

## **Institutional Approach to Anti-corruption Efforts in Taiwan, Hong Kong and Mainland China: Improving the Norms, Strengthening the Ethics**

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### **Abstract**

This paper explores institutional and normative developments in the area of anti-corruption efforts in three Chinese-speaking countries/territories with the latest emphasis on fostering all-encompassing corruption-intolerable environment. Hong Kong's experience is often regarded as the high standard in establishing efficient anti-corruption institutions in inhospitable conditions. Over relatively short period of time – Hong Kong's Independent Commission Against Corruption (ICAC) was established in 1974 – the city made great strides against official corruption and has upheld its clean reputation ever since. ICAC's former Deputy Commissioner and Head of Operations cites the 2000 public opinion poll in which Hong Kong residents named ICAC's establishment the 6th most important event in the city's 150-year history. ICAC is an example of a successful reactive approach to anti-corruption. Taiwan has its own success story. The Control Yuan – part of a unique five-branch government structure – combines watchdog and ombudsman

functions which nowadays are considered prerequisite for successful fight against corruption and even more important for preventive efforts. This institution – supported by legitimacy of tradition – has a potential to become a coordinating center for comprehensive anti-corruption policy with more specialized agencies handling various aspects of corruption and economic crimes. Lately the Control Yuan's role in Taiwan's political structure has been debated, but it remains an example of effective proactive approach to fighting malfeasance. China's anti-corruption strategy for 2013-17 aims to put forth a “dense net” of regulations, institutions and ethic norms towards country-wide corruption-intolerable environment. Preventive measures that include citizens' awareness-raising and increasing ethical requirements of government workers warrant additional attention.

**Keywords:** *anti-corruption strategies, law, institution-building, awareness-raising, citizens' participation, ethics*

## 1. Introduction

Corruption issue is at the forefront of political life worldwide. From stealing international financial institutions (IFI)s' grant money thus further endangering large groups of struggling population to building Byzantine offshore empires to stash away ill-gotten wealth of selected few (again, most likely acquired at the expense of the vulnerable populace) – these are examples of fairly straightforward, if that can be said about a crime, corruption. There are also other kinds – much more subtle and indirect, involving mostly not financial exchanges but trading in intangible goods – influence, advantages and opportunities. It is this latter one that presents a whole host of new complex issues for anti-corruption forces to confront.

On September 21 of 2016 the front page of authoritative Transparency International's website posed a question "What is Grand Corruption and how can we stop it?" TI went on to suggest a definition of grand corruption – "the abuse of high-level power that benefits the few at the expense of the many, and causes serious and widespread harm to individuals and society. It often goes unpunished"<sup>1</sup>. This is a long overdue and particularly welcome development in the field of the theory of corruption which calls attention to corruption as a sociopolitical phenomenon and not merely illegal (or extralegal) economic exchange which was the prevailing theoretical approach to corruption for the last thirty years. The damage caused by corruption to societies (particularly developing one) was neatly delineated into "economic" and "political" with little attention paid to more ephemeral things like moral and ethical values which in turn informed public perceptions, etc. – creating "a fertile ground for corruption". All that was viewed as supplemental but not really meaningful – laws and rules of economic development, not the cultural norms and values – were propelling societies forward.

This approach began to shift in the 1990s – the Soviet Union breakdown, collapse of the "socialist order", end of colonial rule in Hong Kong, Macao and other places were systemic changes that brought about search for new identities and paths of development. In the preface to T. Wing Lo's book *Corruption and politics in Hong Kong and China* Colin Sumner wrote that "we enter a phase [defined by then the emerging challenges of the 1990s] which will demand, from all of us, a new clarity on fundamental social values, and a stronger vision of the kinds of social censure and social regulation necessary to promote peace, health, growth, equity and co-operation on an international scale" (Lo, 1993: x).

The 2000s brought on yet more changes, challenges and conflicts which seem to become more complicated and multi-faceted each year. In

the area of anti-corruption efforts and clean governance the clear trend is towards the understanding of the ripple effect illegal and unethical actions (or lack thereof) create. The issue of illegal vs unethical actions now features prominently in the latest studies of corruption and anti-corruption policies; the country-specific cultural backdrop attracts renewed attention. United Nations Secretary-General Ban Ki-moon (반기문 / 潘基文) opened the 71st annual debate of the UN General Assembly in September 2016 with a call on world leaders “to recognize that the important positions they hold are a reflection of the trust the people have in them and not their personal property”<sup>2</sup>. Ban stressed that today the world confronts complex security and stability threats from armed conflict to radicalization and deals with humanitarian crises. These challenges were made ever more serious by governance failures and have pushed societies past the brink and threatened social cohesion. In working on resolving these major threats the Secretary-General expressed that “even though a perfect world may be on the far horizon, the route to attaining it is in each and every one of us”<sup>3</sup>. Sharing and assuming responsibility for proper governance and its possible failures has been subject of a growing number of academic studies recently with a renewed debate on Western vs Asian societal values and traditions. Acknowledging the millennia-long experience of Confucian philosophy-informed governance, Western scholars tended to interpret the “Confucian culture” (widely used term) as monolithic and not lending itself to change particularly in the matter of governance. Lucien Pye – the foremost authority on Chinese political culture – identified a number of its most prominent characteristics that persisted from the ancient times into modernity. Imperative of conformity, strict power hierarchy, unquestionable priority of collective over individual and, most importantly, rule of men over rule of law render the Western notion of impersonal professional bureaucracy – the prerequisite for efficient

governance – irrelevant in Asian settings. There are further finer points Pye focused on, such as preference for authority in a much wider ethical sense in Asia vs actual policy-makers in the West, ritual closely tied into governance, etc. However, he cautioned against applying a “traditional culture” model to one and all, and pointed out successful examples of modernization that brought around highly efficient governments and thriving societies in Asia (Taiwan is one of them)<sup>4</sup>.

For the purposes of the present paper we will clarify the terms referring to “Myths and Realities of Governance and Corruption” by the World Bank’s economist Daniel Kaufmann which cautions against confusing these two definitions. The term “clean governance” features prominently today in many anti-corruption programs. Kaufmann’s definition of governance is “the traditions and institutions by which authority in a country is exercised for the common good”. These include:

- The process by which those in authority are selected, monitored, and replaced (the political dimension);
- The government’s capacity to effectively manage its resources and implement sound policies (the economic dimension); and
- The respect of citizens and the state for the country’s institutions (the institutional respect dimension)’.

Further, challenging the traditional definition of corruption as the “abuse of public office for private gain”,<sup>5</sup> Kaufmann suggests viewing it as a broader phenomenon in which private agents must share responsibility (which echoes the sentiment of UN Secretary-General cited above about us all doing our part in building a world which is, even if not perfect, at least good enough for everyone).

Private agents acting as “corrupting” factors for the government actors (not to diminish the latter’s responsibility for participating in

illicit collusion!) are usually less constrained by the letter of law, and more by established “codes of honor” for doing business. Ideally when encountering questionable situations they ought to abide by ethical criteria. So in order to further raise the efficiency of anti-corruption work, governments should minimize the negative influences coming from outside the governance system. Again, this is not to discount the importance of punishing corrupt offences and offenders. The GlaxoSmithKline China office case that resulted in prison sentences for private actors demonstrates the emerging trend of meting out increasingly stricter punishments to the “bribing side” whose acts (paying off doctors for excessively prescribing GSK products, in this case) while clearly being unethical from the viewpoint of conducting business, are not necessarily illegal. The latest amendments of the People’s Republic of China (PRC) Criminal Code signify the determination of the government to use the deterring potential of strict criminal sanctions for the parties that “chase government officials” (圍獵 / *weilie*) to the fullest<sup>6</sup>.

Citing examples of powerful firms exercising undue influence and shaping policy for their own benefit, Kaufmann suggests an “alternative, broader definition of what constitutes corruption, namely ‘the privatization of public policy’”, in which public policy is understood to include *access to public services*: “According to this more neutral definition, an act may not necessarily be illegal for it to be regarded as corrupt in a broader sense.”<sup>7</sup> The above-mentioned TI’s definition of grand corruption demonstrates similar leanings. A few elaborations follow for the purposes of the present article.

“Grand” appears to be a slightly misleading adjective here. At the first glance it calls to mind the scale of corruption in financial sense – amounts stolen, misappropriated or offered as a payoff. However, here we are talking about a group of people usurping the opportunities and

choices of many by ways of inappropriately using power resources entrusted to them. This usually happens in the higher echelons of power and there is usually no immediate victim (a person who has been pressured for a bribe, for example). It is the wider population who loses in a longer term as a result of inappropriate choices made by those in power when they are guided by narrow group or personal interests, likes and dislikes that are not supposed to come into play while the people in question are fulfilling their official (formal) duties. To avoid that regrettable possibility, ethical norms must be internalized by the prevailing majority of citizens. That in turn will provide firm foundation for decision-making for persons in power on all levels and further strengthen the position and effectiveness of anti-corruption institutions. The old Chinese proverb “if the upper beam is not straight, the lower ones will go aslant” or that “the straight beam cannot be fashioned out of warped wood” (上樑不正下樑歪<sup>8</sup>) neatly sums up the above reasoning. Let us look closer at the experience of three Chinese-speaking countries/territories in that regard.

People’s Republic of China (PRC), Hong Kong and Taiwan selected as a subject of the present article share common linguistic background and Confucian philosophy-dominated approach to governance; their modern history is not lacking in radical changes that continue to exert considerable influences over all facets of state functioning including their choices of anti-corruption strategies. We shall look at the institutional and normative developments in the area of anti-corruption efforts there with the emphasis on fostering all-encompassing corruption-intolerable environment which is at the vanguard of “fight corruption, build clean government” strategies in all three countries/territories lately.

PRC, Taiwan and Hong Kong differ greatly in the choice of directions their clean government-building efforts take and public

perception of the present-day situation. Assessing the effectiveness of any particular approach is not the goal of the present article; we are to evaluate their strengths and weaknesses and possible cross-border adaptability and point out areas of concern. We will analyze the functions of institutions charged with anti-corruption efforts and the importance they attach to society's involvement in anti-corruption fight which also differs to a great degree. This societal involvement via established or newly created institutional channels is of a special interest and importance – until recently anti-corruption and clean government efforts were regarded as purely legal or purely political activity with the wider population not featuring as an actor. The chronological timeframe will be the period of late 1940s up to the present. The starting point was a tumultuous time for all three territories in question and it imprinted deeply on both the perception of the issue of corruption itself and the responses politics eventually formulated to it.

## **2. Hong Kong ( 香港 ): Enforcement, Prevention and Community Education ( 結合執法、防貪和社區教育 )**

Hong Kong's anti-corruption fight has gotten off at a really low start – by the time its Independent Commission Against Corruption was established in 1974, the situation was desperate. “Syndicated” corruption plagued government agencies virtually replacing their proper functioning with illegal exchanges fueled by money and favors; *laissez-faire* attitude in business allowed for free use of bribery, extortion and other unsavory methods of doing business with the government turning a blind eye. In the eyes of the local population British colonial powers were doing nothing to remedy the situation despite the fact that basic legal foundation prohibiting and punishing bribery (as the most basic form of corruption) was in place<sup>9</sup>. Things got worse in 1930-40s when



waves of refugees from China were drowning the territory and its official agencies were totally unprepared for the influx. That precipitated cynical and apathetical approach to anti-corruption efforts which became a formidable obstacle to overcome.

In his study of the Commission's experience, Bertrand de Speville – ICAC Commissioner in 1993-96 – provides an interesting twofold reason as to why millions of new arrivals greatly exacerbated the already serious corruption problem. First, they were coming from a chaotic China where corruption was a way of life at the time, and second, paradoxically, because newcomers in those times did not regard Hong Kong as their ultimate destination. Since in the minds of many the city was merely a stopover on the ways to greener pastures, why bother trying to obey its laws and adhere to high moral standards? Paying off every government employee – just like locals did – was a price of staying there for the time being (de Speville, 1997: 13-14).

Responding to a deepening crisis and population growing restless with students being at the vanguard of demanding changes, Hong Kong authorities formed the Standing Committee on Corruption in 1956 to advise the government on related matters. The first attempt to create specialized corruption investigation unit was made in 1952 – Anti-Corruption Branch (ACB) was established within the Police Criminal Investigation Department which did not lend it any credibility in the opinion of the Hong Kong population. That in turn made impossible any meaningful investigation of alleged corruption offences since it depends in a large part on reporting from the public.

Intense discussions followed on the matter of possible independence of future anti-corruption body. Famous 1973 reports of the Commission of Inquiry under Sir Alastair Blair-Kerr on the circumstances of the Peter Godber case<sup>10</sup> – and with further recommendations on how to remedy the situation – which is generally considered to have become the final

push towards truly independent anti-corruption agency. The reports extensively studied the experience of ACB and concluded that its efficiency had been very limited, especially in unfavorable light of the Godber case which once again confirmed the public's worst suspicions – and at this point, administration's admittance – of a grim situation with police corruption. Importantly, the reports not only touched upon legal and political reasons and implications, but also drew upon foreign experience and provided keen observations of the socio-cultural situation in Hong Kong which might affect the functioning of a new agency. Keeping in close touch with the community was one of ICAC's priorities from the start. Immediate establishing of hotline to report anything that merely *might* relate to corruption sent a powerful signal that the new government institution is willing to listen to citizens' concerns. Close statistical monitoring of citizens' involvement in anti-corruption fight allowed for timely adjustments of policies and resource allocation (including academic research of corruption-related phenomena).

Political will and readiness to assume the responsibility for dual task of setting the goal of eliminating corruption as the highest priority, and of getting the ICAC work off the ground also mattered greatly. Sir Jack Cater ( 姬達爵士 ) – the founding ICAC Commissioner – was passionate about his task and is credited with ICAC becoming a truly efficient organization. He was “highly self-disciplined and could be stern with himself as with others ... He cared deeply about his work and he encouraged the careers of talented young officials”<sup>11</sup>. “Hong Kong's Knight in Shining Armor,” *South China Morning Post* wrote in *memoriam* in 2006. His unwavering opinion was that “in the final analysis the offensive against corruption can only be fully effective if it has the wholehearted support of the public”<sup>12</sup>.

Earning that wholehearted support has been one of the three main directions of ICAC work from its inception. Not only its investigative

work depended to a great degree on the public reporting corruption offences, but in order to really turn the tide the wide-scale preventative work had to be carried out throughout the city, impossible without community cooperation. The Community Relations Department (社區關係處) coordinates the efforts and its mandate is wide. The Department comprises two divisions with the first one mapping out strategies for promoting public awareness of the anti-corruption cause; disseminating anti-corruption messages through the media (both traditional and new); maintaining contacts with anti-corruption authorities worldwide and mainland China. This is done by specialized groups (專門組). The second division is in charge of “face-to-face” interactions and education of the general public and relies on its regional offices (間分區辦事處) with significant efforts – and funds – earmarked for that. ICAC’s Community Relations Department is charged with “educating the public about the evils of corruption and to enlist and foster its support in combating corruption” (de Speville, 1997: 51). With that in mind, ICAC’s education initiatives are not focused exclusively on rooting out corruption, they also contribute to providing moral and ethical education for the young population thus assisting in upbringing the responsible and morally upright citizens, which is indispensable for effective withstanding of potential corruption in the future. As a positive “side effect” Hong Kong residents are very familiar with ICAC functions from a young age, which helps with what Seymour Lipset called “legitimacy” (of the state institutions) – or the degree to which institutions are valued for themselves, and considered right and proper (by all members of the society) (Lipset, 1959: 71). Together with economic efficiency, he considered legitimacy of state institutions prerequisite for stable democracy.

To summarize the most important features and functions of ICAC’s community outreach:

- Multiple (seven) regional offices are maintained in Hong Kong for further ease of reporting possible offences (today non-anonymous reports outnumber anonymous). ICAC's central office has 24-hour officer's presence for "face-to-face" reporting.
- ICAC calibrates its outreach to different social groups – from professionals to kindergarten teachers to elementary school students – fully utilizing possibilities provided by technology. ICAC maintains an active presence in all popular social networks, from Facebook to Weibo to Line and maintains its own channel on YouTube<sup>13</sup>. It presents positive role models appealing to different demographics maintaining the overarching theme of zero-tolerance to corrupt offences and shared responsibility for Hong Kong's prosperity, and adherence to upright ethical ideas. The YouTube channel slogan is "Spread sincerity in the whole city" and "Concentrate the strength of the whole city to spread honesty [and good reputation] in the whole city!" (「全城・傳誠」凝聚全城力量，傳揚誠信遍全城!) Partially paralyzed rock-climbing champion Lai Chi-wai (黎志偉) was selected as one of "Ten Outstanding Young People of Hong Kong" in 2014 and praised for his perseverance and hard work<sup>14</sup>.

However, "human touch" and the traditional ways of interaction which appeal to Hong Kong's older and very young population are carefully maintained in the form of lectures, discussion groups, etc. The Department's officers give about 1900 talks for 70000 students in schools, colleges and universities and about 420 presentations for 9300 teachers each year<sup>15</sup>. Ethical education is an important part of integrated school curriculum and the Commission devotes great attention and substantial resources to reaching out to progressively younger demographics – there are now materials available on moral education for

kindergarten students and their teachers. “Gee Dor Dor” (智多多) cartoon and related activity packages feature cute character on “a fantasy star tour” making “responsible and caring” decisions even when facing difficult choices<sup>16</sup>. The materials are designed for the youngest student population receiving pre-primary education at 3-5 years old. For slightly older children there is “ICAC Moral Education E-Book” for junior primary and senior primary classes further expanding on the topics (including fair elections) and offering quizzes, essay themes and further reading<sup>17</sup>.

- In 1997 ICAC has established the Club (廉政之友) educating citizens against evils of corruption and encouraging them “to join integrity-promoting activities” while “thoroughly understanding the work of ICAC” and thus assisting in “maintaining clean, fair, stable and prosperous society together”<sup>18</sup>. Citizens as young as 12 years old may join, and the Club currently boasts membership of over 1500.
- ICAC maintains a diversified linguistic policy with majority of outreach materials available in three main languages spoken in the city – Mandarin, Cantonese and English. That makes the anti-corruption body approachable by the absolute majority of population.
- Public sentiment regarding its work and general situation with corruption in Hong Kong is closely monitored by ICAC via statistical methods (surveys and research data sets) and the results are interpreted and reflected in policy adjustments in a timely fashion. Besides, the information collected is available “for public use to assist research and studies that may provide useful references on corruption-related issues.” “Under no circumstances shall data sets be made available for commercial purposes” and no data containing respondents’ personal information will be available<sup>19</sup>. In order to gain access the interested party applies to ICAC and its Community Relations Department

(CRD) via a simple process with the applicant providing his/her short CV and stating the purposes of proposed research. The applicant bears full responsibility – including possible legal - for the use of ICAC's statistics.

ICAC initiated phone surveys to assess public perceptions of its work and especially community outreach efforts in 1992. Until 2009 it was an annual phone survey, in 2010 the methodology was changed to face-to-face household interviews. The survey target is Hong Kong residents aged between 15 and 64 speaking Cantonese, standard Mandarin or English (usually the goal is a random sample of 1500 persons). The objectives of the latest survey (conducted in 2015) were “to understand public attitude towards corruption and the reasons behind; to identify changing public concerns regarding corruption and the underlying reasons; to gauge public opinion towards the work of the ICAC; and to gauge the behavior and experience of the public in reporting corruption”. The fieldwork was carried out between June 1 and August 31; the sample group constituted 1433 with the response rate of 59.4%<sup>20</sup>.

Among the most important findings was public intolerance of corruption in Hong Kong: “on a ‘0’ to ‘10’ point scale where ‘0’ represents total intolerance and ‘10’ represents total tolerance, the mean score was 0.6 reflecting a very low tolerance of corruption amongst the public. 82.4% considered corruption in Hong Kong totally intolerable (a score of 0) and 11.6% gave a score between 1 and 3. Only a tiny proportion of respondents (0.9%) gave a score between 7 and 9 while very few respondents (0.3%) considered corruption totally tolerable (a score of 10). The mean score 0.6 was lower than that recorded in 2014 (1.0), and had been the lowest since this question was introduced in 2010”<sup>21</sup>.

Answering the question about reporting corruption, the majority (78.8%) of the respondents indicated that they would report offenses [...] The proportion was similar to that recorded in the previous three years. 14.0% replied that it would depend on circumstances. Only 5.7% of the respondents would not report at all. Among those who were reluctant to report corruption, the major reasons given were “it did not concern me” (39.8%), and “worry of affecting the safety of respondents themselves and their families” (21.7%). The latest result is a bit unexpected considering the well-established procedure for reporting that has been used for years and the common perception of ICAC’s putting the highest premium onto protecting the whistleblowers’ identity.

The survey also includes a few real-life situations and respondents are asked to assess their corruption potential. The situations range from fairly simple one-step exchanges i.e., buyer accepting “commission” from the supplier without the business owner’s knowledge, to more complicated chain of events occurring in the higher echelons of power – i.e., department workers “assisting” their relatives/friends in successfully bidding for the tender by providing insider information, etc. Hong Kong residents appear to be well-versed in different varieties of malfeasance with the absolute majority deeming such situations corrupt.

Perceived pervasiveness of corruption in Hong Kong differed from its residents’ expressed intolerance: 65.5% of the respondents perceived corruption uncommon (same in the past two years). 28.1% of the respondents considered corruption common in Hong Kong, which was a higher percentage than those of 2012 (25.4%) and 2014 (27.6%), but lower than of 2013 (29.1%). The remaining respondents (6.5%) did not express any views. The major reasons for perceiving corruption uncommon in Hong Kong were that “respondents learnt of corruption cases from the media less frequently” (37.4%) and “respondents themselves/their relatives/friends seldom/had not heard about/come

across corruption” (27.0%). Another 9.4% of respondents considered “public awareness of anti-corruption issues had increased”. On the other hand, the main reasons for considering corruption common in Hong Kong included “respondents learnt of many corruption cases from the media” (58.8%), “corruption was observed in the government/senior government officials/civil servants/councilors” (13.9%) and “corruption was still common in the society” (11.7%). The response to the question demonstrates the issue researchers of corruption and other adverse social phenomena face nowadays – has the situation indeed taken a turn for the worse or has the reporting on negative issues gotten much more effective?

The experience of Hong Kong’s independent anti-corruption body is undoubtedly successful. Its sustained effort of over 35 years not only to curb corruption, but to establish the foundations for “clean governance” clearly paid off as reflected both in Hong Kong’s consistent ratings as one of the cleanest places for business, and in its citizens’ attitude towards ICAC – in the 2000 public opinion poll Hong Kong residents named the Commission’s establishment the 6th most important event in the city’s 150-year history. ICAC’s work is not without challenges, however. The abrupt firing in July of 2016 of Rebecca Li Bo-lan (李寶蘭) – highly acclaimed graft-buster with extensive work experience and training stint at the United States’ Federal Bureau of Investigation (FBI) - who for less than a year was the first woman Acting Head of Operations, with ICAC Commissioner Simon Peh Yun-lu (白韞六) taking “sole responsibility” for the firing decision and providing very little further explanation, started a wave of speculation which is detrimental to ICAC’s public image. The possible scenarios discussed by various news outlets focused on plausibility of connection between the firing and possible cases of unethical actions by the city’s former Chief Executive (2005-12) Donald Tsang Yam-kuen (曾蔭權) who had not



disclosed his leasing of the luxury apartment in Shenzhen (深圳) sometime during 2010-12 from a majority investor into a broadcaster seeking Hong Kong's license at the time, which Tsang later approved<sup>22</sup>. Another ongoing one is of Leung Chun-ying (梁振英) – Hong Kong's current Chief Executive – who allegedly accepted a deal worth HK\$50 million from an Australian engineering firm UGL and received undeclared payments from the company in 2012 and 2013. Chief Executive Office and the Executive Council have not responded to ICAC's requests for information in regards to those payments (maintained as "resignation arrangement" by Executive Leung, allegedly barring him from joining business competitor of the surveying company he worked for prior to becoming government executive) further fueling suspicions of improper dealings and political influence over ICAC. The respectable *South China Morning Post* chronicled the unfolding of the scandal, concurrently pointing out that "Leung had failed to deliver his promise to amend bribery laws and make it a criminal offence for the chief executive to solicit or accept any advantage without the permission of a statutory independent committee". There is also appointing of Maria Tam Wai-chu (譚惠珠) – Hong Kong deputy to the National People's Congress – as the Head of Operations Review Committee which oversees all ICAC investigations, even though members of Legislative Council pointed out Tam's "serious political inclination"<sup>23</sup>.

No matter what the investigation and trial are going to reveal, as is always the case with high-level corruption – even the alleged kind – such revelations have a considerable negative effect on the upright public image of a politician or institution, and it will take time and considerable effort to restore it.

### 3. Taiwan (臺灣): “An Upright Government and Social Integrity” (乾淨政府, 誠信社會)

In Transparency International’s 2014 “Corruption Perception Index” (CPI) Taiwan ranked 35th among 175 countries surveyed with a score of 61 (the same for 3 consecutive years)<sup>24</sup>. In 2015 Taiwan received a score of 62 (30th place among 168 countries)<sup>25</sup>. In less widely cited but no less authoritative “Global Competitiveness Index 2014-15” (GCI), Taiwan was 14th among 144 countries. South Korea – which overtook Taiwan in the TI CPI – is only 26th in the GCI<sup>26</sup>. Corruption certainly gets attention it deserves to not let it spread and become life-threatening to the Taiwanese society. This is reinforced by the combination of institutional structure and consistent education and community outreach efforts. The latter are an established part of civics education offered by Taiwan’s school system.

Taiwan’s unique 5-power political system designed by Dr Sun Yat-sen (孫中山 / 孫逸仙) includes a supervisory branch that provides an institutional advantage when it comes to maintaining clean government. The tumultuous events of 1940-50s, however, brought in a prolonged period of Kuomintang (KMT, 中國國民黨) single-party rule and martial law. The less-than-stellar ethical reputation KMT brought from mainland China did not improve during the martial law period of 1949-87, when the opaque party-state relationship solidified and provided fertile ground for corruption. The period of “black gold” politics of the 1990s was marked by criminal groups’ attempts at gaining legitimacy by entering politics and resorting to violence, intimidation and bribery to secure their participation in the political process. During the 1950-70s these same criminal groups were co-opted by the KMT into its state-building policies for practical purposes – i.e., keeping the rural areas complacent with the new policies. This process left a lasting imprint and

gradually made citizens cynical of the ruling party's half-hearted attempts to rein in undue influence and professed commitment to cleaning up politics. This suspicion of sincerity of the party in power to keep its workings transparent remains a powerful obstacle in the way of anti-corruption work.

After abolishing martial law in 1987, the country set on a path towards democratization, political openness, and government accountability. The watershed moment in recognizing corruption as a threat to the country's economic development and societal modernization arrived with the grassroots campaign "A Million Voices Against Corruption" (百萬人民反貪腐倒扁運動), launched in August of 2006 by Shih Ming-teh (施明德) – the famous politician and dissident who spent 25 years in prison during the Kuomintang's rule. The campaign was a result of public discontent over unfulfilled promises of reform and ending of "black gold" involvement in politics made by Chen Shui-bian (陳水扁) – the opposition politician elected president in 2000. Fast forward to 2008, Chen – Taiwan's former president by then – and members of his family were sent to prison for money laundering and misuse of public funds. Since then, the issue of corruption has entered the Taiwanese political discourse.

What favorably distinguishes Taiwan's experience from that of other countries undergoing systemic changes, is that there already was a solid legal foundation for anti-corruption steps to be taken immediately at the time the public was asking for tougher measures. This means the government did not have to scramble for solutions or resign itself to politically overcharged campaigning that tends to operate outside the legal limits and very quickly devolves into settling of political accounts (not to mention the absence of transparency and accountability). By the time the issue of corruption grabbed the headlines, four "Sunshine Laws" had been already passed to regulate corruption-prone areas: "The

Act on Asset Declarations by Public Functionaries” (1993), “The Act on the Recusal of Public Functionaries Due to Conflict of Interest” (2000), “Political Donations Law” (2004) and “Law on Lobbying” (2007). The Control Yuan (CY, 監察院) – the supervisory branch of Taiwan’s political system – with its Anti-corruption Committee became the designated implementing body for the “Sunshine Laws”.

According to the Constitution, the Control Yuan is an oversight body which also has the power to impeach or censure any “public functionary from the Central government or a local government” including the President and the Vice-President, and audit government bodies. It comprises 29 members who are nominated by the President (which is widely considered an infringement on CY independence) and approved by the Legislative Yuan (立法院, law-making body)<sup>27</sup>. Its members “shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law”<sup>28</sup>. This is the key provision considering active party politics in Taiwan. Even with that stipulation in place, Control Yuan’s investigations have at times been considered partial and biased, both in the view of members of the establishment and the general public. In 2004, partisan interests in the KMT-dominated legislature blocked President Chen Shui-bian’s (Democratic Progressive Party / 民主進步黨) CY nominations, rendering it non-functional until 2008. This dealt a heavy blow to its popular image, and it is still grappling with the aftereffects. Historically, CY has been functioning as an ombudsman – providing one-stop service for citizens unhappy with the government. There are carefully laid out straightforward procedures for reporting possible corruption and unethical behavior. Citizens may report via mail, in person or online with an option of keeping anonymity. Public opinion polls clearly confirm the indispensability of CY position as a first line of defense against government corruption.

Among the notable investigations of late that demonstrate the reach of supervisory power is CY's probe into KMT legislator Chang Ching-chung (張慶忠)'s wealth. He gained notoriety after the Sunflower Movement (太陽花學運) of 2014 which singled him out as responsible for sending the cross-strait service pact to the Legislative Yuan after all of 30 seconds scrutiny by the screening committee, and he was unflatteringly called one of the "four major bandits" (四大寇). The probe found out that Chang has 143 properties to his name scattered around the country and also possesses considerable wealth – NT\$388 million (US\$12.6 million) in stock and bonds, NT\$20.8 million in savings and NT\$9.1 million worth of precious possessions including two golf club passes (one in 福州 / Fuzhou, China)<sup>29</sup>. The Control Yuan played an important role in investigating the 2014 food quality scandals that sent to jail executives of the Ting Hsin International Group (頂新集團) and its subsidiaries.

The CY outreach initiatives focus on upright citizenship and clean government building, both of which have a direct bearing on creating corruption zero-tolerance environment. CY is not the only institution carrying out anti-corruption education efforts. The relatively new addition to the institutional field is the Agency Against Corruption (廉政署). In April of 2011, then President Ma Ying-jeou (馬英九) announced amendments to the "Law on Establishment of the Agency Against Corruption of the Ministry of Justice" (法務部廉政署組織法) and "The Law on the Organization of the Ministry of Justice" (法務部組織法) refocusing anti-corruption work in the new "three-prong" direction of "resisting, fighting and eliminating corruption" (防貪、反貪、肅貪) – and we can refer to Hong Kong's experience here. This was a programmatic shift that widened the scope of anti-corruption activity at the same time clearly striving to avoid a "blanket" approach

by delineating the areas of concern. The goal of refocusing was “to strengthen the sophisticated process of investigating [corruption], to increase the level of convictions [in corruption-related cases] and thus to raise the effectiveness of efforts to eliminate corruption”<sup>30</sup>. The Agency Against Corruption (AAC) started functioning on July 20, 2011, replacing the former Government Ethics Department which also reported to the Ministry of Justice. On its website, the Agency states that its main goal is to “create an integrated mechanism for fulfilling the tasks of resisting, fighting and eliminating corruption” and also overseeing the government ethics organs, maintaining internal control, establishing the structure of risk assessment and business risk audits. In practice the AAC is charged with “formulating corruption-control policy and fulfilling the functions of anti-corruption education, corruption prevention and corruption investigation”.

Education in Taiwan has come “to be one of the most influential avenues for nation building and economic development. Drawing on the influences of Japanese educational practices and ideals during the colonization period, Chinese culture, and Confucian traditions from mainland China” (Chou and Ching, 2012: 4), Taiwan’s education system has been successfully adapting to changes of times – from moving to open democratic society away from Kuomintang’s single-party rule, to assisting students today to acclimate to globalization, volatile labor markets, etc. “The Education Basic Law” approved by the Legislative Yuan on June 4, 1999, was accepted as the country’s basic principle of education policy. It contains 17 articles and states that “education is for the people and is intended to build modern citizens with a national consciousness and worldview” (*ibid.*: 32-33). Ever since abolishing martial law and ending single-party rule Taiwan has been actively introducing a “clean government” theme to school curricula including those for the youngest children: engaging characters feature in cartoons

that explain how elections work, tricks unscrupulous candidates might use to disguise their true colors, and the careful assessment of candidates and their promises that every citizen should do before s/he casts the ballot<sup>31</sup>. Since 2009, local governments have been holding annual essay and drawing contests on ethical governance and civic duty themes among middle and high school students. It will take some time for the results to clearly show, but students' active involvement and concern over the country's political life, which was once again demonstrated by the Sunflower Movement of 2014, promises great potential for the anti-corruption and clean government efforts.

#### **4. People's Republic of China ( 中華人民共和國 ): “Power Must Be Locked in a Cage” ( 把權力關進制度的籠子裡 )**

News about high-positioned casualties (“tigers” and “flies”) of China's latest anti-corruption campaign initiated by President Xi Jinping ( 習近平 ) in 2012 comes regularly and continues to impress with the campaign's reach into high echelons of power and important sectors of the economy, and often with the rumored amounts of money involved. Despite the proclaimed turn to “institutionalization” and “systematization” of anti-corruption work, the “Xi Campaign” appears to have just as many narrow political reasons at play as previous clean-up initiatives. Since 2012 when Xi Jinping assumed the post of Secretary General, China's position in Transparency International has not significantly changed – in 2015 it ranked 83rd out of 168 countries with a score of 37. In 2012-2014 the score fluctuated from 39 to 40 to 36 accordingly<sup>32</sup>.

The most notable document outlining new approaches to the corruption problem and ways to control it – “Working Plan for Establishing Sound System for All-Around Punishment and Prevention

of Corruption for 2013-17” ( 建立健全懲治和預防腐敗體系 2013—2017 年工作規劃 ) passed by the Central Committee laid down the foundation for anti-corruption work in China for the period from Communist Party of China (CPC, 中國共產黨) XVIII to XIX Congresses. Besides clear determination to move away from campaigns toward sustained policy of punishing offences (“five years of unrelenting efforts in curbing the spread of corruption”), the Plan for the first time designates China’s society as an equal partner in building clean and honest government and proclaims anti-corruption fight and building a clean government shared responsibility of the party and citizens. It is not the first time the Communist Party appeals to the wider groups of population – including non-affiliated politically<sup>33</sup> – but never before did it designate the society an equal partner in solving the hard task of controlling corruption and perfecting the work style of government organs, thus – at least in theory – opening its workings to outside scrutiny and critique, considering diverse opinions and widening the efforts to include (still tentatively) such long-term policies as civics and ethics education. The Plan does reference “the three represents” ( 三個代表 ) theory as a “guiding force” in anti-corruption work together with Deng Xiaoping theory ( 鄧小平理論 ) and theory of scientific development which solidifies its leading position in this area.

In institutional regard the Plan demands “strengthening of administrative control, intensifying of oversight over government departments tasked with control functions; increasing of auditing control ... more active use of administrative punishments”<sup>34</sup>. Also required is strengthening of democratic supervision, attention to opinions, feedback and critique from the National People’s Consultative Conferences ( 中國人民政治協商會議 ), democratic parties, Association of Industry and Commerce and non-party affiliated people. Improving work ethics of the cadres who will be carrying out the outlined tasks has to become a



priority in order to reach the goal of “getting results that will be relatively satisfactory to the people within 5-year period”.

The Program does mention in a very general way the need to educate citizens and involve them in anti-corruption work, especially on the preventative side – the system of reporting corrupt offences has been in place since early 1990s with People’s Procuratorates (人民檢察院) at all levels responsible for it. In contrast to Hong Kong and Taiwan, China has limited experience of citizens’ participation in anti-corruption work. Historically, CPC as a ruling party assigned great importance to propaganda considering it a crucially important tool for mobilizing the public for their political goals, but it was always a one-way street with the population passively absorbing the latest policies and demonstrating unquestioning support when needed. The same pattern has always applied for party-government policies on corruption and “upright work style”. Anti-corruption campaigns of the 1950s onwards with their “mass line” and “mass participation” did not involve any expressing of opinions or providing feedback to organizers. While political education has been part of the curriculum since establishing of the People’s Republic, educating wide population on virtues of corruption-free government and inculcating ethical values of responsible citizenship have been absent. The situation has been slowly changing lately, with the first initiatives dating back to early 2000s. Chinese researchers connect that with China’s signing and ratifying of the 2003 UN “Convention Against Corruption” in 2006. Next year in Beijing (北京), Tianjin (天津), Shanghai (上海) and ten more provincial-level cities pilot programs on education on integrity values have started in elementary and middle schools and institutions of higher learning in accordance with the Ministry of Education’s “Opinion on All-Encompassing Development of Integrity Values’ Education in Elementary and Middle Schools and Universities” (關於在大中小學全面開展廉潔教育的意

見 ). This proved to be an uphill struggle. First, there were issues with fitting one more thing into already packed curricula adding hours to already “overstudied” schoolchildren and students with the teachers being skeptical about the new initiative.

The article in “Theory and Practice of Contemporary Education” by the researchers from Hunan Industrial University’s Department of Ideological and Political Teaching cites examples of teachers believing that teaching integrity values was a prerogative of Central Commission of Discipline Inspection (CCDI, 中央紀律檢查委員會) and the Ministry of Control and refusing additional workload, and the students – surprisingly – being wary of the subject of study (“we have not encountered corruption firsthand yet so there is really no need to study it” – the academics called it “the 26 phenomenon” referring to the age young people generally finish their education and join the workforce and “real life” with all its dark sides). The article pinpoints the areas of challenges (“dead ends”, as they put it) encountered at the initial stage of implementing the integrity and anti-corruption teaching programs ( 反腐倡廉教育 ) – psychological or mental when both students and teachers are skeptical and cynical about chances of anti-corruption efforts to work; contents’ challenge: researchers point out that – at the start of the pilot programs in 2006-08 – the contents of the moral and ethical upbringing program did not yet seamlessly “tie with students’ general ideological and political education”. The materials from Ministry of Education, Communist Youth League and Central Discipline Inspection Commission “did not address all issues [related to corruption and clean government-building efforts in their entirety]”. There were also questions of teaching methodology and funding both for curriculum updating and teachers’ training<sup>35</sup>. The discussion dates back to 2013; the author was not able to find more up-to-date information on the matter, hence concluding that the initiative is currently at the back burner.

Utilizing traditional media channels – television, radio and newspapers – for disseminating information on the current approach to corruption and, in a more limited way, reporting on the cases usually after punishments have been meted to the guilty parties, has been a well-established practice in PRC since the mid-1980s. Miao Di (苗隸) – a professor of television arts at the Communication University of China (中國傳媒大學) – points out that at present TV has the biggest audience in China reaching both in urban and rural areas. Movies and television multi-episode series describing virtues of upright government workers and their resistance to temptations brought on by modernization have been produced on a regular basis and may be regarded as a useful tool in ethics education. Historical dramas depicting fall from grace of corrupt officials or the whole dynasties brought down by greed are also popular – allusions with modern times may easily be drawn without getting too close for comfort. Qian Gang and David Bandurski point out at market forces in China’s media as catalyst of change: “media commercialization, developing norms of journalistic professionalism, and the growth of new media are combining to erode the CCP’s monopoly over the public agenda and to open a limited public sphere ... Despite the fact that the ... media remain formally a part of the party-state apparatus, China’s leaders are beginning to treat the media and Internet as the voice of the public and to respond to it accordingly. In other words, the CCP seeks a power-maximizing balance between censorship and propaganda on the one hand and responsiveness on the other”<sup>36</sup>. As we can see, there is still very little feedback from the society under such circumstances. However, as many cases testify, regular citizens are discovering the media potential as an effective way to bring redress against corrupt local cadres after their grievances are made public by a TV channel or a newspaper.

The trend setter in semi-openly talking about new challenges brought on with reforms was *River Elegy* ( 河殤 / *He Shang*) produced in 1988 – a China Central Television (CCTV, 中國中央電視臺) mini-series on traditional Chinese culture and its eventual demise due to the inability to stay relevant to changing times and turning to obstacle on the way to the country's modernization. The viewers and critics also quickly saw parallels with Chinese socialism that, in their opinion, failed to adapt to times and thus became a roadblock on China's way to prosperity and social justice. The series caused immense controversy in China's intellectual circles and – allegedly – among top party officials with a few predicting that issues raised by *River Elegy* might cause unrest among China's students. It is impossible to say how big a role the series played in precipitating the tragic Tiananmen ( 天安門 ) events of 1989 but a few members of the crew who worked on the drama were arrested in its aftermath and both scriptwriters – Su Xiaokang ( 蘇曉康 ) and Wang Luxiang ( 王魯湘 ) – fled to US. At present, select episodes are available online.

Since *River Elegy* has aired, TV has become the primary source of education on anti-corruption matters for the general public. The propaganda focuses primarily on the omnipresence of the Party discipline organs and inevitability of punishment for corrupt officials. In 2015 the State Bureau for Letters and Calls ( 國家信訪局 ) announced the release of the newest series *The Secretary of the Petitioning Bureau* ( 信訪局長 ) which tells the story of an upright party member and government inspector played by Zhang Huizhong ( 張惠中 ) who had to deal with crooked cadres someplace far from Beijing or any other thriving modern city. The first episode opens with a dramatic scene of factory workers organizing a sit-in on railroad tracks because of long salary arrears, and at first deeply mistrustful of the “outsider” – petitioning inspector. It takes some effort on his part and referring to his

30-year tenure as a party member to convince the workers. In press release the Bureau stressed the importance and relevance of the petitioning tradition established centuries ago when ordinary folks took their grievances against local functionaries “straight to the top”. In the current circumstances petitioning remains an important channel of feedback from the general population about the issue of corruption albeit in an *ad hoc* and not in the established institutional sort of way.

## **5. Conclusion**

The urgency to introduce educational measures to prevent the entrenchment of a “culture of corruption” was once again highlighted by the survey “Asia Pacific Youth: Integrity in Crisis” carried out by Transparency International (TI) in 2014 in Fiji, Indonesia, South Korea and Sri Lanka to gauge how young people (aged 15 to 30 years) understood and possibly experienced corruption. Paradoxically, despite corruption featuring as the most serious issue of public policy for the majority of ordinary citizens worldwide, the survey results revealed a crisis in values: 72% of those surveyed said they would engage in a corrupt exchange for personal gain such as securing access to a desirable job or school outside established channels, and 20% (one in five!) considered it acceptable to lie and cheat in order to get rich. TI’s Asia Pacific Director Srirak Plipat is calling for urgent action to rectify the situation, one in which the “majority of the young people surveyed know that corruption is wrong, have high standards for integrity and aspire to live in just societies ... and despite this, a very worrying number of them believe that in order to succeed in life they will have to compromise their values and conform to the current status quo”<sup>37</sup>. The report stressed that a high percentage of respondents had recently encountered corruption personally and their responses were likely a reaction. TI

suggested that respective governments develop anti-corruption curricula and include ethics education at all levels.

The three polities analyzed in the present article all accumulated substantial experience in curbing their differing versions of corruption. They all developed solid institutional base of dealing with the issue; however, their citizens' role in anti-corruption work differs to a great degree. While Hong Kong's ICAC establishment required political will in overcoming conflicting forces, the citizens' feedback and oversight formed the bedrock of the new institution's work. Taiwan's political system has an advantage of built-in supervisory power that – despite all its real and perceived limitations – provides ombudsman functions and in public perception remains the keeper of the government morale and the point of contact (and complaints) in regard to government's wrongdoings. The anti-corruption work in mainland China has been led by the Communist Party ever since it started in earnest in the early 1980s and this is not likely to change. The present arrangement does not allow much room for citizens' control, but certainly provides ways for the public to report corruption. Lately, it has been actively looking for ways to foster corruption-intolerant environment via public education and propaganda efforts.

Historically education has occupied a tremendously important position in all three societies analyzed here. Present-day systemic changes and challenges put a high premium on educational systems to enable young generations to successfully deal with new challenges, corruption being one of them. While institutional approach (with solid legal foundation) remains the only way of effectively curbing corruption and providing the support system for upright governance, it is the moral qualities of people who staff the government structures that steadily gain in importance. The ever more complicated and elusive nature of corruption makes it doubly challenging to eradicate it by legal means

alone. That shifts the center of attention to the preventative side and ethical and upright citizenship education that forms its centerpiece. “Do the right thing”, “separate public and private duties”, “uphold honesty and integrity” – these are the words workers of both public and private sector hear more and more often and these are the words they should live by.

## Notes

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6. The PRC Supreme People’s Procuratorate (SPP, 最高人民檢察院) published a detailed critique on the “phenomenon of strict punishment for accepting bribes, light punishment for giving bribes” (重受賄輕行賄現象 / zhong shouhui qing xinghui xianxiang) <[http://www.spp.gov.cn/zd gz/201506/t20150611\\_99119.shtml](http://www.spp.gov.cn/zd gz/201506/t20150611_99119.shtml)> (in Chinese) (accessed on 20.10.16).
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8. Or, more poetically, “a crooked stick will have a crooked shadow”.
9. “The Misdemeanors Punishment Ordinance” of 1898 became Hong Kong’s very first own provision against corruption; before then Britain’s common law applied. In 1948 “The Prevention of Corruption Ordinance” was enacted. And “Prevention of Bribery Ordinance” of 1971 which incorporated experience from other countries laid down a foundation of corruption prevention in the city.
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20. [http://www.icac.org.hk/filemanager/en/Content\\_1283/survey2015.pdf](http://www.icac.org.hk/filemanager/en/Content_1283/survey2015.pdf) (accessed on 01.09.2016).
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Educational videos are available for download.
32. “Corruption Perceptions Index 2014: Results”, Transparency International. <<https://www.transparency.org/cpi2014/results#myAnchor1>> (accessed on 22.09.2016). A country’s score indicates perceived level of corruption in the public sector on a scale of 0 – ‘highly corrupt’ to 100 – very clean.
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