia presented most; big cases are done on a task force basis. No MOU with domestic LEAs. Team based investigation and intelligence-based investigation. Each agency Attorney general seconds officer to all agencies. Person as public prosecutor will tell police this should go to another agency. Integrity officers in all agencies. Are the prosecutors in the agency but reporting to Attorney General? Yes Who takes the case to Court? Work as a seconded prosecutor to guide investigations. Prosecutors in AG's office takes the case to court. NACC reports to parliament. Goes under annual budget of the Government.

### Reporting and Protection of Whistle Blowers Presenter: Adv. Gloria Khumalo NACAC

- ✓ Do whistle blowers get enough protection? Important people must encourage whistle blowing (WB). Procurement primary source of corruption. Legislation being drafted, failed to include protection of disclosures. Must empower public to prevent corruption. Must recommend improving legislation to protect WB State capture recommendation also on WB legislation.

Ms Inhye Jeon of S Korea Anti-corruption and Civil Rights commission

- ✓ How corruption reported and investigated and Explained Whistle blower protection legislation in Korea. This is set out in the presentation. WB may receive a reduction in criminal liability if the cooperate. Whistle blowers' rewards and awards system described.
- ✓ Questions raised about how witnesses give evidence in Court, how we must protect witnesses,
- ✓ What about whistle blowers in respect of crimes other than corruption cases? Can you treat all whistle blowers in the same way? What about those involved in offences? Do we treat them in the same way as others not involved in crime? There should be a distinction when comes to rewards or awards? People who do it because of public duty should be rewarded differently.

**5.8. Ideas that SA should consider for adaptation and application: (1/2 page)**

- Establishment of a single anti-corruption body with far reaching powers, like search and seizure, detention and arrest of suspects, investigative powers, etc.
- Consider the amnesty approach to encourage speedy reporting and conclusion of investigations.
- Consider providing incentives for whistleblowers.

**5.9. Closing remarks and thank you:**

- The chair of workshop made closing remarks and thanked all the participants for fruitful and engaging sessions

**5.10. Website/additional information links:**

- <https://www.sprm.gov.my/#a> (MACC); <https://www.acrc.go.kr/> ; <https://www.icac.org.hk/>

### 5.11. Photographs:



*SA Delegation*

## 6. LEARNING JOURNEY DAY 4: 14 MARCH 2024

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6.1. **Institution & person visited:** ICAC and the Regional Office

6.2. **Short overview of partner/institution visited:**

*This day was composed of two sessions. The first session focused on monitoring and evaluation, while the last session was on a discussion about vulnerable sectors. This day coincided with a meeting by the ICAC's oversight committee, and the delegation benefited from their impromptu visit for a quick informal meet and greet.*

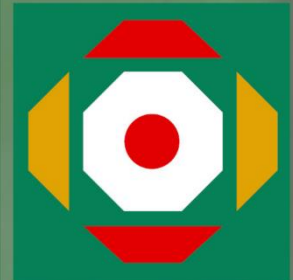
6.3. **Title/subject of session:** session 5 on Monitoring and Session 6Vulnerable Sectors

6.4. **Summary of input/description of site visit/meeting:**

This last day of the workshop was started by the NACAC- MERL workstream as presented by MX Phamodi. His presentation reflected on how NACAC came about as a recommendation from the NACS for the Presidency to constitutionally establish the council to advise on its implementation plan. He explained the process of developing the NACS from nine pillars to eventually 6 pillars. The slides indicated that SA uses multi-agency approach and that what is required are strategies on how to establish collaboration with interdependency. The NACS also on pillar 6 addresses risks mitigation response in SA using Vulnerable sectors approach (focusing on projects with high scale of budget) e.g. infrastructure

His workstream advises on the implementation plan, M&E reporting overarched by National Development Plan (NDP). In SA there is a need for coordination between sectors (public, private, business, civil society) all of government should respond to the implementation of the strategy with all role players active. What is most important is that society feels that corruption is under control". Questions he referred to includes: What do we measure? There are no specific measures to look into to make a statement that corruption is changing significantly- perception survey, number of convictions? SA need to be forward looking on coordination – how to measure vision based success? Mutual accountability on failures. Challenges reflected includes- Where are the shifts, how do we know the measures are working, Where does this leave NACAC? Process - fragmentation to coordination by developing implementation plan

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FOUR



By surprise, the review committee visited the workshop room and was led by the Commissioner and the chairperson. The committee is appointed for 6 years on voluntary basis to oversee investigations under ICAC. The members are part of the society, and meets eight times a year.

### **SESSION 5: GOVERNANCE – Prof Cachalia and Tracy Lin**

This session was led by Prof Cachalia's presentation on governance issues that the council wishes to discuss and draw lessons from other countries. This was facilitated through a series of questions as stated below:

- Should the new anti-corruption be constitutionalized? History proved that constitution entrenchment is not a guarantee and this is evident with the challenges faced by the Public Protector (PP), leading to its renewal processes underway.
- Think of anti-corruption as opportunity for new institutional reform/transformation
- There is a need for international agreement to establishing the anti-corruption agency
- International best practice principles to be complied with such as the Jakarta Principles
- SA went through a series of challenges, such as appointing friends in positions of power e.g. the Department of Finance - Mr Des Van Rooyen
- SA should create an agency that is independent of the executive – more like ICAC (with criminal investigating powers).
- Financial autonomy
  - Should have access to required financial resources
- Reporting
  - who does then new body report to?
  - Will it report to parliament?
- Internal functioning of this body
  - Ensuring sustainability of the body
  - Institutionalized system of integrity
  - Employ the right people
  - Institutional culture
  - Policy development and management
  - Building institutional knowledge
  - Will it follow a five-year planning cycle?
  - Does it need to have board of directors?

### **SESSION 5: GOVERNANCE –by Tracy Lin**

Tracy Lin provided information on the governance structure of the ICAC as follows:

- ICAC is a law enforcement that reports directly to the chief executive, who appoints the commissioner. Since its inception in 1974, the ICAC has the 8<sup>th</sup> and these are from retired civil servants
- All ICAC officers except for Deputy Commissioner are appointed by the commissioner
- Staff complement started in 1974 from 300 to over 1300 officers within civil service.
- Remuneration – salary with benefits such as housing allowance – agreement for 2 years no post pension benefits.



- ICAC is funded by the Hong Kong Government. R1.4 billion budget is expected by 2024 for salaries and benefits
- They account externally
- ICACs' budget is published in the public domain
  - KPIs developed
  - They ensure check and balances through their oversight committees
- ICAC is the sole agency fighting corruption with watchdogs, partners (regulatory bodies/), and public Support.
- Establishing reputation and independence is key to the members of the public
- They provide feedback on successful cases to the members of the public
- How to protect the agencies from interference? The chair is appointed by the President
- After 1997 tenure of the Chief executive is tied with the commissioner – chief executive can choose to retain or change the officials
- They follow the basic law with the appointment of the chief executive

## DISCUSSION AND COMMENTS

- 1) What is the process to develop and evaluate targets the end of the cycle.
  - ✓ **Response:** Targets are developed based on data available
- 2) Are there common targets where you interface with other state governments –
  - Response:** All government department compile their reports based on the public and put on public domain
  - ✓ Corruption prevention division hold meetings with government departments to identify corruption risks
  - ✓ Senior officers hold meetings with departments on the education programme

## SESSION 6 VULNERABLE SECTORS

Adv. Andy Mothibi (Head of the Unit – SIU) and Lawrence Chung – Assistant Director/International Cooperation ICAC Hong Kong

### Vulnerable sectors risk Approach

A presentation by Adv. Mothibi shared the following insights pertaining to how SA implement Pillar six of the NACS in relation to vulnerable sectors:

- ✓ Systemic recommendation – play a part in identifying mitigation for vulnerable sectors
- ✓ The approach was informed by the sixth pillar of the NACS to Identified Vulnerable sectors in all sectors of the economy- to take into account prevention measures.
- ✓ The vulnerable sector approach follows the “Whole of society approach” encouraging the involvement of the society
- ✓ Strategic intervention from the NACS –also considered the article 13 and the UNCAC
- ✓ Youth is another sector to be prioritized in the near future
- ✓ Sector based anti-corruption forums were established with objectives and terms of reference (ToR) with governance structure. Effectiveness of the forums is being assessed.
- ✓ Health sector forum to be key in the implementation of the health insurance
- ✓ Outcomes of the investigations are monitored by the forums

- ✓ Members of civil society are part of the forum and holds the forum accountable
- ✓ Risks assessments conducted per sector leading to less corruption noted in vaccine rollout
- ✓ Expert regulators are included in each forums
- ✓ Over and above reactive – the forums recommends preventative approaches
- ✓ All key project are assessed
- ✓ Data Analytics is built into the approaches to ensure data led investigations.

## **VULNERABILITY & PRIOTITY AREAS IN HK**

- ✓ Targeting major groups in HK
- ✓ How do you identify vulnerable groups in HK?
  - Corruption statistics (corruption trends), policy initiatives and important or priority target groups e.g. youth policy guide, people of diverse race,

## **DISCUSSION AND COMMENTS**

- Research conducted by GIZ indicates women as being vulnerable, is it the same with HK?
- **RESPONSE:**
- ✓ Women enjoy social status in HK, with regards to gender mainstreaming, they are appointed on merit
- SIU response –
  - There is a need to continue with assessing the impact of the vulnerable sector strategy, to determine if women or youth are well represented

### **6.5. Highlights and learning points from input:**

### **6.6. Ideas that SA should consider for adaptation and application**

- SA could consider
  - attaching review committees for oversight of the new agency.
  - Introduction of a secure and well equipped reporting space such as the one at the regional office.

### **6.7. Closing remarks and thank you:**

The closing remarks were done by three representatives from the GIZ, NACAC and the ICAC. Mr Ruan Kitsoff (GIZ ZA) reflected on the learning journey by appreciating contribution of all the stakeholders in the workshop as they provided rich content, and sparked curiosity on various aspects. He made special mention of his GIZ team, Mr Mokgapi Maleka and Ms Sabeeah Motala who were appreciated for organizing the learning trip.

From the NACAC, Prof Cachalia appreciated ICAC and reflecting that the council is at a point where it is finalizing ad refining ideas for implementation of a new model. The NACAC learned a lot and from the ICAC accomplishments give SA something to imitate. He notes that previously

Hong Kong was a place on the map – this has been an emotionally rewarding visit with enduring friendships- learns something about your country and your people. To the South Korea colleagues he appreciated the knowledge shared on their whistle blowing presentation as it forms part of the NACAC focus. He further praised the GIZ for endless support they provide for the NACAC and equipping it to strategise on effective means to the fighting against corruption. The NACAC will not be able to carry out its mandate without your support.

Mr Keneth Wong (ICAC– Director International Relations) closed the session by reflecting the important Collective learning to explore different effective anti-corruption model and that ICAC inspired by the knowledge shared and relationships built. He further invited the delegation to the regional office visit.

The day closed with a visit to the regional office located at the ??????. the office provides a safe place for face to face corruption reporting. They regard it as a bridge between ICAC and the community and the office is in a private space to ensure that the informers feel safe.

## 6.8. Photographs:



*Sekoetlane Phamodi (NACAC) – MERL*



## 7. LEARNING JOURNEY Day 5: 15 MARCH 2024

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7.1. **Institution & person visited:** Civil Service Bureau (CSB)

7.2. Short overview of partner/institution visited:

The SA and Korea delegation visited the Civil Service Bureau of Hong Kong.

7.3. **Title/subject of session:** Tour to the CSB

7.4. **Summary of input/description of site visit/meeting:**

The SA and Korea delegation was received by Miss Shirely Lau (title?? ) who opened the meeting by delivered remarks on the mandate of the CSB. The bereau operates as follows:

- Focuses on upholding the integrity of the society ,and works in collaboration with the law enforcement including the ICAC – which has a three pronged strategy (Prevention, Education and Investigation) to fighting corruption.

7.5. **Highlights and learning points from input:**

A presentation was made by the officials of the CSB, and it focused in their implementation of their three pronged strategy

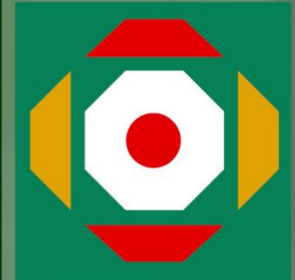
- a) Prevention
- b) Education and training
- c) Sanctions

7.6. **Ideas that SA should consider for adaptation and application:**

Their three pronged strategy that SA could adapt include:

- a) Prevention
  - focuses on development and implementation of policies and guidelines, emphasizing declaration of interest within seven days to curb conflict of interest
  - they provide monitoring services (checks and balances) to departments dealing with procurement and infrastructure projects

DAY  
FIVE





b) Education and training

- Focus is on instilling integrity in all levels of the society. This has been supported by appointment of about 160 ethics officers to educate the society

c) Sanctions

- SA can adopt zero tolerance approach to fighting corruption by ensuring effective disciplinary processes and their inquiry proceedings are conducted in mini courts
- For offences, they focus of implementing various range of punishment such as – non-removal (reduction of rank), removal punishment (dismissal/compulsory retirement) or financial penalty.

**7.7. Closing remarks and thank you: done by (name, institution)**

Miss Agness Ho, closed the meeting by thanking the delegation for their visit.

**7.8. Website/additional information links:**

[www.csb.gov.hk/english/index.html#](http://www.csb.gov.hk/english/index.html#)

**7.9. Photographs:**



SA & HONG KONG DELEGATION



ICAC and CSB HONG KONG DELEGATION

## 8. OVERALL LEARNING

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### **What makes the ICAC successful and credible?**

- After 50 years corruption is well under control, and yet the Hong Kong government continues to assure the permanence of the organisation, it is well resourced with professional and committed leaders and other staff members, it has adequate budget to perform all three its primary functions, it is protected from interference. There is political will and leadership to continue fighting corruption.
- Checks and balances make sure the ICAC is trusted and supported: The law is discharged responsibly, thresholds do not apply (corruption is corruption) and oversight is rigorous and credible. An Advisory Committee and sub-committees, stocked with credible and even high-ranking civil society members assure the performance of all functions and correct application of the applicable laws. ICAC members are proud of their system of rigorous civilian oversight and their willingness to be scrutinized.
- Its partnership with the rest of the public sector, especially the Civil Service Bureau ensures integrity and professionalism of public sector employees, and that effective consequences are applied for transgressions, including disciplinary measures. Only about 25% of ICAC cases relate to the public service, and these cases include misuse of vehicles and what in other jurisdictions would be regarded as minor misdemeanors.
- Moving from rampant corruption to the current situation of low levels of corruption, Hong Kong went through a “healing process”, starting with a commission of inquiry that led to the establishment of the ICAC, partial amnesty for past crimes of corruption and over time building a trusted and capable organisation to fight corruption.
- ICAC is accessible to communities and potential whistleblowers. Even though geographically contained, ICAC operates seven regional offices that offer safe spaces to lay complaints or report corruption, to obtain advice and from which community-directed education and engagement programmes are launched.

### **The tripartite structure leads to coherence, continuous learning and improvement**

- Although ICAC ensures absolute confidentiality of the identity of corruption whistleblowers and witnesses, the three functions on investigation, prevention through systemic analysis and community education act on cohort. Risk identified through investigations informs systemic analysis, systemic improvements informs community education programmes, community involvement reports individual cases for investigation as well as for systemic improvements.
- As the ICAC evolved and currently functions, continuous learning takes place in the organisation. This learning is further enriched by the participation of external experts and community members in the internal oversight processes of the ICAC.

### **Societal values and behaviour change at the heart of fighting corruption**

- Hong Kong has the advantage of a homogenous society, a contained geographical space and relative prosperity. But nevertheless, the Hong Kong government and ICAC invests heavily in fighting corruption and maintaining the low levels of corruption. This includes a societal approach.



- The “educate and enlist” approach is well funded, it is well segmented to the different configurations of society and media and new technologies are used creatively, all aimed at attitudes towards corruption and low tolerance of corruption. Partnerships with the business sector, education sector and civil service are strong. Programmes exist to educate the “new arrivals”, people coming from mainland China and other parts of the world are inducted into the (anti-corruption) values of Hong Kong society.
- For example, the educate and enlist programmes for the youth sector are segmented to kindergarten, primary schools, teens and universities.

### **Successful reporting requires an eco-system**

- In Hong Kong and Korea, corruption reporting is managed in a single eco-system. From the initial report to conclusion of the case, the anti-corruption authority manages the case. This has significant advantages for assuring confidentiality, protection and closing the case.
- Absolute confidentiality (of identity) is the main hallmark of both systems. The pillars of the Korean system are the guarantee of confidentiality, the guarantee of employment, physical protection and mitigation of culpability. This system is bolstered by a rewards awards and relief money (physical and mental treatment, relocation, legal expenses) system. Other interesting aspects of the system include the use of a panel of proxy lawyers for confidentiality and easy-to-obtain physical protection.

### **Inter-dependence makes the system stronger**

- Partnerships, cooperation and coordination are strong elements of the Hong Kong and Korean systems. This is achieved not through formal agreements but through adherence to mandates, professionalism of actors in the “value chain” and political leadership and will that set clear priorities. This is not only found in the law enforcement community, but also with the private sector and civil service.
- The inter-connectedness and inter-dependence of functions, of institutions, of ongoing learning and improvement is recognized and appreciated.
- Communities are actively enlisted to be part of the anti-corruption system and the communication and education programmes to support this enlistment are well resourced.

## 9. ANNEXURES

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### 9.1. Attendance Registers/List of delegation

### 9.2. Presentations

### 9.3. Website Links

- Independent [www.icac.org.hk](http://www.icac.org.hk)
- National Anti-Corruption Advisory Council <http://anticorruption.gov.za>
- GIZ [www.giz.de/en/worldwide/107103.html](http://www.giz.de/en/worldwide/107103.html)
- Special Investigating Unit (SA) [www.siu.org.za](http://www.siu.org.za)
- National Prosecuting Authority (SA) [www.npa.gov.za](http://www.npa.gov.za)
- South African Police Service (SA) [www.saps.gov.za](http://www.saps.gov.za)
- Civil Service Bureau [www.csb.gov.hk/english/index.html#](http://www.csb.gov.hk/english/index.html#)
- Laws (ICAC Ordinance):
  - [ICAC, HKSAR - Anti-corruption Laws](#)
  - [ICAC, HKIAAC and IAACA first-ever experience sharing programme for South Africa graft fighters showcases tripartite partnership | HKIAAC](#)