

## **I. Preamble**

The [Hong Kong China Korfball Association Limited] (the Association) is fully committed to the principle of honesty, integrity and fair play in the conduct of its business and activity. All officials and staff should ensure that the businesses of the Association, 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 Association is accountable to its sponsors, including the government and any private sponsors, and all its members, in the conduct of its business and activities.

To this end, this Code of Conduct sets out the standard of behaviour expected of all officials and staff and the Association' policy on such matters as acceptance of advantages and declaration of conflict of interest. This Code also applies to temporary and part-time staff employed by the Association.

## **II. Specific Standards**

### **1. Provisions of Prevention of Bribery Ordinance**

An employee is agent of the Association governed by Section 9 of the Prevention of Bribery Ordinance (POBO, Cap. 201) (and other provisions where appropriate). An employee commits an offence under POBO if he, without the Chairman's permission, solicits or accepts any advantage in connection with his employer's business or affairs. **Appendix 1** provides the full text of POBO Section 9 and the legal definition of an advantage.

### **2. Acceptance of Advantages**

It is the Policy of this Association to prohibit all staff from soliciting any advantage from any persons having business dealings with the Association (e.g. suppliers, contractors, members, athletes, coaches, activity participants). Officials and staff who wish to accept any advantage from such persons should seek special permission from the Chairman of Executive Committee prior to the acceptance.

#### **2.1 Gifts/souvenirs presented to Officials or Staffs in their capacity as such**

- (a) A gift/souvenir presented to an official or a staff in his capacity as such should be regarded as a gift/souvenir to the Association (e.g. a gift/souvenir presented by the organisers to an official or a staff invited in his capacity as such or representing the Association to officiate at ceremonies).
- (b) Officials and staff shall follow the procedures set out in **Appendix 2** for the disposal of gifts/souvenirs received in the above circumstances.

## 2.2 Sponsorships offered to Officials and Staff in their capacity as such

- A. Officials and Staff may be offered sponsorships in their capacity as such by persons/organisations other than the Association itself for official purposes such as attending local/overseas conferences, conventions, product trial activities, etc. Such sponsorships should be regarded as sponsorships offered to the Association and referred to the Association for consideration of acceptance.
- B. The Officials and Staff should consider whether it is appropriate to accept the offer based on the following general criteria : -
  - (i) acceptance of the sponsorship will benefit the Association as a whole and not bring the Association into any disrepute;
  - (ii) the Officials and Staff will not feel obliged to do something in return for the offeror; and
  - (iii) acceptance will not give rise to any actual or perceived conflict of interest (e.g. the offeror is a supplier/contractor bidding for the Association's contracts).
- C. If the Officials and Staff decides to accept the sponsorship, it should then select a suitable Staff to attend the sponsored activity on its behalf.

## 2.3 Advantages offered to Officials and Staff in their private capacity

- (a) Where an official or staff is offered an advantage in his private capacity, he may accept it if : -
  - (i) the acceptance will not affect the performance of his duties as an official or staff ; and
  - (ii) he will not feel obliged to do something in return in connection with Association business for the offeror.
- (b) If an official and a staff feels that he would be obliged to reciprocate an advantage by returning to the offeror a favour connected with any Association business, he should decline the offer.
- (c) When an official and a staff is in doubt as to whether he should accept an offer of advantage, it is advisable for him to apply the “sunshine test”<sup>Note</sup> and consult the Chairman/Secretary of the Association.

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*Note*

*In the sunshine test, the person concerned should ask himself if he would be happy to openly discuss with the general public what he is doing. If he feels uncomfortable about that, what he is doing is probably conflicting with the ethical standard generally expected by society.*

### 3. **Acceptance of Entertainment**

As defined in Section 2 of the POBO in Appendix 2, Officials and Staff should not accept frequent or lavish entertainment from persons/organisations who/which have an interest in any matters under consideration by the Association or with whom/which he has official dealings (e.g. suppliers or contractors, clubs/persons to which the Association any allocate resources or job assignment), so that they will not be placed in a position of obligation to the offerer.

### 5. **Conflict of Interest**

#### 5.1 Definition

A conflict of interest situation arises when the private interest of the officials and staff competes or conflicts with the interest of the Association. "Private interest" includes both the financial and other interests of the official and staff and those of their connections, including family members, relatives, friends, clubs and societies to which they belong, as well as people to whom they owe a favour or are obligated in any way.

#### 5.2 Managing conflict of interest

Officials and Staff should avoid any conflict of interest situation (i.e. situation where their private interest conflicts with the interest of the Association) or the perception of such conflicts. They should not use their official position or any information made available to them in the course of their duties to benefit themselves, their relations or any other persons with whom they have personal or social ties. They should avoid putting themselves in a position that may lead to an actual or perceived conflict of interest. Failure to avoid or declare such conflict may give rise to criticisms of favouritism, abuse of authority or even allegations of corruption. 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 Association or is being considered for selection as the Association's supplier of goods or services.

In this connection, officials and staff shall comply with the guidelines on declaration of interests in **Appendix 3**.

#### 5.3 Officials or Staff bidding for the Association's contracts

As a matter of principle, Officials or Staff should avoid entering into any business contract (e.g. for the supply of goods or services) with the Association in their personal capacity to prevent the public perception of officials or staff using their capacity to obtain financial gains from the Association. Where this is unavoidable, officials or staff shall adhere to the guidelines on managing possible conflict of interest in bidding for the Association's business contracts as set out in **Appendix 4**.

**6. Use of Confidential or Privileged Information**

- (a) Officials and Staff shall not take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his capacity as an official or staff.
- (b) Officials and Staff shall not disclose any confidential or privileged information of the Association to any party unless he is authorised to do so.

**7. Use of Funds**

- (a) Officials and Staff shall ensure that all the Association's funds are used in a prudent and responsible manner to safeguard the Association's interest. They should only approve funds for any project/activity/expenditure item which falls within the ambit of the funds and can achieve the purpose of the funds.
- (b) Officials and Staff shall particularly ensure that an open, fair and competitive mechanism is adopted for the procurement of goods/services and recruitment of staff for the Association.
- (c) Officials and Staff given access to any property or other resources of or acquired by the Association (such as sports venue) should ensure that it is properly used solely for the purpose of conducting the Association's business. Misappropriation or unauthorized use of such property or resources, such as for personal use or personal gain (e.g. resale or unauthorized leasing) is strictly prohibited.

**8. Misuse of Official Position**

Officials and Staff shall not misuse their official position as such to gain benefit for themselves or others, or render favour to any person/organisation. Examples of misuse 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 Association, and unfair allocation of resources(e.g. sports venue) to other parties for personal gain.

**9. Records, Accounts and Other Documents**

Officials and Staff should ensure, to the best of their knowledge, that any record, receipt, account or other document they submit to the Association gives a true representation of the events or transactions reported in the document. Intentional use of documents containing false information to deceive or mislead the Association may constitute an offence under the POBO.

11. **Gambling**

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

12. **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 Association before accepting the job. Applications for outside work should be made to Chairman of Executive Committee for consideration. Approval will not be given if the outside work is in conflict with the interest of the Association.

10. **Compliance with Local Laws in Other Jurisdictions**

Officials and Staff must comply with all local laws and regulations when conducting the Association's business, and also those in other jurisdictions, when conducting business there.

**Extracts from the Prevention of Bribery Ordinance  
(Cap. 201, Laws of Hong Kong)**

**Section 9 - Corrupt transaction with agents**

- (1) Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his –
- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
  - (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,

shall be guilty of an offence.

- (2) Any person who, without lawful authority or reasonable excuse, offers any advantage to any agent as an inducement to or reward for or otherwise on account of the agent's –
- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
  - (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,

shall be guilty of an offence.

- (3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document -
- (a) in respect of which the principal is interested; and
  - (b) which contains any statement which is false or erroneous or defective in any material particular; and
  - (c) which to his knowledge is intended to mislead the principal,

shall be guilty of an offence.

- (4) If an agent solicits or accepts an advantage with the permission of his principal, being permission which complies with subsection (5), neither he nor the person who offered the advantage shall be guilty of an offence under subsection (1) or (2).

- (5) For the purposes of subsection (4) permission shall -

- (a) be given before the advantage is offered, solicited or accepted; or
- (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,

and for such permission to be effective for the purposes of subsection (4), the principal shall, before giving such permission, have regard to the circumstances in which it is sought.

### **Definition of an Advantage (Section 2)**

“Advantage” means : -

- (a) 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;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) 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;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) 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).

but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), particulars of which are included in an election return in accordance with that Ordinance.

### **Definition of Entertainment (Section 2)**

The provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provisions.

### **Section 19 – Custom not to be a defence**

In any proceedings for an offence under the Ordinance, it shall not be a defence to show that any such advantage as is mentioned in the Ordinance is customary in any profession, trade, vocation or calling.

**Procedures for Handling Gifts/Souvenirs  
Given to officials or staff in their Capacity as such**

All gifts/souvenirs received by the officials or staff of the Association in their official capacity should be forwarded to the Chairman of Executive Committee for disposal in the following manner:

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- (a) If the gift/souvenir is of perishable nature (e.g. food or drink, etc.), it may be shared among officials and staff on a suitable occasion, or donated to another charitable organisation.
- (b) If the gift/souvenir is a useful item, it may be retained and used by the Association, or donated to another charitable organisation.
- (c) If the gift/souvenir is suitable for display (e.g. a painting, vase, etc), it may be displayed at appropriate locations of the Association's office or premises.
- (d) If the gift/souvenir has a value below HK\$500, it may be donated as a prize in functions organised by the Association.
- (e) If the gift/souvenir is a personal item with a value below HK\$500, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient.
- (f) If the gift/souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.



## **Guidelines on Declaration of Interests by Officials and Staff – a Two-tier Reporting System**

### **General Principles**

Some public boards/committees are autonomous and have extensive powers over policy and financial matters. To maintain public confidence in the integrity of members (including the chairman), as well as in the impartiality of their advice tendered to the board/committee, it is important that all members of such boards/committees should disclose their general pecuniary interests on appointment to the board/committee, in addition to the report of conflicts of interests as and when they arise. To achieve greater transparency, such declarations should be made available for public inspection. By adopting this two-tier reporting system, members of these boards/committees can be protected from criticism or embarrassment arising from the existence of any undeclared general financial interest which may have potential conflict with the work of the board/committee. The two-tier reporting system consists of the following:

#### **A. Register of Members' Interests**

- (1) The chairman and members shall register in writing their personal interests, direct or indirect, pecuniary or otherwise, when they first join the committee, and annually thereafter, to the secretary of the committee. The registration shall be made on a standard form, a sample is at the Appendix 5(i).
- (2) The types of interests required for registration shall include:
  - (i) Proprietorships, partnerships or directorships of companies;
  - (ii) Remunerated employments, offices, trades, professions or vocations; and
  - (iii) Shareholdings in a publicly listed or private company (e.g. 1% or more of the company's issued share capital); and/or
  - (iv) Other declarable interests, taking into consideration the nature of work of individual committees.
- (3) A register of members' interests shall be kept by the secretary which should be made available for inspection on request by any member of the public.

**Guidelines on Managing Possible Conflict of Interest  
Arising from Officials and Staff  
Bidding for Contracts of the Association**

- (1) When the need for a business contract is discussed, Officials and Staff should be asked at the outset to declare whether they or any companies associated with them are interested in bidding for the contract.
- (2) The Officials and Staff who have declared an interest to bid should not take part or be present at any subsequent discussions or meetings concerning the proposed contract, and should be prohibited from access to any information in relation to the contract (other than in the capacity of a bidder).
- (3) The Officials and Staff who have not declared an interest to bid (and the companies concerned) should not be allowed to bid subsequently.
- (4) When an Official or Staff (or a company associated with him) has expressed an interest to bid, the Association should ascertain whether any information relating to the contract has already come to the possession of the Official or Staff in the course of his duties as an Official or Staff. If so, such information should be made available to other bidders as well to ensure a level playing field.
- (5) If an Official or Staff (or a company associated with him) has put in a bid, care should be taken to ensure that he subsequently has no access to the submitted tender documents which may contain commercially sensitive information.
- (6) Bidders' identities should be anonymised before the evaluation of bids if an Official or Staff (or a company associated with him) is one of the bidders.
- (7) If an Official or Staff (or a company associated with him) is successful in bidding for the contract, he should withdraw from all discussions relating to the contract, except when attending in the capacity of a supplier or a service-provider.
- (8) The fact of any Official or Staff being awarded a contract of the Association will be published in the Association's website and annual report for public information where practicable.

**Register of interests**

(Name \_\_\_\_\_) requests that interests as listed below should be included in the Register of Members' Interests.

- A. Proprietorships, partnerships or directorships of companies, public or private
  
  
  
  
  
  
  
  
  
  
- B. Remunerated employments, offices, trades, professions or vocations
  
  
  
  
  
  
  
  
  
  
- C. Shareholdings in companies, public or private (1% or more of the company's issued share capital)
  
  
  
  
  
  
  
  
  
  
- D. Other declarable interests (to be specified)

Signed : \_\_\_\_\_

Date : \_\_\_\_\_

Note : The information provided in this form may be disclosed to the public in connection with your appointment as a member/the chairman of Hong Kong China Korfball Association Limited.

**Hong Kong China Korfball Association Limited**  
**Declaration of Conflict of Interest by Official and Staff**

**Part A – Declaration** *(To be completed by Declaring Member)*

To : Chairman of the Executive Committee

I would like to report the following existing/potential\* conflict of interest situation in relation to the discussion item : -

<b>i) Matter to be discussed by the Executive Committee</b>
<b>ii) Brief description of my connection with the matter in (i) above (e.g. directorship in a company which is connected with the matter)</b>

Name : \_\_\_\_\_  
Date: \_\_\_\_\_

**Part B – Acknowledgement** *(To be completed by Chairman)*

To : (Name: \_\_\_\_\_)

**Acknowledgement of Declaration**

The information contained in your declaration form of (Date: \_\_\_\_\_) is noted.  
It has been decided that: -

- You may continue to speak and vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may continue to speak but should not vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may remain in the meeting as an observer on the matter as described in Part A, provided that there is no change in the information declared above.
- You should withdraw from the meeting and immediately return to the secretary any documents regarding the matter sent to you earlier.
- Others (please specify) : \_\_\_\_\_  
\_\_\_\_\_

Name : \_\_\_\_\_  
Position: \_\_\_\_\_  
Date: \_\_\_\_\_

\* Please delete as appropriate