

文、圖 | 謝立功、董顯惠

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新加坡防治貪污之組織與作法簡介

Introduction of Singapore's anti-corruption organization and its implementation

前言

近年來我政府大力推動掃除黑金政策，但貪污問題仍未根絕，貪瀆案件造成機關的名譽受損，對絕大多數兢兢業業戮力從公的公務員而言，實在是一種不可承受之痛。防治貪污的工作，大致可分為肅貪、防貪、反貪三大項，其中肅貪雖主要為執法人員之職責，但反貪、防貪應是鼓勵全民參與的新社會運動。國際間在探討各國反腐敗法制時，對於新加坡的貪污調查局與該國的財

Foreword

In recent years despite the Taiwan government's forceful efforts in promoting the illicit fund curtailing policy, the issue of corruption remains rampant, and graft cases have gravely damage the agency's reputation, which emerges as an unbearable shame as far as a large number of diligent public servants are concerned. Anti-corruption work could largely be broached from three major categories of anti-graft, anti-greed prevention and anti-corruption, among them anti-corruption though primarily falls under the responsibility of law enforcement officer, yet anti-graft and corruption prevention remain

作者於新加坡貪污調查局前留影
A snapshot of the author in front of Singapore's
Corrupt Practices Investigation Bureau



產申報規範，要求公務員申報自己的動產、不動產、貴重飾物、銀行存款、股票、證券等，同時還包括其家庭成員的投資和利息收入情況，並採取動態申報等相關法制，多認為係該國成功的經驗。若謂參酌借鏡國外機制，新加坡應屬世界上少數能有效控制貪污行為的國家之一，其相關法制應有值得我國參考學習之處。由於筆者研究與工作之領域與防治貪污、財產申報等相關，乃特別利用今年一月底參訪該國貪污調查局（Corrupt Practices Investigation Bureau）機會，透過實地訪問與資料蒐集方式，對該國成功的防治貪污經驗有更深入的瞭解，願以此與我海巡同仁分享。惟限於篇幅，本文主要僅針對貪污調查局之任務職權與組織架構進行分析，以及略述該國防治貪污之作法。

貪污調查局的任務職權與組織架構

1940年代至1950年代初期，新加坡人或或多或少都把貪污行為當作生活的一部分。1952年之前，所有貪污案件是由隸屬於警察部隊的“反貪污部門”負責調查。可是該部門的成效不大，尤其是對於警察貪污的調查。因此，1952年乃在警察部隊外，設立了獨立運作的貪污調查局，來負責調查和防止所有的貪污案件。該局早期面臨許多問題，例如反貪法律不完善，對於蒐集貪污證據造成相當大的阻礙，此外因民衆對該局成效有所質疑，同時害怕遭到報復，故不願與該局合作。

1959年人民行動黨掌握政權後，情況便有所改變。政府對貪污官員採取強硬的取締行動，致使許多貪官被撤職，一些則自動辭職以避免遭受調查。人民察覺到政府對抗貪污行為的誠意，因而提高了對貪污調查局的信心。以下就該局之任務職權、組織架構分析如后：

一、任務職權

新加坡的公共行政素以有效率與廉潔著稱，其清廉的政風和貪污率極低的國家形象，在國際上享譽盛名，總理公署下的貪污調查局肩負國內調查與預防的任務。

an emerging social movement that calls for a complete participation of all citizens. When exploring national anti-corruption legal system among world countries, what Singapore's Corrupt Practices Investigation Bureau has done and the state nation's asset declaration guideline, demanding public servants to declare whose liquid assets, real estate holdings, previous jewels, bank savings deposit, stocks, securities and so forth, and to include whose family members' state of investments and interest income, together with an interactive declaration related legal system instilled, has been largely regarded as the nation's successful experience. To speak of mirroring the experience of other countries, Singapore remains one of the few countries around the world that is able to effectively uphold anti-corruption behavioral control, and whose relevant legal guidelines do call for Taiwan's mirroring. In light of the author studies and works on the domain of corruption and corruption prevention, asset declaration and the like, the author has utilized the opportunity of visiting the country's Corrupt Practices Investigation Bureau in late January this year taking to field visitation and data gathering to gain in-depth understanding to the country's anti-corruption experience, intended to share with Coast Guard associates. Yet as bound by limited entry, the article mainly focuses on analyzing the Corrupt Practices Investigation Bureau's mission responsibility and organization framework and to briefly describe the country's anti-corruption implementation.

Corrupt Practices Investigation Bureau's mission responsibilities and organization framework

In the 40s and 50s, corruption and graft are somewhat a common way of life to most Singaporeans. And up to 1952, all corruption cases fall under the jurisdiction of the Police Administration's anti-corruption department, where it is in charge of processing the cases. Without much doing, little else in the case of police corruption investigations, an independent Corrupt Practices Investigation Bureau is launched to spearhead the investigation and prevention of all corruption cases. The bureau faces a fair share of problems initially, such as incomprehensive anti-corruption laws and regulations, which stand to hinder corruption evidence gathering, in addition to how the public remain leery of the bureau, and shun from cooperating with it for fear of retaliation.

In 1959 following the People's Action Party that takes the police rein, the circumstances have undergone changes. The government takes a firmer stance against corrupt government officials. Beginning to sense the government's sincerity in fighting corruption, the people of Singapore are becoming more confident of the bureau's action. Following provides an analysis on the bureau's mission responsibilities and organization framework.

I. Mission responsibilities

貪污調查局的任務，包括：接受並調查涉嫌貪污的投訴；調查有貪污嫌疑的公務員不檢點及瀆職行為；檢討公共服務的運作慣例及程序以減少公務員貪污的機會，從而防止貪污。具體而言，其職權可分為四類：

- (一)在防止貪污法令下，調查任何有關貪污的案件。
- (二)調查任何在貪污案件的調查過程中所揭發的可逮捕案件。
- (三)調查任何在貪污案件中公務員的失職與不檢點的行為。
- (四)研究有貪污傾向的部門的行政程序，向有關部門首長提出改進方案，以杜絕貪污。

二、組織架構

貪污調查局之預算編列在總理公署下，每年新加坡幣一千萬左右（約新台幣兩億元）。其編制員額為 88 人，但目前實際員額為 82 人（詳如表一）。

表一

| 身分 \ 人數 | 編制員額 | 實際員額 |
|---------|------|------|
| 調查員 | 57 | 53 |
| 助理調查員 | 9 | 9 |
| 文書與行動人員 | 22 | 20 |
| 總計 | 88 | 82 |

目前在該局工作的人員中，53.7% 係大學畢業，年齡 20-40 歲者有 49 人，40 歲以上者有 33 人（詳如表二）。

表二

| 年 齡 | 人 數 |
|---------|-----|
| 60 歲以上 | 1 |
| 50-60 歲 | 19 |
| 40-50 歲 | 13 |
| 30-40 歲 | 26 |
| 20-30 歲 | 23 |

Long been known for its efficiency and integrity, Singapore's public administration boasts a political implementation characterized by a high morality and low in corruption to warrant international acclaim, where the Corrupt Practices Investigation Bureau under the Premier's Office shoulders the responsibility of local corruption investigation and prevention.

The Corrupt Practices Investigation Bureau's missions including accepting and investigating suspicious corruption complaints, investigating public servants suspicious of corruption and breach of their job responsibilities, reviewing public service implementation routine and procedures to less the chance for public servants to commit corruption, as well as corruption prevention. Tangibly put, its responsibilities can be grouped into four categories,

- 1.)To investigate any and all corruption cases within the scope of the anti-corruption law.
- 2.)To investigate any arrest case that emerges throughout anti corruption case investigation processes.
- 3.)To investigate public servants' breach of confidence and corrupt conducts in any of the corruption cases.
- 4.)To study the administrative procedure governing departments that are prone to commit corruption, and to present improvement proposal to the head of relevant government agencies to curtail corruption.

II. Organization framework

The Corrupt Practices Investigation Bureau's budgets are allocated under the Premiere's Office, which amount to approximately \$10 million Singaporean dollars per annum (or roughly NT\$200 million). It has a staff allocation of 88, and is now hiring 82 (refer to Table-1).

Table-1

| Stature | # of staffing | Staffing allocation | Actual hiring |
|----------------------------------|---------------|---------------------|---------------|
| Investigators | | 57 | 53 |
| Assistant investigators | | 9 | 9 |
| Word processors and field agents | | 22 | 20 |
| Total | | 88 | 82 |

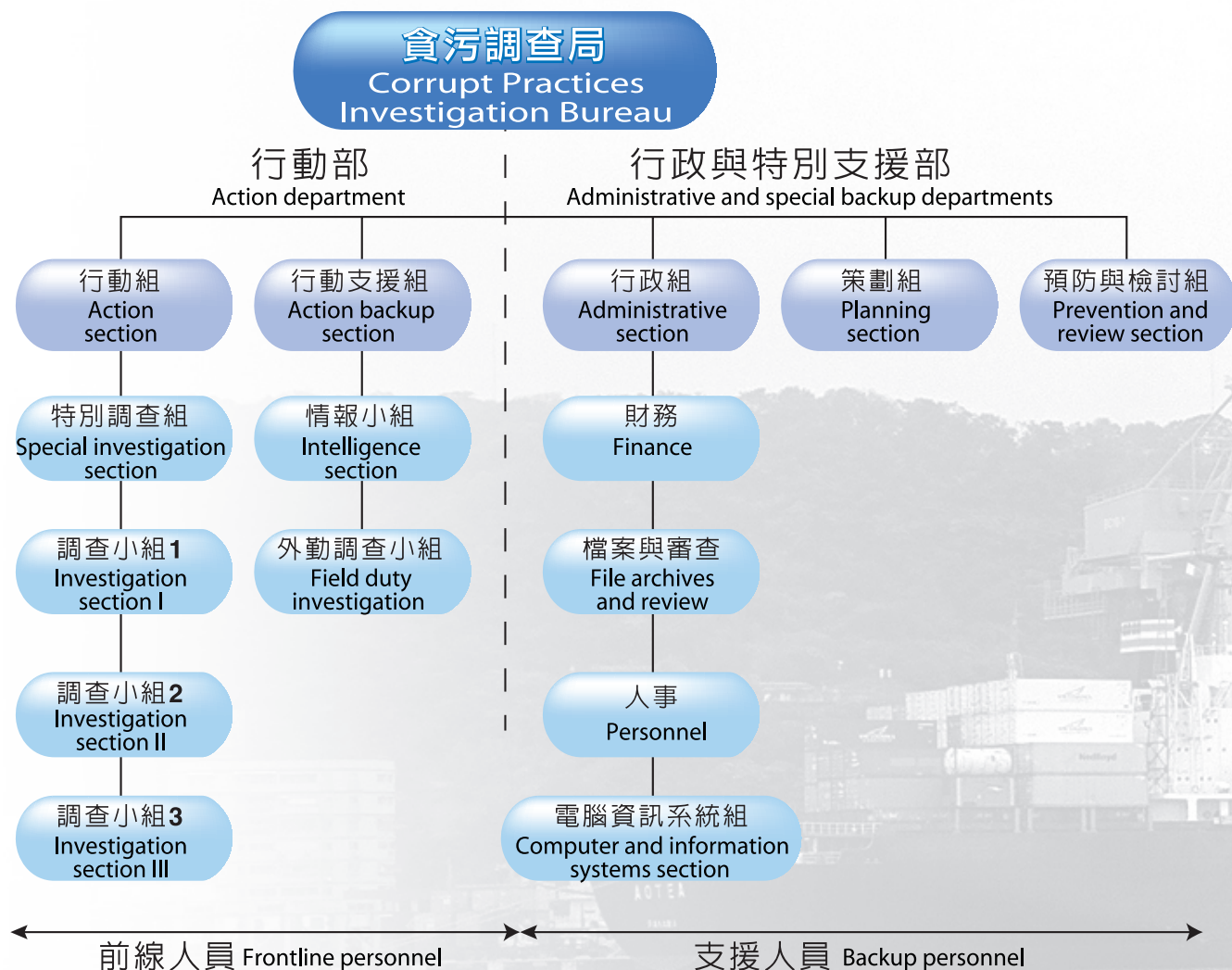
Among bureau personnel, 53.7% of them are university graduates, and 49 aged between 20 and 40, 33 over the age of 40 (refer to Table-2).

Table-2

| Age | # of staffers |
|-------------------|---------------|
| Over 60 | 1 |
| Between 50 and 60 | 19 |
| Between 40 and 50 | 13 |
| Between 30 and 40 | 26 |
| Between 20 and 30 | 23 |

在組織上，貪污調查局分成兩大部門，其下設組(詳如圖一)，即：

In organization, the Corrupt Practices Investigation Bureau is divided into two major departments, and sections under them (refer to Fig. 1), meaning,



圖一：新加坡貪污調查局組織架構圖

Fig. 1 Organization framework on Singapore's Corrupt Practices

(一) 行動部

行動部援引《防止貪污法》，負責調查工作，由4個調查小組組成，其中一個單位是由精英組成的特別調查小組(Special Investigation Team，簡稱SIT)，專門處理較複雜、重大的案件。調查完畢後，行動部將根據所獲得的證據呈交報告給檢察司。根據《防止貪污法》規

(I) Action department

As empowered by the Anti-corruption Law, the action department consists of four sections; among them there is the special investigation team (SIT) comprising of elite members focusing on handling more complex and significant cases. Upon concluding an investigation, any charges would need to be consented by the D.A.'s Office before it can be moved forward. Cases involving public servants suspicious of corruption but do not have sufficient evidence to forfeit prosecution are forwarded to the head of relevant government agencies, at the consent of the D.A.'s office, for disciplinary action to be given to the public servant. The action department also operates an intelligence section,

定，任何控訴都必須獲得檢察司的書面同意才能進行。涉嫌貪污但因證據不足致無法被提控的公務員，(在檢察司的同意下)案件轉交給有關部門的主管，以對該公務員採取紀律處分。行動部也設有情報小組，負責蒐集和綜合情報，同時執行外勤調查以支援行動部調查工作所需的資料。

(二) 行政與特別支援部

1. 行政組

負責行政與人事方面的事務，為政府部門和法定機構提供檔案審查服務，並訂定該局的策略性計畫。

2. 策劃組

負責有關策劃和政策的工作。

3. 預防與檢討組

檢討容易發生貪污案件的政府部門工作程序，找出行政上可能促成貪污和不當行為的弊端，並提出改善和預防措施。

which is responsible for gathering and integrating intelligence; it also carries out field duties and gathers data needed for the action department's investigation work.

(II) Administrative and special backup departments

1. Administrative section

The section is responsible for administration and staffing, providing file review services for government departments and legally designated agencies, as well as drafting the bureau's strategic plans.

2. Planning section

The section is responsible for developing and enforcing policies.

3. Preventive and review section

The section is responsible for reviewing the working procedures for government departments that are prone to commit corruption, and locating loopholes that are prone to result in corruption and impropriety, as well as proposing improvement and prevention measures.

Singapore's anti-graft implementation

I. Corruptions involving departments of public services

In eradicating corruption, the Corrupt Practices Investigation Bureau places special focus on public departments, particularly of law enforcement officers and public servants who are prone to be seduced to corruption due to the nature of their work. In the meantime, irrespective of the corruptor's rank or position, no leniency is given to any of the violators, who are subject to trials and legal punishments.

II. Corruptions involving private enterprises

Though with a priority focus to investigate corrupt cases with public departments, the Corrupt Practices Investigation Bureau, however, has also been empowered to conduct corruption investigation against private enterprises, where the

新加坡防治貪污之作法

一、牽涉公共部門的貪污

貪污調查局在剷除貪污行為方面，特別專注於公共部門。尤其是執法人員以及在工作性質上容易被誘惑而犯下貪污罪行的公務員。同時也不論貪污者的層級和地位，一律毫不猶豫的將其繩之以法。

二、牽涉私人企業的貪污

雖然貪污調查局優先處理公共部門內的貪污案件，但也授權該局對私人企業內的貪污事件進行調查(此部分甚至還超過對公部門之調查)。私人企業內的貪污事件通常涉及支付或收取非法佣金或回扣，例如採購人員從供應商處接獲非法佣金或回扣。其可能造成供應商為了取回所支付的佣金而把貨品的價格調高，最終將導致公司成本的增加、



新加坡貪污調查局與我方代表交換致贈紀念品
A snapshot of souvenir exchange between Singapore's Corrupt Practices Investigation Bureau and Taiwan's representative

效率降低與形象受損，進而削弱競爭力。更重要的是，在私人企業中存在這類賄賂風氣，將嚴重的打擊投資者對新加坡作為主要商業和金融中心的信心。

三、檢討工作流程

改進冗繁的工作方法和程序，避免在核發證照時有所延誤，從而防止公務員以加速處理有關申請為由，而伺機向公眾人士索取賄賂。

四、無債務宣誓

每名公務員每年都必須簽署一份聲明書，聲明沒有財務方面的困境。一名有債務的公務員很容易受制於人和被人利用，受賄的可能性也相對提高。

五、申報財產和投資

所有公務員在初任公職時以及其後的每一年，都必須申報其財產以及在私人企業中的投資，包括其配偶和未成年子女名下的財產和投資。如果購買非建屋發展局的產業，必須在一個星期內向服務部門呈報。如果公務員購買超過一間的房屋，而這些房屋的總價值卻和其總收入不相稱，將會被質問。如果擁有私人企業的股份，可能被要求放棄這些股份以避免有利益上的衝突。

六、不接受饋贈

公務員是不允許接受與其有公務往來的人士所贈與的任何金錢或禮物，也不准接受任何招待，以免受制於人。如果無法拒絕有公務往來人士的饋贈(例如外賓所贈的紀念品)，則可收下禮物，然後把它交給服務部門的主管處理。不過，該官員也可保留該份禮物，但必須支付由財政部委任的估價師所評估的價格，方能將該禮物買下。

七、公共教育

貪污調查局的宣導教育，主要是向在執法部門服務的公務員與工作性質上容易受誘惑的官員講解貪污的弊端。

investigations are seen to be even more stringent than that on public departments. Corruption cases in private enterprises often involve commission or kickbacks; for example, a purchaser gets illicit commissions or kickbacks from a supplier. This could very much push the vendor to jack up the price of the goods in order to pay the purchaser commission that only leads to increasing the firm's cost, curtailing efficiency, damaging the firm's image, and weakening its competitiveness. More important, such type of corruption trend permeating around private enterprises has a detrimental blow against investor confidence for believing Singapore as a major commercial and financial hub.

III. Review of the working processes

Revamping the fastidious working methods and procedures helps to avoid delays in license issuance, and in turn helps to prevent public servants from soliciting bribes on the grounds of speeding up processing the petitions and applications.

IV. Burden-free declaration

Every public servant is required to sign an affidavit every year, attesting that they do not have any financial difficulties. A financial-laden public servant is highly susceptible to be manipulated, and whose probability of being bribed escalates considerably as well.

V. Declaration of assets and investment

All public servants are required to declare their assets and investments held in private enterprises at the time of joining the public service and every year thereafter, including assets and investments held under their minor offspring and spouse. Suppose a property not developed by the Bureau of Building Development is purchased, a public servant is required to declare the purchase with whose agency within one week. If a public servant buys more than one property, and the total value of the properties does not match up to whose total income, the public servant is likely to be questioned. When owning shares at private enterprises, a public servant is likely to be asked to forfeit such shareholders in order to avoid conflict of interest.

VI. Refusal to accept gifts and gratuities

Public servants are not allowed to accept any monetary gratuity or gifts from individuals that they have official business with, nor are they allowed to accept any entertainment, so to avoid being manipulated by others. If unable to refuse gifts from persons that they have official dealings with, such as souvenir bequeathed by foreign dignitaries, a public servant may accept the gift, and then forward the gift to their department supervisor pending further disposal. However, an official may also choose to retain the gift, provided that the value of the gift needs to be appraised by Ministry of Finance appraisers before the gift may be purchased.

VII. Public awareness education



結語

新加坡前總理李光耀曾表示，廉潔的政治環境是新加坡最寶貴的資產。貪污調查局人員認為該國打擊貪污成功的關鍵，在於有誠信政府願意設置專責聯政肅貪機構真心打擊貪污。在政治領袖、高級公務員和貪污調查局的攜手合作下，再加上大眾傳媒對貪污者的負面報導，新加坡人



已把貪污視為嚴重罪行，不願與其沾上任何關係。由於新加坡政府有遏制貪污的堅強政治意志，以及不畏權勢堅定果斷地打擊貪污決心，加上一般民衆無法接受貪污成為生活的一種方式，該國政府與民衆緊密配合共同反貪，應係其成功之關鍵。整體而言，新加坡利用法制監督-不能貪；高薪養廉-不用貪；嚴刑峻罰-不敢貪；教育宣導-不想貪。雖然該國法制在我國未必能全般套用，但筆者以為我國若能落實財產申報制度，並參酌制定一系列的反貪法案（陽光法案），以及強化對全民的教育宣導，防治貪污的工作應能收到相當的效果。（作者謝立功任職於中央警察大學國境警察學系、董顯惠任職於海岸巡防總局督察室）

The Corrupt Practices Investigation Bureau's awareness education primarily pertains to presenting the downfall of corruption to public servants in law enforcement departments and officials who are prone to be seduced to corruption due to the nature of their work.

Recapitulation

Singapore's former premiere Lee Kong Yu has said the integral government environment remains the most precious asset to Singapore.

Corrupt Practices Investigation Bureau agents reckon that the key in the country's anti-corruption success lies in its integral government's willingness to instill a full-time agency to truly eradicate and disintegrate corruption. At the joint efforts of its political leaders, senior public servants and Corrupt Practices Investigation Bureau, coupled with the mass media's negative coverage against the corrupters, the Singaporeans have regarded corruption as a serious crime and shun from having anything to do with it. Thanks to the Singapore governments' stern political willpower to effective curtail corruption, and its unrelenting derive to heavy-handedly infiltrate corruption and graft, coupled with the public's unwilling to accept corruption as their way of life, the joint efforts by the country's government and people have been the key of the success. As a whole, Singapore adopts an airtight system to prevent crime, pays the public servants decently to keep them from greed, inducts harsh penalties to deter greed, and incorporates awareness education to dissuade greed. Although Singapore's implementation may not be suitable for plotting in Taiwan exactly, yet the author does reckon that the ability for Taiwan authorities to enforce an asset declaration scheme, coupled with mirroring Singapore's experience in initiating a series of anti-corruption legislation (such as the Sunshine bill), as well as stepping up national awareness education, would certainly bring significant effectiveness to the overall anti-corruption work.

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