



"Mike ROWSE"
<mike@rowse.com.hk>

2012/03/09 下午 04:21

Please respond to
<mike@rowse.com.hk>

To <irc_secretariat@irc.gov.hk>

cc

bcc

Subject Conflicts of Interest

Urgent

Return receipt

Sign

Encrypt

I am responding to your public appeal for views on the captioned subject.

My name is Mike Rowse, Chinese National, HKID card [REDACTED].

In 1974, I was one of the first people in Hong Kong to join the Independent Commission Against Corruption. I responded to the first public advertisement published in February and after completing the necessary procedures joined in May. I was a member of Induction Course 1A. I served in the Operations Department from 1974 – 1977 and in the Corruption Prevention Department from 1977 – 1980.

What caused me and many others to apply in those early days was the appalling state of corruption in Hong Kong, which permeated every aspect of society. The public service, especially the police force, was particularly bad.

Because of the seriousness of the situation, the community was prepared to tolerate some pretty draconian laws. For example, Section 10 made it an offence to live beyond your means or to have excessive assets. Once it was shown you were living beyond your means or had more assets than could be justified by your official salary, the onus of proof shifted to the defendant i.e. you had to prove your innocence.

Similarly Section 3 made it an absolute offence to accept "advantages" beyond a certain value. Whereas in most other jurisdictions it is necessary to prove both solicitation (and/or acceptance) of a benefit in cash or kind and a corrupt act as quid pro quo, in HK this is not necessary. Mere acceptance without any suggestion of corruption is a crime punishable by up to one year in prison.

While this is very strict, it was and is justified in Hong Kong's circumstances to make sure the corruption that our community banished after an epic struggle never makes a comeback.

Over past decades, the law has been applied against public officers. Some have gone to prison and/or lost their jobs and pension. Everyone knows what the law is, and why it is.

There is no reason why the same rules should not apply to the Chief Executive. Of course he is going to have wealthy friends and acquaintances, and mix with them socially and in the course of his duties. But that should not be a licence to accept gifts or favours. Putting this beyond dispute will make it easier for future CEs to resist offers of excessive entertainment.

Mike Rowse

Mobile: +852 68 93 65 62

www.rowse.com.hk