



**Asia-Pacific
Economic Cooperation**

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Preventing Facilitation Payment and Managing Gift Rule – Hong Kong’s Experience

Submitted by: Hong Kong, China



**Workshop on Strengthening Integrity Through
Public-Private Partnership: Preventing
Facilitation Payment and Managing Gift Rules
Medan, Indonesia
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**Preventing Facilitation Payment
and Managing Gift Rule –
Hong Kong’s Experience**

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**Prevention of Bribery Ordinance
(POBO)**

~~Bribery~~

~~“Facilitation Payment”~~



S.4: Bribery

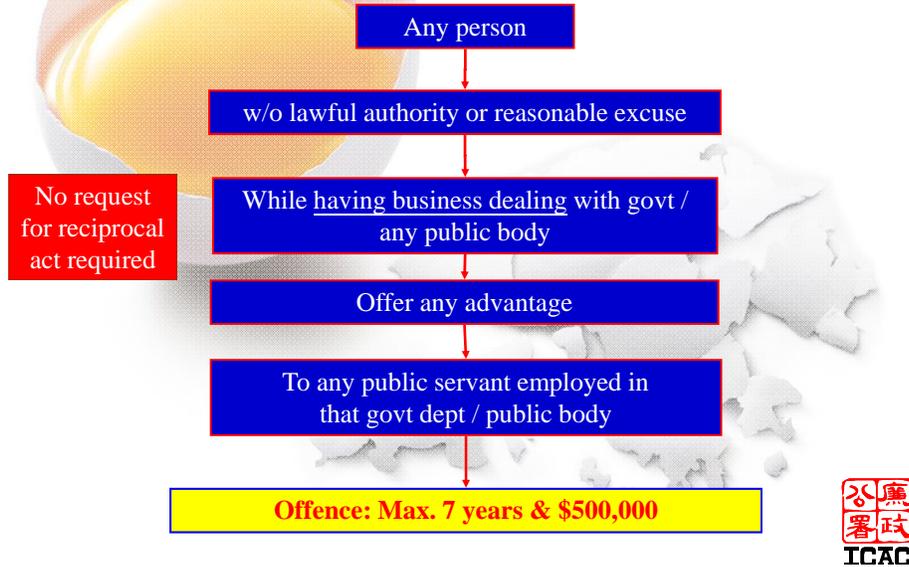


“Advantage”

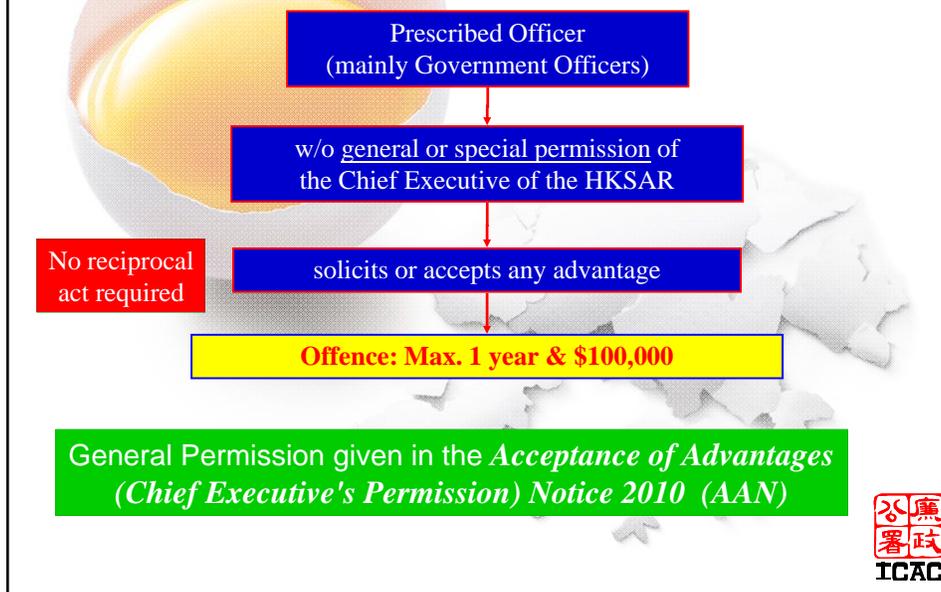
- Gift, loan, fee, reward, commission of money or other property ...
- Office, employment, contract
- Payment, release or discharge of loan or liability
- Service, favour, except:
 - Entertainment = provision of food or drink *for consumption on the occasion*, and any entertainment provided at the same time.



S.8: Bribery of Public Servants



S.3: Soliciting/Accepting Advantages

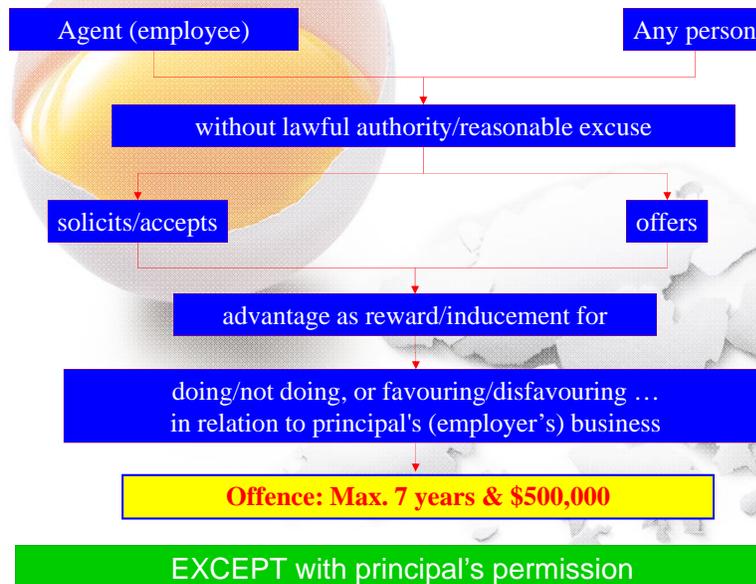


AAN 2010

- ✓ All advantages permitted except gifts, discounts, loans of money, passages.
- ✓ Advantages from any relatives (defined)
- ✓ Advantages from tradesman, association, company, etc. in private capacity
 - ✓ normal business, etc., also available to others
 - ✓ no official dealings
- ✓ From personal friends or others
 - ✓ subject to value limits
 - ✓ no official dealings



S.9: Corrupt Transactions with Agents



POBO Section 19

Cannot be a defence :

- × such advantage is customary in the trade, profession, etc.



Enforcement Challenges in Early Years

- × Culture of giving and expecting “red packets” or “tea money” for any service



Experience

👍 Strict, clear-cut prohibition – S.3, S.4, S.8, S.9

✘ “facilitation payment”

👍 Strict enforcement → clear message



Example Cases

S.4: 4 months prison



Driver Examiner

S.8: 2 months prison

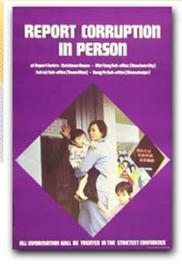


Police Officers of Traffic unit



Experience

👍 Extensive public education



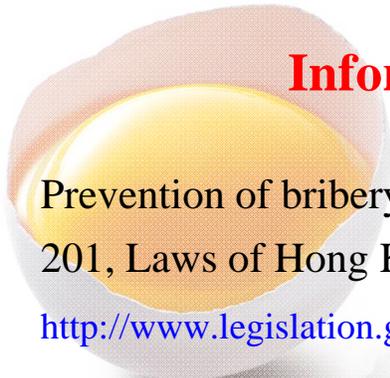
👍 Advisory services to business operators & joint promotion with trades



Code of Conduct Recommended to All Organizations

- ✓ Prohibit bribery
- ✓ Policy & guidelines on acceptance of advantages
- ✓ Policy & guidelines on offering business gifts to others
- ✓ ...





Information

Prevention of bribery Ordinance (Chapter 201, Laws of Hong Kong)

<http://www.legislation.gov.hk/eng/home.htm>

ICAC Advisory and Education Services

<http://www.icac.org.hk/en/home/index.html>

