



China Hong Kong Paralympic Committee 中國香港殘疾人奧委會

Code of Conduct for Staff and Board of Directors

A. Introduction

The HKPC is fully committed to the principle of honesty, integrity and fair play in all its businesses and activities. All staff and Board of Directors should ensure that the businesses of the HKPC, such as procurement of sports and office equipment, hiring of staff and services, processing of applications and selection of athletes for enrolment in sports activities, and allocation of resources such as sports equipment and venue, are dealt with in an open, fair and impartial manner. They should bear in mind that the HKPC is accountable to its sponsors, including the government and any private sponsors, and all its members, in the conduct of its business and activities.

This Code of Conduct sets out the basic standard of conduct expected of all staff and Board of Directors and the HKPC's policy on such matters as acceptance of advantages and declaration of conflict of interest. This Code also applies to temporary or part-time staff employed by the HKPC.

B. Prevention of Bribery Ordinance

Under Section 9 of the Prevention of Bribery Ordinance (Cap. 201), an employee who solicits or accepts an advantage in relation to his employer's business or affairs without the latter's permission may commit an offence. The term "advantage" is defined in the Ordinance and includes almost anything of value, except entertainment, such as money, gift, commission, loan, fee, reward, office, employment, contract, service or favour (*Appendix I*).

C. Acceptance of Advantages

C1. It is the policy of the HKPC to prohibit all staff from soliciting any advantage from any persons having business dealings with the HKPC (e.g. suppliers, contractors, members, athletes, coaches, activity participants). Staff and Board of Directors who wish to accept any advantage from such persons should seek special permission from the Board of HKPC prior to the acceptance.

C2. Any gifts offered voluntarily to the officials or staff in their official capacity are regarded as gifts to the HKPC and they should **not** be accepted without permission. Staff and Board of Directors should decline the offer if the acceptance could affect their objectivity in conducting the HKPC's business or induce them to act against the interest of the HKPC, or lead to perception or complaints of bias or impropriety.

C3. For gifts which are presented to staff or Board of Directors in their official capacity and of nominal value (below \$500), the refusal of which could be seen as unsociable or impolite (e.g. a plaque presented to staff or Board of Directors during a seminar in which he is invited to be the guest speaker), the Board has given a ***blanket permission*** for staff or Board of Directors to accept these gifts. In other circumstances, the staff or Board of Directors should apply in writing to the Board of HKPC for permission to accept the gifts. Each application should be carefully considered by the HKPC. Proper records of these applications should be kept showing the name of the applicant, the occasion of the offer, the nature and estimated value of the gift, and whether permission has been granted for the applicant to retain the gift or other directions have been given to dispose of the gift. Possible ways of disposal of such gifts are listed at ***Appendix 2***.

C4. There is however no restriction on the acceptance of advantages, in the staff or Board of Directors' private capacity, from any person who does not have any official dealings with the HKPC. In case of doubt, the staff or Board of Directors should refer the matter to the Board of HKPC for advice and instruction before accepting such offer of advantages.

D. Conflict of Interest

D1. A conflict of interest situation arises when the "private interests" of the staff or Board of Directors compete or conflict with the interests of the Association. "Private interests" means both the financial and personal interests of the official and staff or those of their connections including:

- family and other relations;
- personal friends;
- other companies or business interests which they hold or own (both in part or in whole);
- other clubs and societies to which they belong; and
- any person to whom they owe a favour or are obligated in any way.

D2. Staff or Board of Directors should avoid using their official position or any information made available to them in the course of their duties for the HKPC to benefit themselves, their relations or any other persons with whom they have personal or social ties, or business connections. They should avoid putting themselves in a position that may lead to an actual or perceived conflict of interest with the HKPC. Failure to avoid or declare any conflict of

interest may give rise to criticism of favouritism, abuse of authority or even allegations of corruption, which are to the corporate disgrace of the Association. In particular, officials and staff involved in the procurement process should declare conflict of interest if they are closely related to, or have or will likely be perceived to have, beneficial interest in any company which is considering submission of quotation/tender to the HKPC or is being considered for selection as the HKPC's supplier of goods or services. *Appendix 3* provides some examples of conflict of interest situations which may be encountered and should be avoided by staff or Board of Directors.

D3. When called upon to deal with matters of the HKPC for which there is an actual or perceived conflict of interest, the staff or Board of Directors should make a declaration in writing to his supervisor or the Board of HKPC. He should then abstain from dealing with the matter in question and follow the instruction of his supervisor or the Board of HKPC who may (or may not) reassign the task to other staff or Board of Directors.

E. Entertainment

As defined in Section 2 of the Prevention of Bribery Ordinance, "entertainment" refers to food or drink provided for immediate consumption on the occasion, and any other entertainment provided at the same time. Although entertainment is an acceptable form of business and social behaviour and is not an "advantage", staff or Board of Directors must not accept lavish or frequent entertainment from persons with whom the HKPC has official dealings (e.g. suppliers or contractors, clubs/persons to which the Association may allocate resources or job assignments), so that they will not be placed in a position of obligation to the offerer.

F. Misuse of Official Position

The staff or Board of Directors who misuse their official position for personal gains or to favour their relatives or friends or to benefit their business connections are liable to disciplinary action by the HKPC or even prosecution by the appropriate authorities. Examples of misuse include a staff or a Board of Director responsible for the selection of suppliers giving undue favour or leaking tender information to his own or his relative's company with a view to awarding the contract to the latter, or placing it in an advantageous position ahead of other competitive bidders. Other examples include reserving tickets for popular sports events for relatives and friends without prior permission and without going through the proper ticket allocation procedures by the HKPC, and unfair allocation of resources (e.g. sports venue) to other parties for personal gain.

G. Handling of Classified or Proprietary Information

The staff or Board of Directors are not allowed to disclose any classified or proprietary

information to anybody without prior authorisation by the HKPC. The staff or Board of Directors who have access to or are in control of such information should at all times provide adequate safeguards to prevent its abuse or misuse. Examples of misuse include disclosure of information in return for monetary rewards, or use of information for personal interest or business benefit. It should also be noted that unauthorised disclosure of any personal data may result in a breach of the Personal Data (Privacy) Ordinance (Cap. 486).

H. Property and Other Resources of the Association

The staff or Board of Directors given access to any property or other resources of or acquired by the HKPC (such as sports venue) should ensure that it is properly used solely for the purpose of conducting the HKPC's business. Misappropriation or unauthorised use of such property or resources, such as for personal use or personal gain (e.g. resale or unauthorised leasing) is strictly prohibited.

I. Sponsorship

The HKPC is accountable to its sponsors for the use of their sponsorship. The staff or Board of Directors should ensure that any sponsorship or sponsored item is used solely for the purpose for which it is provided. Consent from the sponsor should be obtained if it is to be used for a purpose that deviates from the stated purpose for which it is obtained. The staff or Board of Directors should also ensure adequate transparency on the use of sponsorship to the sponsors, and ensure that the HKPC can account for the use of their sponsorship.

J. Gambling

The staff or Board of Directors must not engage in frequent or excessive gambling with persons who have business dealings with the HKPC as well as among colleagues, particularly with subordinates. If on social occasions where refusal of gambling (provided that the activity is legal) is considered unsociable, the amount of money involved should not be significant. Gambling in the HKPC's premises, government venues, and locations where activities of the HKPC take place is strictly forbidden.

K. Outside Employment

Staff who wish to take up paid outside work, including those on a part-time basis, must seek the written approval of the HKPC before accepting the job. Applications for outside work should be made to Executive Director of the Board of HKPC for consideration. Approval will not be given if the outside work is in conflict with the interest of the HKPC (**at Annex 1**).

L. Compliance with the Code

L1. It is the personal responsibility of every official and staff to understand and comply with the

Code of Conduct, in particular by conscientiously avoiding any conflict of interest, and making declaration and seeking prior permission from the HKPC in accordance with this Code in any case of exception.

L2. The Board of HKPC will ensure that staff or Board of Directors understand and comply with the standards and requirements stated in the Code. Any problems encountered as well as any suggestions should be channeled to the Board of HKPC for consideration and advice.

L3. Any staff or Board of Directors who violates any provision of the Code will be subject to disciplinary action, or termination of appointment/employment where warranted. In cases of suspected corruption or other criminal offences, a report will be made to the ICAC or the appropriate authorities.

“Advantage” means :

- any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- any office, employment or contract;
- any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- the exercise or forbearance from the exercise of any right or any power or duty; and
- any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e),

**Ways to dispose of gifts presented to
staff or Board of Directors in his official capacity**

- If the gift is of perishable nature (e.g. food or drink), it may be shared among the office or during an activity organised by the HKPC.
- If the gift is of historical or other interest, it may be sent to a library or museum.
- If the gift is suitable for display (e.g. a painting, vase, etc), it may be retained for display in the recipient's office or elsewhere noticeable in the HKPC's premises.
- If the gift is of low value (below \$500), it may be donated to the HKPC's social function as a lucky draw prize.
- If the gift is a personal item of low value (below \$500), it may be retained by the recipient after approval by the HKPC.

Examples of Conflict of Interest Situations

- The staff or Board of Directors takes part in the selection of suppliers or contractors, and one of the bidders under consideration is his relative or close personal friend.
- The staff or Board of Directors has a financial interest in a company which is being considered for selection as the HKPC's supplier of goods or services, or is an existing supplier.
- The staff or Board of Directors acquires dealership of goods or services on insider knowledge that such goods or services are being considered for procurement by the HKPC.
- The staff or Board of Directors has beneficial interests in a supplier whose goods or services are being selected through an intermediary (e.g. a publicity agent) appointed by the HKPC.
- The staff or Board of Directors selects a sports venue where his relative or close personal friend has management responsibility.
- The staff or Board of Directors accepts frequent or lavish entertainment or expensive gifts from the HKPC's suppliers or contractors.
- The staff or Board of Directors hires a relative as staff member, or is considering the promotion of such a person.
- The staff or Board of Directors nominates a relative as office-bearer.
- An official vetting applications for programme sponsorship submitted by a Community Sports Club of which he is also a committee member.
- The staff or Board of Directors, responsible for controlling the allocation of sports venue rented by the HKPC, allocates prime time slots to a sports training school or a sports club operated by himself or a relative.
- The staff or Board of Directors responsible for selling tickets of a popular sport programme reserves tickets for his relatives or personal friends without permission.