

ICAC Seminar for Money Service Operators

Upholding the Integrity Culture of Hong Kong



Disclaimer

This PowerPoint material aims at providing general guidance on the common corruption risks and preventive measures in the private sector and does not purport to deal with corruption issues that may arise in any given situation. Description and explanations of the legal requirements under the relevant Ordinances and the recommended practices are necessarily general and abbreviated to make this PowerPoint material easy to understand from the layman's angle. Users of this PowerPoint material should refer to the original legislations or seek ICAC's advice as and when necessary. While we endeavour to ensure the accuracy of the information in this PowerPoint, no statement, representation, warranty or guarantee, expressed or implied, is given by us as to the accuracy, completeness or appropriateness of such information for use in any particular circumstances. The ICAC is not responsible for any loss or damage whatsoever arising out of the use of this PowerPoint material or in connection with any information contained in this PowerPoint material. The copyright of this PowerPoint material is owned by the ICAC. The PowerPoint material may be reproduced for non-commercial use provided that the source of the material is identified and the copyright status acknowledged. For any enquiries, please contact ICAC Regional Office (New Territories North West) (2459-0459; www.icac.org.hk).

Content



Introduction

- Current Corruption Scene



Corruption Risk

- Corruption Prone Areas
- Conflict of Interest



Legal Requirement

- Prevention of Bribery Ordinance (PBO)
- Case Sharing



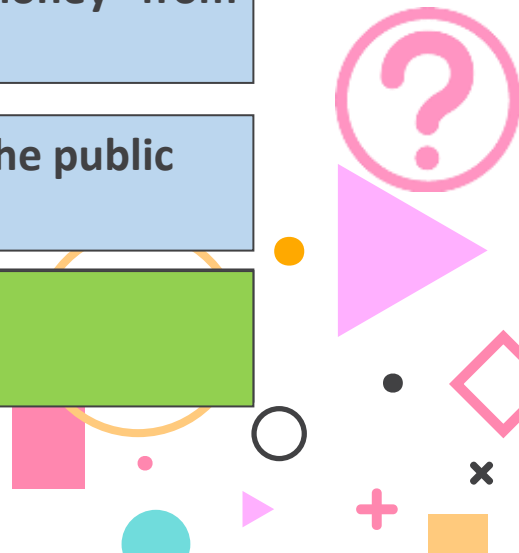
ICAC Services

- Report Corruption



Which of these act(s) is/are corruption?

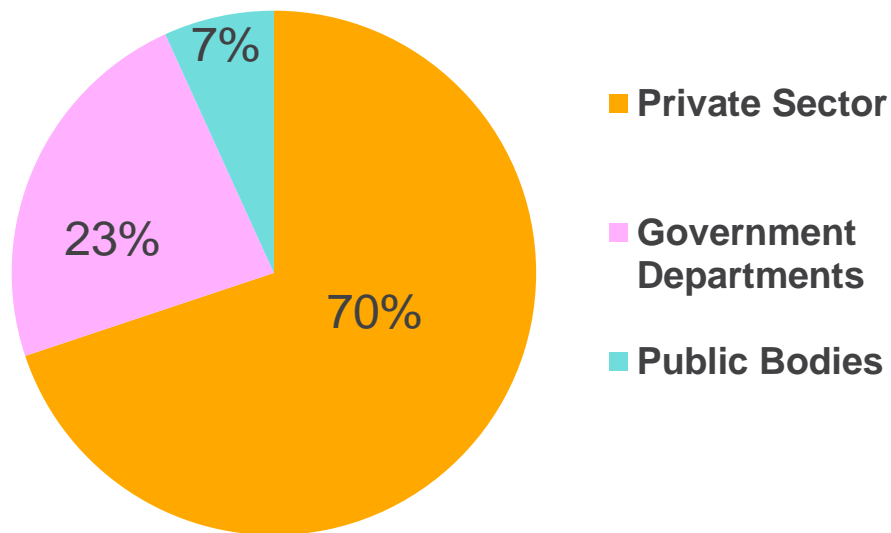
- A. A client offers a “small gift” to a money service operator (MSO) for assisting in circumventing the regulations on anti-money laundering.
- B. A staff member of a money service operator solicits “tea money” from a client for an express remittance service.
- C. A proprietor of a money changer offers a “red packet” to the public servant for expediting his/her renewal of MSO Licence.
- D. All of the above.



Corruption Complaints 2024

(Election-related complaints excluded)

Total Corruption Complaints: 2,058



Top 3 industries
attracting the most complaints
in the private sector



Building Management



Construction



Finance and Insurance



Integrity

Fairness

Probity

Prevention of Bribery Ordinance (Cap. 201)

Prevention of Bribery Ordinance

– Bribery (Section 9)

Agent

Without principal's
Approval

Both offeror & recipient of bribe are guilty

Solicits / Accepts
Advantage

An **A**ct in relation to the
principal's affairs

Maximum Penalty:
Imprisonment of 7 years and Fine of \$500,000

(代理人)

Agent

Employed by
another

Acting for
another person



(主事人)

Principal

Employer

That other
Person



Prevention of Bribery Ordinance

– Advantage



Gift, loan, fee,
reward or
commission



Employment
or contract



Payment,
release or
discharge of
loan or
liability



Service or
favour

**except*
Entertainment



Exercise of
any right or
power

Regardless of the monetary value

Entertainment

- The provision of food or drink for consumption^x
on the occasion
- Any other entertainment provided at the same time



Avoid **frequent & lavish** entertainment

May result in:

- **Conflict of interest**
- **Obligatory position**
- **Sweetening trap**

Prevention of Bribery Ordinance - Section 9(3)



Any agent (employee)



Using false, erroneous, defective accounts/documents/receipts



With intent to deceive his principal (employer)

**Maximum penalty:
7 years' imprisonment and
a fine of HK\$500,000**



No defence even if:

Section 11 of POBO

The recipient:

- did not actually have the power, right or opportunity to do so
- did not intend to do so
- did not in fact do so

Section 19 of POBO

- The advantage is customary in any profession / trade / vocation / calling



Prevention of Bribery Ordinance

Section 8

Bribery of public servants by persons having dealings with public bodies



Any person



while having dealings of any kind with a public body



offers any advantage to any public servant employed by that public body



without lawful authority or reasonable excuse



Maximum penalty:
7 years' imprisonment and
a fine of \$500,000

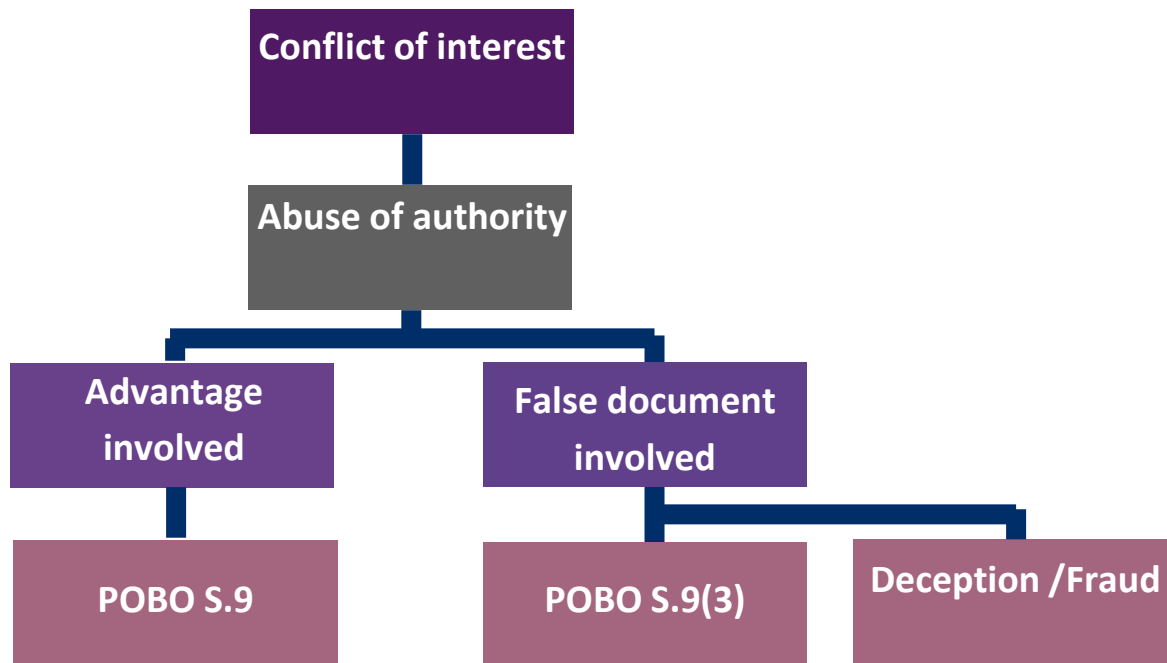


**Company
Interest**

CONFLICT OF INTEREST

**Private
interests of
oneself, family
members,
relatives and
friends**

Conflict of Interest VS Corruption & Fraud



Best Practice to Handle Conflict of Interest

AVOID



MANAGE

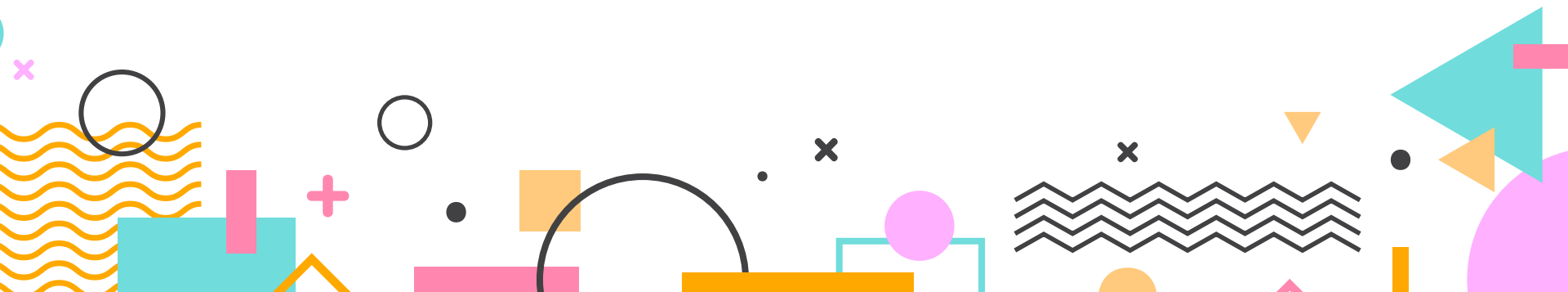


DECLARE



Smart Tips for You

WATCH OUT the corruption traps
UNDERSTAND the **Five DON'Ts**



1. **DON'T** use ignorance as an excuse

Even if the offenders are unfamiliar with Hong Kong's anti-corruption laws, they cannot escape legal liability.

2. **DON'T** offer bribe even the amount is small

Even if the value involved in bribery is minimal,
the offeror will still commit an offence.

3. **DON'T** offer gift to public officers

Employees of the Hong Kong Government and public bodies will not accept any gratuities. When being offered a bribe, they will certainly report it to the ICAC.

4. **DON'T** bribe private sector employees

Hong Kong's anti-corruption laws also apply to employees of private organisations.
Bribing private sector employees will also be guilty of the offence.

5. **DON'T** circumvent procedures through bribery

Organisations of both public and private sectors in Hong Kong have established procedures. Never take shortcuts by resorting to bribery for the sake of convenience.

Report and Enquiries

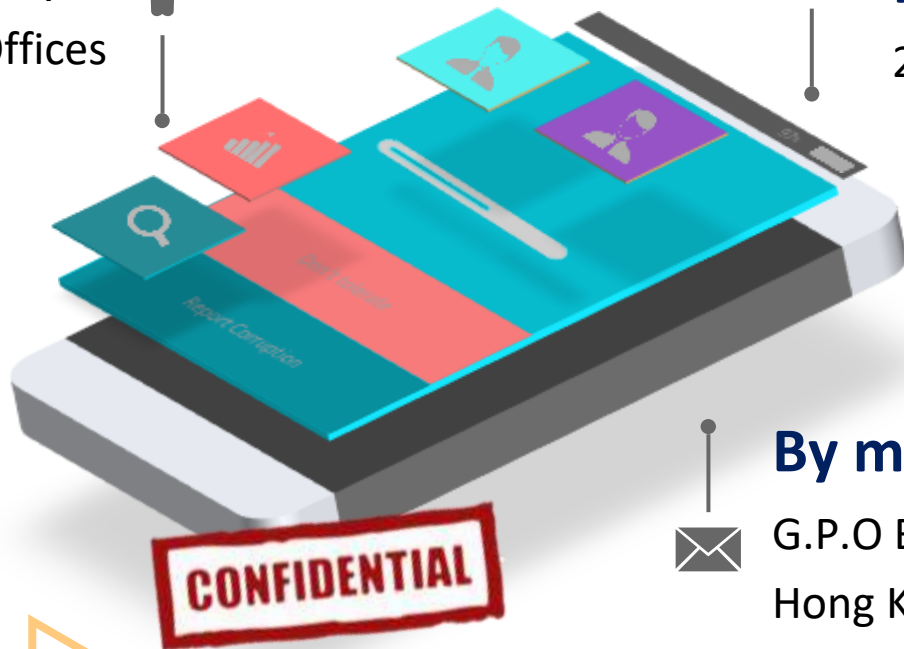
In-person

Report Centre /
7 Regional Offices



24-hour Hotline

25 266 366



By mail

G.P.O Box 1000,
Hong Kong



Thank You !



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