

## Introduction

1. The Baseball Association of Hong Kong, China (the Association) believes that honesty, integrity and fair play are important values in an organization's governance. This Code sets out the basic standard of conduct expected of all staff members and our policy on acceptance of advantage and conflict of interest in connection with one's official duties.

## Prevention of Bribery

### ***Prevention of Bribery Ordinance***

2. Under the Prevention of Bribery Ordinance (Cap. 201), any staff member who, without the permission of his employer or principal (i.e. the Association), solicits or accepts an advantage as a reward or inducement for doing any act or showing favor in relation to the latter's business, commits an offence. The person offering the advantage also commits an offence.
3. It is also an offence under the Ordinance for any staff member to use any document containing false information with the intent to deceive his employer or principal.

[Section 9 of the Ordinance and the definition of "advantage" are detailed at **Appendix 1**.]

## ***Acceptance of Advantage***

4. It is our policy that staff members, in their private capacity, should not solicit or accept any advantage from any persons or companies having business dealings with the Association (e.g. service recipients, suppliers, contractors), except that they may accept, but not solicit, the following advantages when offered on a voluntary basis : -
  - (a) advertising or promotional gifts or souvenirs of a nominal value;
  - (b) gifts given on festive or special occasions subject to a maximum limit of **\$500** in value; or discounts or other special offers from any person or company, on terms and conditions applicable to other customers;
  - (c) gifts or souvenirs presented to the staff member acting on behalf of the Association in official
  - (d) functions.

No staff member should, in his/her private capacity, accept any advantage from a subordinate, except those mentioned in paragraphs (a) and (b) above.

- (a) Gifts or souvenirs in (d) above are deemed as offered to the Association and should only be retained by the staff member with permission. The recipient should report the acceptance to and seek direction on its disposal from the approving authority<sup>1</sup> using **Form A** (A sample at Appendix 2). If a staff member wishes to accept any other advantage not listed in paragraph 4, he/she should specify the item in Form A when seeking permission from the approving authority.

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<sup>1</sup> Specify the post of the approving authority in the Code and the Form.

6. A staff member should decline an offer of advantage if the acceptance could affect his/her objectivity in conducting the Association's business or induce him/her to act against its interest, or where he/she believes the offeror has such an intention, or acceptance will likely lead to perception or allegation of impropriety.

### ***Offer of Advantage***

7. Staff members are prohibited from offering advantages to any staff member of any company or organization, for the purpose of influencing such person or company in any dealings, or any public official, whether directly or indirectly through a third party, when conducting the business of the Association.

### ***Entertainment***

8. 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, a staff member should avoid accepting lavish or frequent entertainment from persons with whom the Association has business dealings (e.g. service recipients, suppliers or contractors) or from his/her subordinates to avoid placing themselves in a position of obligation to the offeror.

### **Records, Accounts and Other Documents**

9. Staff members 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 Ordinance.

### **Compliance with Local Laws in Other Jurisdictions**

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

### **Conflict of Interest**

11. Staff members 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 misuse their position or authority in the Association to pursue their own private interests. Private interest includes both financial and personal interests of the staff member and those of his/her connections including family and other relations, personal friends, the clubs and societies to which he/she belongs, and any person to whom he/she owes a favor or obligated in any way. When actual or potential conflict of interest arises, the staff member should make a declaration to the management through the reporting channel using **Form B** (A sample at Appendix 3). Failure to do so may give rise to criticism of favoritism, abuse of authority or even allegation of corruption.

12. Some common examples of conflict of interest are described below but they are by no means exhaustive : -

- (a) A staff member involved in a procurement process is closely related to or has beneficial interest in a supplier being considered by the Association.
- (b) One of the candidates under consideration in a recruitment or promotion exercise is a family member, a relative or a close personal friend of the staff member responsible for the exercise.
- (c) A staff member accepts frequent or lavish entertainment from the Association's service recipients, suppliers or contractors.
- (d) A staff member (full-time or part-time) undertaking part-time work with a contractor whom he is responsible for monitoring.

### **Use of Association Assets**

13. Staff members in charge of or having access to any assets of the Association, including funds, property, information, and intellectual property should use them solely for the purpose of conducting the Association's business. Unauthorized use to make personal gain is strictly prohibited.

### **Confidentiality of Information**

14. Staff members should not disclose any classified information of the Association without authorization or misuse any such information. Those who have access to or in control of such information should at all times ensure its security and prevent any abuse, unauthorized disclosure or misuse of the information. Special care should be taken when handling any personal data to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the Association's data privacy policy.

### **Outside Employment**

15. If a full-time staff member wishes to take up concurrent employment, either on a regular or consulting basis, they must seek the prior written approval of (post of a nominated officer). The approving authority should take into consideration whether the employment would pose a conflict of interest with the staff member's duties in the Association.

### **Relationship with Suppliers, Contractors and Service Recipients**

#### ***Gambling***

16. Staff members are strongly advised not to engage in frequent gambling of any kind, including games of mahjong, with persons having business dealings with the Association. In social games of chance with service recipients, suppliers or business associates, they must exercise judgment and withdraw from any high-stake games.

#### ***Loans***

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17. Staff members should not accept a loan from, or through the assistance of, any person or organization having business dealings with the Association. There is, however, no restriction on borrowing from a licensed bank or financial institution.

#### **Compliance with the Code**

18. It is the responsibility of every staff member of the Association to understand and comply with this Code, whether performing the duties of the Association in or outside Hong Kong.

19. Any staff member in breach of the Code will be subject to disciplinary action, including termination of appointment. In case of suspected corruption or criminal offences, a report will be made to the ICAC or the appropriate law enforcement agencies.

20. Any enquiries about the Code should be channeled to the Chairman for advice.

**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, favor or disfavor 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, favor or disfavor 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 favor (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 defense

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

**Form A**

**The Baseball Association of Hong Kong, China**  
**Report of Gifts Received by Employees**

**Part A – To be completed by Receiving Staff**

To : Approving Authority

Description of Offeror :

\_\_\_\_\_

Name & Title of Offeror :

\_\_\_\_\_

Company :

\_\_\_\_\_

Company :

\_\_\_\_\_

Relationship (Business / Personal) :

\_\_\_\_\_

Occasion on which the Gift

\_\_\_\_\_

Was / is to be Received :

\_\_\_\_\_

Description & (Assessed) Value of the Gift :

\_\_\_\_\_

**Suggested Method of Disposal :****Remark**

- (    ) Retain by the Receiving Staff
- (    ) Retain for Display / as a Souvenir in the Office
- (    ) Share among the Office
- (    ) Reserve as Lucky Draw Prize at a Staff Function
- (    ) Donate to another Charitable Organisation
- (    ) Return to Offeror
- (    ) Others (please specify) : \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

(Name of Receiving Staff)  
 (Title)

**Part B – To be completed by Approving Authority**

To : (Name of Receiving Staff) \_\_\_\_\_

The recommended method of disposal is \*approved / not approved. \*The gift(s) concerned should be disposed of by way of : \_\_\_\_\_

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

(Name of Approving Authority)  
 (Title)

\* Please delete as appropriate

**Form B**

**The Baseball Association of Hong Kong, China**  
**Declaration of Conflict of Interest by Employees**

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

To : Approving Authority

I would like to report the following existing/potential\* conflict of interest situation arising during the discharge of my official duties :-

<b>Persons/companies with whom/which I have official dealings</b>
<b>My relationship with the persons/companies (e.g. relative)</b>
<b>Relationship of the persons/companies with the Association (e.g. supplier)</b>
<b>Brief description of my duties which involved the persons/companies (e.g. handling of tender exercise)</b>

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

(Name of Declaring Staff)  
 (Title / Department)

**Part B – Acknowledgement** (*To be completed by Approving Authority*)

To : (Declaring Staff) \_\_\_\_\_

**Acknowledgement of Declaration**

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

- You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- You may continue to handle the work as described in Part A, provided that there is no change in the information declared above.
- Others (please specify) : \_\_\_\_\_

\_\_\_\_\_

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

(Name of Approving Authority)  
 ((Title / Department))