

# **Hong Kong, China Waterski Association**

## **Code of Conduct for Officers, Staff & Executive Committee Members**

### **Introduction**

The Hong Kong, China Waterski Association is fully committed to the principles of honesty, integrity and fair play in all its businesses and activities. All officers, staff and Executive Committee and sub-committee members(personnel) should ensure that the businesses of the Association, such as procurement of sports and office equipment and hiring of staff and services, processing of applications and selection of athletes for enrolment in sports activities, are dealt with in an open, fair and impartial manner.

2. This Code of Conduct sets out the basic standard of conduct expected of all personnel and the Association's policy on such matters as acceptance of advantages and declaration of conflict of interest. This Code also includes temporary or part time staff employed by the Association as well as all personnel in relevant positions whether paid or unpaid.

### **Prevention of Bribery Ordinance**

3. Under Section 9 of the Prevention of Bribery Ordinance (Cap. 201), an employee who solicits or accepts an advantage in relation to his employers' 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 1**).

### **Acceptance of Advantages**

4. It is the policy of this Association to prohibit all personnel from soliciting any advantage from any persons having business dealings with the Association (e.g. suppliers, contractors, members, athletes, coaches, activity participants). Personnel who wish to accept any advantage from such persons should seek special permission from the Executive Committee/Chairman and/or Hon Treasurer prior to acceptance.
5. Any gifts offered voluntarily to any personnel in their official capacity are regarded as gifts to the Association and they should **not** be accepted without permission. Personnel should decline the offer if the acceptance could affect their objectivity in conducting the Association's business, or induce them to act against the interests of the Association, or lead to complaints of bias or impropriety.

6. For gifts which are presented to personnel in their official capacity and of nominal value (below \$200), the refusal of which could be seen as unsociable or impolite (e.g. a plaque presented to a staff member during a seminar in which he is invited to be the guest speaker), the Executive Committee has given a blanket permission for the staff to accept these gifts. Each application should be carefully considered by the Executive Committee/ Chairman and/or Hon Treasurer. 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**.
7. There is however no restriction on the acceptance of advantages, in the personnel's private capacity, from any person who does not have any official dealing with the Association. In case of doubt, the personnel concerned should refer the matter to the Executive Committee/ Chairman and/or Hon Treasurer for advice and instruction.

### **Conflict of Interest**

8. A conflict of interest situation arises when the "private interests" of any personnel compete or conflict with the interests of the Association. "Private interests" mean both the financial and personal interests of the personnel or those of their connections including:
  - family and other relations;
  - personal friends;
  - other clubs and societies to which they belong; and
  - and person to whom they owe a favour or are obligated in any way.
9. Personnel should avoid using 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 with the Association. Failure to avoid or declare any conflict of interest may give rise to criticism of favoritism, abuse of authority or even allegations of corruption. In particular, personnel involved in the procurement process should declare conflicts of interest if they are closely related to or have beneficial interests in any company which is being considered for selection as the Association's supplier of goods or services. **Appendix 3** provides some examples of conflict of interest situations, which may be encountered by personnel.

10. When called upon to deal with matters of the Association for which there is an actual or perceived conflict of interest, the personnel concerned should make a declaration in writing to the Chairman and/or Hon Treasurer. He should then abstain from dealing with the matter in question or follow the instruction of the Chairman and/or Hon Treasurer who may (or may not) reassign the task to other personnel.

### **Entertainment**

11. 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 behavior and is not an “advantage”, personnel should not accept lavish or frequent entertainment from persons with whom the Association has official dealings (e.g. suppliers or contractors), so that they will not be placed in a position of obligation to the offerer.

### **Misuse of Official Position**

12. Personnel who misuse their official position for personal gains or to favour their relatives or friends are liable to disciplinary action, or even prosecution if fraudulent acts are involved. Examples of misuse include any personnel responsible for the selection of suppliers giving undue favour or leaking tender information to his relative’s company with a view to awarding the contract to the latter. Other examples include reserving tickets for popular sports events for relatives and friends without permission and without going through the proper ticket allocation procedures.

### **Handling of Classified or Proprietary Information**

13. Personnel are not allowed to disclose any classified or proprietary information to anybody without authorization. Personnel 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. It should also be noted that unauthorized disclosure of any personal data may result in a breach of the Personal Data (Privacy) Ordinance (Cap. 486).

### **Property of the Association**

14. Personnel given access to any property of the Association should ensure that it is properly used for the purpose of conducting the Association business. Misappropriation of the Association’s property for personal use or resale is strictly prohibited, and may constitute theft.

**Gambling**

15. Personnel should 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 where refusal of gambling is considered unsociable, the amount of money involved should not be significant. Gambling in the Association's premises is strictly forbidden.

**Outside Employment**

16. Personnel 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 the Executive Committee/ Chairman and/or Hon Treasurer for consideration. Approval will not be given if the outside work is in conflict with interest of the Association.

**Compliance with the Code**

17. It is the personal responsibility of all personnel to understand and comply with the Code of Conduct.
18. The Management will ensure that personnel comply with the standards and requirements stated in the Code. Any problems encountered as well as an suggestions should be channeled to the Executive Committee/Chairman and/or Hon Treasurer for consideration and advice.
19. Any personnel who violates any provisions of the Code will be subject to disciplinary action. In cases of suspected corruption or other criminal offences, a report will be made to the ICAC or the appropriate authorities.

## **Appendix 1**

“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 proceeding 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) and offer, undertaking or promise, whether conditional or unconditional, or any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e).

## **Appendix 2**

### **Ways to dispose the gifts presented to a staff member 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 organized by the Association.
- 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 in the Association.
- If the gift is of low value (below \$1,000), it may be donated to the Association's social function as a lucky draw prize.
- If the gift is a personal item of low value (below \$200), it may be retained by the recipient.

## **Appendix 3**

### **Examples of Conflict of Interest Situations**

- A staff member takes part in the selection of suppliers or contractors, and one of the bidders under consideration is his relative or close personal friend.
- A staff member has a financial interest in a company which is being considered for selection as the Association's supplier of goods or services.
- A staff member accepts frequent or lavish entertainment or expensive gifts from the Association's suppliers or contractors.
- A staff member hires a relative as coach.
- A staff member responsible for selling tickets of a popular sport event reserves tickets for his relatives or personal friends without permission.