



# Towards Excellence in Sports Professional Development



# FOREWORD

With years of perseverance and unwavering efforts, sports enthusiasts have painstakingly laid down the cornerstone for sports development in Hong Kong. The legendary achievements attained by our dedicated team of athletes in the past years such as the 2009 Hong Kong 5<sup>th</sup> East Asian Games and the 2010 Guangzhou 16<sup>th</sup> Asian Games have further brought forward Hong Kong's sports history into a new era.

In the interests of long term sports development in Hong Kong, the Government has intensified its financial commitment to support sports development and promotion in the local and international arenas. Members of the public also have high expectation on the healthy development of the local sports sector and the proper use of the government subventions by the National Sports Associations (NSAs). The Independent Commission Against Corruption (ICAC) has been, over the years, working with the Government to assist NSAs to enhance their governance, such as establishing corruption-proof operation system, and organizing workshops to raise the integrity awareness of NSAs' employees. We believe that with sound and ethical governance, NSAs' endeavours in sports development and promotion will be better supported by and accountable to the sports sector, and the public at large.

Being recognized as representatives of Hong Kong in their respective sports, NSAs are discharging core duties which are of substantial public interest, such as selecting athletes to represent Hong Kong in international competitions, nominating national umpires for international qualification, etc. Therefore, they are inevitably expected to safeguard their core functions against risks of corruption, nepotism, conflict of interest, and other malpractice.




While appreciating the importance of the autonomy of individual associations, this Best Practice Reference is an initiative of the ICAC to help NSAs strengthen their governance with a view to generating a positive and far-reaching impact on Hong Kong's long term sports development. The Reference provides guidance on the principles and standards of good governance and internal control for adoption by NSAs to protect their core functions from corruption and malpractice. NSAs are advised to adopt the best practices to suit their organization structure, resource capability, and operational needs.

*The Advisory Services Group of the Corruption Prevention Department of the ICAC stands ready to provide **free, confidential, and tailor-made** corruption prevention advice to private organizations and NSAs on request, including how to apply the practices recommended in this Reference to suit your situation. For further information, please contact the Group at telephone no. 2526 6363 or fax no. 2522 0505 or email address at [asg@cpd.icac.org.hk](mailto:asg@cpd.icac.org.hk).*



## HOW TO USE THIS BEST PRACTICE REFERENCE

For quick and easy reference, users will find the following icons throughout this Best Practice Reference. They serve to lead users to the information required:

	<b>Sample</b> – sample documents for adoption where applicable.
	<b>Reference</b> – materials or website for reference purposes
	<b>Pointer</b> – cross reference to other sections (Section number given in the arrow) of the Reference

## DISCLAIMER

The recommendations as contained in this Reference including the sample forms or documents are for general guidance only. The sample forms and documents should be modified and adapted as appropriate to suit individual organisations operational situation and needs before use. The ICAC will not accept any liability, legal or otherwise, for loss occasioned to any person acting or refraining from action as a result of any material including the sample forms or documents in the Reference.



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Good governance is the cornerstone of sports achievement and, at the same time, the key to prevent corruption. As the paramount policy and decision making body of an NSA, the Executive Board<sup>1</sup> plays an essential role to lead and ensure the operations of the NSA meet the highest level of integrity in promoting the sport and the objectives of the NSA. The following best practices aim at helping NSAs enhance the accountability of the Executive Board and related committees.

## 1.1 Executive Board

- ☐ Incorporate in the NSA governing documents<sup>2</sup> the key elements of the board governance structure, including the terms of reference of the Board, Board composition, election or appointment and tenure of Board members, disqualification of directors, Board proceedings, and integrity requirements, etc.
- ☐ Lay down the mission of the NSA, including a statement of commitment to ethical practices and strict compliance with laid down policies and procedures in the conduct of all businesses and activities of the NSA.
- ☐ Draw up the terms of reference of the Board, including its accountability to members for the proper running of the NSA and delivery of the objectives for which the NSA has been set up.
- ☐ Ensure that the Board is independent from the Secretariat.
  - Appoint different persons, who are not related, to be the Board Chairman and the person in-charge of the Secretariat<sup>3</sup>.
  - Segregate the roles and responsibilities of the Board and the Secretariat.

<sup>1</sup> In this Reference, the term “Executive Board” means the governing body of an NSA. In some NSAs, it may be referred to as “Council”, “Executive Committee” or “Management Committee”, etc.

<sup>2</sup> The governing document refers to the Memorandum and Articles of Association for NSAs registered under the Companies Ordinance (Cap. 32) or Constitution for those registered under the Societies Ordinance (Cap. 151).

<sup>3</sup> Given that NSAs have various staff establishment, the person in-charge of the Secretariat refers to the Executive Director or the highest paid staff member of the Secretariat.



- ☐ Define the respective roles and responsibilities of the Chairman, Board members, co-opt members and key post holders, such as the Secretary and the Treasurer.
- ☐ Formulate and publicize a comprehensive policy on the Board composition, including:-
  - ☐ the mechanism for ensuring effective leadership renewal and rejuvenation, e.g. formulating conditions on re-election, setting out the **maximum tenure** a person may serve on the Board or in certain key posts, and establishing a platform to foster continued contribution by retired Board members
  - ☐ the number of Board members, being commensurate with the scale of the NSA
  - ☐ the mix of the Board membership, having regard to the various expertise required for effective governance and fair representation for the interests of major stakeholders, etc.
- ☐ Specify a minimum attendance rate required of members at the Board and functional committee meetings.



## Appendix 1

## 1.2 Functional Committees

- ☐ Establish committees to oversee major functions, e.g. audit, finance and athlete selection.
- ☐ Lay down the terms of reference, membership composition (e.g. the number and proportion of the co-opt members) and requirements (e.g. professional background and expertise), and nomination or appointment procedures.
- ☐ Require periodic reporting on the committees' discussions to the Board.

### 1.2.1 Audit Committee

- Establish an Audit Committee to oversee all internal and external auditing activities.
- Appoint an independent Board member, who is neither the chairman of the Board nor other functional committee, as the chairperson of the Audit Committee.



- Appoint at least one person with expertise in the accounting or auditing profession as a member of the Audit Committee.

### 1.2.2 Finance Committee

- Establish a Finance Committee to oversee the financial planning, management and reporting matters, including the formulation of comprehensive procurement policy, and recommendation on the appointment of external auditor.

### 1.2.3 Athlete Selection Committee



- Establish an **Athlete Selection Committee** to oversee athlete selection (Chapter 3), including the formulation of selection policies, and drawing up of selection processes and criteria, etc.

## 1.3 Nomination and Election of Board Members and Functional Committee Members

### 1.3.1 Board Members

- Establish and publicize a mechanism for nominating Board members, including eligibility for being nominated to election and re-election, nomination authority, and nomination procedures, etc.
- Formulate a fair and transparent election mechanism, including:-
  - ◆ engage an independent person as the observer of the entire election process
  - ◆ lay down the eligibility and voting rights of voters for the election
  - ◆ state the requirements, if any, for a nominated candidate to be successfully elected or re-elected, e.g. minimum percentage of vote in favour
  - ◆ keep the votes safely to allow for subsequent verification
  - ◆ conduct timely vote counting in an open manner



### 1.3.2 Functional Committee Members

- Stipulate the requirements, if any, for members of various functional committees, e.g. finance or accounting background for finance committee.
- Lay down the channels by which an eligible Board member may express his interest of participation and any restriction on the maximum number of functional committees a Board member may be appointed as a member.
- Conduct a fair and transparent **election**.



1.3.1

### 1.3.3 Co-opt Members<sup>4</sup>

- Lay down the role, term of appointment, expertise requirement for co-opt members of various committee (under normal circumstances, no voting right is attached to a co-opt member), and restriction (e.g. desirable tenure of service).
- Stipulate the proportion or maximum number of co-opt members in a functional committee.
- Formulate the nomination and appointment mechanism for co-opt members, including the authority for nomination and appointment.

## 1.4 Conduct of Board and General Meetings

- ☐ Lay down the rules and procedures for convening a Board or General Meeting, including the frequency of meetings, minimum notification period, and the issue of agenda and discussion papers before meetings, etc.

<sup>4</sup> Some NSAs engage non-Board members who have expertise in particular areas, such as finance, sports medicine, etc. to sit in various functional committees to provide advice. Such persons are generally termed as “Co-opt members”.



- ☐ Stipulate the rules of proceedings at meetings of the Board and functional committees, including the quorum of a meeting, and resolution mechanism (e.g. by simple majority rule or other specified percentage of support), etc.
- ☐ Timely and accurately record in minutes the discussion, including any dissenting views, and the resolutions passed.

## 1.5 Transparency and Accountability

- ☐ Make transparent e.g. by making such information available on its website, the NSA's governance structure and operations, including the governing document (Footnote 2), mechanism for the election of Board members and any restrictions on re-elections, major financial information including financial statements, athlete selection policy and mechanism, etc.
- ☐ Periodically update the publicized information, e.g. once every quarter or six months.
- ☐ Make a public statement of commitment of the NSA to comply with good governance practices, e.g. by uploading the statement on its website.
- ☐ Conduct self-evaluation of the level of compliance with good governance practices, provide justifications for not being able to comply with the good practices and alternative measures adopted, if any, to address the concerns.



While good governance is the key to success in an organization, integrity is the crux of governance. To achieve effective integrity management, commitment from the top is essential, in particular in cultivating an ethical culture within the organization, nurturing an ethical environment for their staff to work in, and making every effort to uphold a high level of integrity in the organization. The following practices help organization leaders demonstrate their firm commitment in integrity management.

## 2.1 Commitment to Integrity Management

- ☐ Demonstrate top management's clear determination in promulgating good governance and fostering ethical culture in the NSA.
  - State NSA's clear commitment to "zero tolerance" towards corruption and malpractice with joint announcement by the Board and top management.
  - Walk the talk by actively participate in activities promoting ethical culture in the NSA, e.g. joining capacity building workshops on integrity for staff.
  - Enforce the established disciplinary mechanism firmly with no double standards.

## 2.2 Code of Conduct



Appendices  
2 to 4

- ☐ Issue respective **Codes of Conduct** for compliance by members of the Board and functional committees, staff and coaches, incorporating key probity requirements given in Sections 2.2.1 to 2.2.3.
- ☐ Circulate extracts of key probity requirements to Board and functional committee members, and staff as a gentle reminder periodically, say before the festive seasons where gifts are commonly given.



### 2.2.1 Acceptance of Advantages



Appendix 5

- Ensure that members of the Board and functional committees, and staff are aware of the spirit and relevant legislations in relation to acceptance of advantage, i.e. the **Prevention of Bribery Ordinance (Cap. 201)**.
- Prohibit its Board and functional committee members as well as staff from accepting advantages from persons with whom they have official dealings, unless with permission from designated authority.
- Prescribe the permissible value of token gifts, by their nature and circumstances under which blanket permission may be considered for administrative convenience, Board and committee members as well as staff are allowed to accept.
- Lay down the procedures and authority for approving an acceptance of advantage, other than token gifts.
- Devise a **standard template for reporting of acceptance of advantage** and documenting management decision on the disposal.



Appendix 6

### 2.2.2 Acceptance of Entertainment

- Remind members of the Board and functional committees, and staff to avoid accepting lavish or frequent entertainment from persons with whom they have official dealings.
- Devise guidelines to help handle related invitations, e.g. laying down clear policy on acceptance of entertainment including the designated authority for seeking prior approval or subsequent reporting of those offers where approval cannot be obtained beforehand.



### 2.2.3 Conflict of Interest<sup>5</sup>

- Require Board and functional committee members, staff and persons who are involved in related decision making process, such as coaches appointed to the athlete selection committee, to avoid and declare any actual or perceived conflict of interest.
- Formulate a mechanism for declaring conflict of interest, including reporting system (one-tier or two-tiers)<sup>6</sup>, mode of declaration, and line of reporting, etc.
- Provide examples of conflict of interest (e.g. relationship with the owner of a sports venue when sourcing venues for training athletes, relationship with a potential athlete when conducting athlete selection for an international competition) and set out guidelines for actions to be taken to mitigate the declared conflict, such as prohibiting a Board member having a declared interest from taking part in the related decision making process.
- Task the secretary to the Board or functional committees to remind members of the declaration requirements before any discussion and/or resolution on the agenda items, and properly document any reports, including a nil declaration, in the minutes.
- Devise a **standard form for the declaration of conflict of interest** as well as documentation of actions taken.
- Ensure that all declarations and subsequent actions taken are properly maintained and subject to scrutiny.



#### Appendix 7

<sup>5</sup> A conflict of interest situation arises when the “private interests” of a Board or functional committee member or staff compete or conflict with the interest of the NSA or one’s official duties. “Private interests” include any financial or other personal interests of a Board or functional committee member or staff concerned, family members or other relations, personal friends, clubs and associations to which one belongs, any other groups of people with whom one has personal or social ties, or any person to whom one owes a favour or is obligated in any way.

<sup>6</sup> Under the one-tier reporting system, Board or functional committee members and staff are required to report any conflict of interests as and when they arise. For the two-tier reporting system, in addition to the reporting requirements under the one-tier system, Board or functional committee members and staff should disclose their general pecuniary interests on appointment and at regular intervals.



### 2.2.4 Compliance with the Code

- Specify the disciplinary sanctions against breaches of the code, such as warnings, and/or dismissals, etc.
- Designate an officer of senior level to handle enquiries and reports of non-compliance.

## 2.3 Integrity Awareness Building and Entrenchment



- ☐ Conduct capacity building sessions for newly appointed Board members (including functional committee members and co-opt members) and staff to familiarize them with the code and related legislations on anti-corruption. **The ICAC stands ready to provide assistance.**
- ☐ Arrange refresher sessions for serving Board members and staff to sustain their vigilance on integrity. **The ICAC stands ready to provide assistance.**
- ☐ Review the integrity management strategy from time to time to tie in with the changes in the legal framework, as well as the social and organizational environment.



Among the various core functions unique to NSAs, the selection of athletes to represent Hong Kong in international competition is of paramount importance in the eyes of both the athletes and the public. While aspiring athletes strive for opportunities for personal achievements and breakthroughs, the public expects a fair and impartial system to select the most appropriate athletes with the best winning potential to represent Hong Kong to compete in international competitions. A robust, fair and transparent system to select athletes is therefore essential.

Athlete selection by an NSA arises where the NSA enrolls in the international competitions of the sport concerned or Hong Kong participates in the multi-sports games, such as the Olympic Games or the Asian Games. Prior to the selection for the competitions, an NSA selects athletes for admission to the national/junior/regional squad, a pool of promising athletes from which the NSA selects athletes to represent Hong Kong to compete. The checklist below applies to selection of athletes for both admission to national/junior/regional squad and international competition.

### 3.1 Fundamental Principles in Athlete Selection

- ☐ Promulgate the core values of equal opportunities and fair competition in athlete selection.
- ☐ Allow athletes fair and full opportunity to display their worthiness for selection and to fulfill the aims of the organization at the competition.
- ☐ Ensure transparency in respect of the information about the selection and the selection process, and timeliness in the dissemination of the information.
- ☐ Uphold the principle of impartiality in the selection process, including the formulation of a mechanism for declaring conflict of interest, actual or perceived, and the guidelines for taking appropriate actions following the declaration.



## 3.2 Selection Policy

- ☐ Make a public statement of commitment to ethical practices in athlete selection and compliance with the fundamental principles in athlete selection.
- ☐ Formulate the objective(s) or target(s) (collectively referred to as “desired results”) for each and/or each type of event and competition, such as nurturing second-tier athletes in championship events corresponding to their levels, and selecting the best hopefuls for competing in world-class competitions, such as the Olympic Games and Asian Games, etc.



- ☐ Work out the **selection criteria** and the weighting of each criterion to be adopted in each selection exercise, having regard to the desired results.
- ☐ Determine the selection method, e.g. selection trials, and coach assessment, or a combination of methods to afford opportunities to capable athletes to demonstrate their ability to achieve the desired results.



- ☐ Map out the **selection procedures**.



- ☐ Formulate the **appeal mechanism**.
- ☐ Document the desired results, selection criteria or standards, mode of selection and appeal process to form a selection policy document.
- ☐ Publicize the selection policy amongst the stakeholders.



- ☐ **Review the selection policy** periodically to factor in changes of circumstances, such as government policy on sports development.

## 3.3 Selection Committee

- ☐ Establish a selection committee to implement the selection policy in respect of the formulation of the selection criteria and method in a particular competition, and the selection procedures.





- ☐ Ensure a proper **appointment mechanism** to appoint only those individuals meeting the stipulated requirements to the committee.

### 3.4 Selection Criteria – Objective and Subjective Criteria<sup>7</sup>

- ☐ Assess the appropriateness of quantitative and qualitative approach to athlete selection in competitions of various nature, e.g. individual sports, team sports, and individual sports with “team element”<sup>8</sup>.
- ☐ Map out a set of selection criteria for the competition and assign weighting to each criterion.
- ☐ Define the quantitative standards for objective criteria, such as the minimum world ranking, performance benchmarks, etc., having regard to both NSA’s desired results in the competition and the criteria and/or benchmarks imposed by the international sports federation concerned.
- ☐ Lay down the guiding references for the assessment of athletes’ suitability against subjective criteria, e.g. expert assessment of the athlete’s winning chance having considered his psychological factor, competition results and latest performance, and collective views of coaches in respect of the athlete’s potential and ability.
- ☐ Ensure timely dissemination of the selection criteria in sufficient details and clarity to enable interested athletes to prepare for the selection.

<sup>7</sup> The selection criteria can be broadly divided into objective and subjective elements. Objective criteria, most of which are found on quantitative considerations, create an overall atmosphere of certainty in the selection. Subjective criteria facilitate professional judgement on qualitative considerations which are of equal importance in selecting the most suitable athletes to achieve the desired results.

<sup>8</sup> It refers to sports events which though offer only individual medals, require a team of individual athletes committed to the team tactics in the competition.



### 3.5 Conduct of Selection

- ☐ Lay down and publicize the important information about the selection exercise, including but not limited to:-
  - the number of places available, mode of selection and corresponding details (e.g. point system calculated on the basis of performance in multiple trials, scoring system based on past performance in various events, mere reliance on performance at the selection trial, or direct knock-out in head-to-head competitions)
  - whether the selection is a direct entry to the Hong Kong squad or final list of athletes for enrolment, or is a conditional selection subject to the athletes fulfilling certain conditions in the future, such as fitness assessment, attainment of a performance standard, and/or completion of training, etc.
  - the **appeal mechanism**



3.6

- ☐ Publicize, where selection trials are to be conducted, the following:-
  - the enrolment period, trial date(s) and venue(s)
  - eligibility requirements for admission to trial events
  - the qualifying performance standard for being selected
- ☐ Announce, where the selection is based on past performance, the following:-
  - qualification period(s) for performance
  - competitions or events recognized for selection
- ☐ Ensure proper conduct of the selection and comprehensive documentation of the decision making process.
- ☐ Ensure timely announcement of the selection decision.



## 3.6 Appeal Mechanism

- Determine the overall appeal framework, including the formation of an appeal panel, powers of the appeal panel, and appeal procedures, etc.

### 3.6.1 Appeal Panel

- More than half of the members including the panel chairman should not be involved in the original selection.
- Lay down the requirements of the appeal panel, e.g. qualification, experience and skills of the members.
- Determine the powers of the appeal panel, e.g. powers to overrule the original selection decision, and/or to order a re-selection exercise.

### 3.6.2 Appeal Procedures

- Publicize the details of how an appeal against a selection decision can be initiated, including:-
  - ◆ eligible grounds for appeal (e.g. procedural impropriety)
  - ◆ reasonable time limit and mode for lodging an appeal (e.g. an appeal shall be made in writing and addressed to the chairman of the appeal panel within a specified period following the announcement of the selection results)
  - ◆ fees, if any, for lodging an appeal set at an appropriate level
- Determine the mode of deliberation by the appeal panel, e.g. paper-based judgement or conduct of hearing.
- Ensure strict compliance with the rules of proceedings, such as sufficient notice about the hearing date and venue to the appellant, hearing procedures (e.g. whether appellants may make own representation or be allowed legal representation).
- Make available to the appeal panel dossiers of past appeals, including the content of the appeal as well as the judgement by the appeal panel.



- Determine the deliberation method, e.g. by a majority decision, or by consensus.
- Timely notify the appellant and respondent of the outcome and the follow up actions in writing.

### 3.7 Review of Selection Policy

- ☐ Make it a standing practice to review and assess the selection policy, e.g. compare outcome against the objective(s) and/or target(s) of the competition, and the mechanism to achieve the outcomes.
- ☐ Set out appropriate channels to collect feedback from stakeholders, such as questionnaires, and open forum inviting interactive discussion, etc.
- ☐ Draw up improvement or enhancement plans for deliberation by the Board, and if endorsed, for incorporation into future selection exercises.



In Hong Kong, NSAs are the sole authority to award qualifications to coaches and national umpires, and to nominate national umpires for international qualifications which represent not only professional advancement but also personal pride and recognition. NSAs also organize training courses and competitions, and are often approached by other organizations, such as schools, for assistance to source appropriate coaches or umpires, thus creating plentiful fee and experience earning opportunities for coaches and umpires. Given NSAs' vital role and exclusive authority in the management and development of coaches and umpires in Hong Kong, they are expected to exercise the highest level of integrity and fairness in the processes.

## 4.1 Qualification and Registration Mechanism

- Formulate the qualification and registration framework for coaches and umpires, including:-
  - rationale and objectives of the framework
  - overall structure (e.g. number of levels, features of each level, path to qualification, continuous development, and validity duration)

### 4.1.1 Training Course and Qualification Assessment

- Determine and publicize the following essential details in respect of the path to qualification.
  - ◆ Enrolment details of the training courses, including enrolment period and channels, eligibility requirements, fees, and allocation mechanism (e.g. by ballot or first-come-first-served) etc.
  - ◆ End-of-course assessment mechanism, including course syllabus, mode of assessment (e.g. written examination, practical assessment or a mix of both), other assessment criteria (e.g. course attendance rate), weightings to each assessment criterion, minimum assessment results eligible for awarding qualification, and appeal mechanism (if any) etc.
  - ◆ Time pledge for announcing enrolment and assessment results, and awarding qualifications.



### Course Enrolment

- No late enrolment shall be accepted unless under special circumstances approved by the Board.
- Date-stamp all enrolment forms upon receipt and if allocation is based on a “first-come-first-served” principle, indicate the time of receipt on the forms.
- Check the eligibility of course applicants and subject screened-out enrolments to random supervisory review.
- Verify the authenticity of the certificates submitted, if copies are accepted, or any claim of possession of the required certificate or qualification.
- If allocation is determined by ballot, ensure all interested course applicants are placed in the ballot pool.
- Require a team of at least two persons, preferably including one office-bearer or senior NSA staff, to conduct the ballot, and engage an independent person to witness the balloting process.
- Document the ballot process, e.g. video-taping the entire ballot, and results.
- Timely announce the list of successful enrolments.

### End-of-Course Assessment

- Keep assessment contents (e.g. question bank, if any, questions selected for written examination or practical assessment, marking scheme) confidential and restrict the access to these contents on a need-to-know basis.
- Anonymize the identities of candidates on their answer sheets, in case of written examination.
- Determine the marking mechanism, e.g. two-marker system where the average score is taken as the final marks or one-marker system supplemented by a moderation or review mechanism.
- Devise standard templates incorporating all assessment aspects as well as the corresponding marking standards.



- Require the assessors to document the assessment results in the standard templates.
- Ensure proper and accurate attendance records (e.g. conducting random reconciliation between attendance records and on-site headcounts) if attendance rate is one of the end-of-course assessment considerations.
- Review the final assessment results by the approving authority for awarding qualification to ensure propriety.
- Timely announce the assessment results as well as the appeal process, if any.
- Ensure a prompt and accurate update of the database of qualifications awarded, and proper issue of the certificates to the qualified candidates.
- Where certificates are issued, safely keep the stock of blank certificates, including a complete record of the movement of blank certificates, periodic reconciliation of the stock in record and physical stock, etc.

#### 4.1.2 Registration and Renewal

- Determine and publicize the essential information for registration and renewal of registration, covering:-
  - ◆ registration – registration period, validity duration of the registration, registration fee and fee-waiver arrangement, registration requirements (e.g. holder of certain certificates or qualifications), and documents required, etc.
  - ◆ renewal – renewal period, renewal fee and fee-waiver arrangement, renewal conditions (e.g. a minimum coaching hours, minimum training hours in recognized courses, and proper conduct), and documents required, etc.
  - ◆ undertaking by applicants to abide by NSA's **code of conduct for coaches**.
  - ◆ time pledge for processing registration and renewal applications.
- Vet the applications, e.g. applicants to declare having provided true and correct information and genuine document, and NSA to randomly verify the authenticity of documents submitted.



2.2





4.1.3

- Check against the **complaint record** for any substantiated complaints, if proper conduct or equivalent renewal condition is required.
- Timely update the database of registered coaches and umpires, and publicize the lists on the website.

### 4.1.3 Handling of Complaints

- Establish procedures for processing complaints against coaches and umpires, including:-
  - ◆ time pledge for key steps, e.g. initiating investigation proceedings, and reporting to senior management or the Board
  - ◆ mode of investigation, e.g. conduct of hearing or interview, written representation by the alleged, or collection of information from other course attendees
  - ◆ guidelines for disciplinary actions against substantiated complaints
  - ◆ authority to conclude a complaint case, including confirmation of the investigation outcome and disciplinary action
  - ◆ appeal mechanism against investigation outcome and/or disciplinary action
- publicize the channels for lodging complaints and time pledges, such as acknowledgement of receipt of the complaint.
- make known to coaches and umpires the complaint handling procedures, including disciplinary actions, and their rights in the process (e.g. making a representation, and appeal against investigation outcome and disciplinary action).
- appoint senior officers to monitor the process of complaint investigation.
- document the investigation details to ensure efficient retrieval of information for subsequent referencing in the registration renewal exercises.
- notify the complainant and the alleged of the outcome within a reasonable time frame.



## 4.2 Umpire Nomination for International Qualifications

- ☐ Lay down and make known to all national umpires the nomination procedures (e.g. open application, or assessment interview) and factors taken into account (e.g. years of adjudicating experience, and events recognizable for counting experience) in the nomination exercise.
- ☐ Publicize any upcoming nomination exercise and information of particular relevance to eligible umpires in advance, such as application period, qualifying period for experience-counting, interview date(s), date of announcing results, etc., to allow sufficient time for eligible umpires to prepare and apply.
- ☐ Appoint a panel of assessors to conduct nomination.
- ☐ Document the decision making process and results.
- ☐ Announce the nomination results as well as appeal process as pledged.

## 4.3 Assignment of Coaching and Adjudicating Duties

- ☐ Determine and publicize the general approach in assigning duties to coaches and umpires, e.g. open invitation for indication of interest, and mapping exercise by NSA to match service requirements with the qualification and preference of coaches and umpires.
- ☐ Timely notify the applicants of the duty assignment results.

### 4.3.1 Open Invitation Approach

- Ensure all eligible persons are notified of the service request, requirements, invitation period and duty assignment mechanism. In case of more than one person indicates interest in the same service, the assignment should be arranged in an open and accountable manner, e.g. decision by ballot, and/or assignment on a fair share basis.



- Allow reasonable time for indication of interest.
- Properly record the duty assignment process, in particular for those service requests with more than one eligible person showing an interest.

#### **4.3.2 Internal Mapping Exercise**

- Ensure that the database on the availability and/or preference of coaches and umpires is complete and updated, say by a periodic information updating exercise.
- Conduct random supervisory check on the mapping results.
- Properly record the mapping process and final duty assignments.



An NSA membership mainly comprises affiliate clubs and individual members. While generally only affiliate club members have voting rights in critical corporate issues, such as election of the executive board, membership is a mandatory requirement for individual athletes to be selected to the Hong Kong squad and thereafter for the international competitions. In view of the significance of NSA membership, a system should be in place to ensure the related matters, including admission, suspension and termination, are properly dealt with.

### 5.1 Admission of Membership

- ☐ Determine and publicize the modes of admission for various membership categories, e.g. open application, and/or nomination by incumbent members.
- ☐ Lay down the admission procedures, including:-
  - application or nomination period
  - document or information required
  - channels for submission of application or nomination
  - decision making process, e.g. paper vetting, observation period, and panel deliberation
  - means for settlement of membership fee
- ☐ Publicize the admission requirements for various membership categories, e.g. age, minimum membership in an applicant club, observation period, and fees (which should have taken into account, among other considerations, affordability of members of the general public and reasonableness from the public's perspective).
- ☐ Establish and publicize the time pledge for processing requests for membership admission.
- ☐ Lay down and publicize the assessment procedures, including areas subject to evaluation, and standards required for each evaluation area, etc., if an applicant club is subject to an observation period before granting membership.
- ☐ Timely notify applicants of the outcome of their admission requests and review mechanism, if any.



## 5.2 Membership Suspension and Termination

- ☐ Stipulate the rights and obligations of various categories of membership, such as rights to attend and vote at general meetings, rights to enrol in the club-based leagues, and obligation to comply with members' rules.
- ☐ Lay down the circumstances under which a membership may be suspended and terminated, the authority for making these decisions and the channel for appeal.
- ☐ Make known to the member concerned the procedures for suspending and terminating membership, e.g. notifying members in detail of the breach of members' rules and rights to make representation, and conducting panel hearing.
- ☐ Timely notify the member concerned of the panel decision, e.g. membership suspension for a specified period of time, termination for a period of time, or subject to close monitoring.



Core functions in sports related aspects aside, an NSA is no different from other organizations that general administrative work forms part of its routine. Procurement, staff administration and complaint handling are inherently areas most prone to malpractice, including corruption and mismanagement of conflict of interest. Corruption or any malpractice not only causes financial loss to the organization, but also damages its reputation which the organization painstakingly established over the years.


Recognizing the evils of corruption or malpractice and the increasing public expectation on the proper use of Government subvention, NSAs receiving recurrent subventions are required to abide by the subvention agreement to commit to ethical practices in their operations, particularly procurement and staff administration. The Government also provides corresponding guidelines for NSAs to draw up their own operational procedures. NSAs should strictly comply with the Government's requirements and contractual obligations under the subvention agreement.

Throughout the years, the Corruption Prevention Department of the ICAC has devised various best practice checklists (BPCs), targetting common corruption-prone areas, such as procurement and staff administration, for adoption by organizations where their operations are supported by substantial public money, such as Non-governmental organizations. Upon drawing up or reviewing own procedures, NSAs are encouraged to make references to the BPC on "Governance and Internal Control in Non-Governmental Organizations" (📄 [http://www.icac.org.hk/filemanager/en/Content\\_1031/ngo\\_e.pdf](http://www.icac.org.hk/filemanager/en/Content_1031/ngo_e.pdf)). Information of particular relevance is contained in Chapter 3 (Financial Management), Chapter 4 (Procurement) and Chapter 5 (Staff Administration).

In respect of the handling of general complaints received related to NSA staff and/or operational activities, the checklist given in Section 4.1.3 under Chapter 4 of this Reference serves as a useful reference for individual NSAs to devise corresponding procedures to handle general complaints.



As a quick reference, the following table highlights the guiding principles which an NSA should observe and uphold in its formulation of the procedures for financial management, procurement and staff administration.

Financial Management, Procurement and Staff Administration		
<b>Confidentiality</b>	<input type="checkbox"/> Access to classified or privilege information should be restricted to authorized persons and on a need-to-know basis. <input type="checkbox"/> Information which has a bearing on the decision making process should be kept in strict confidence, such as bid price and interview content, etc.	
<b>Segregation of Duties</b>	<input type="checkbox"/> No single officer should be allowed to control the entire process from start to end, such as from making a purchase request, sourcing suppliers, placing orders and receiving goods to the very last settling payment. Cross-monitoring by segregation of duties should be provided as far as possible.	
<b>Supervisory Monitoring</b>	<input type="checkbox"/> Connivance in the operations could be deterred and detected through routine and random checks.	
<b>Documentation</b>  <b>Appendix 5</b>	<input type="checkbox"/> Proper documentation serves as the source to ensure traceability and accountability. <input type="checkbox"/> Staff should be prudent in using receipts, accounts or documents. They should be reminded to observe <b>Section 9(3) of the Prevention of Bribery Ordinance</b> .	
	Procurement	Staff Administration
<b>Competitiveness</b>	<input type="checkbox"/> Sufficient bidders should be invited and allowed to make their best competitive offer or bid.	<input type="checkbox"/> The mechanism should allow entry of all eligible candidates for selection.
<b>Fairness</b>	<input type="checkbox"/> A level playing platform should be in place for all bidders and candidates.	
<b>Transparency</b>	<input type="checkbox"/> All requirements and information pertaining to the bidding exercise, staff recruitment or promotion should be equally accessible by all bidders or candidates concerned. Examples are generic product or service specifications, deadline for bid submission, entry requirements for a vacant post, and assessment criteria in a promotion exercise.	

























Below serves a list of agencies from which NSAs may seek assistance or advice on their operations.

### 7.1 Government Bureau and Department

Service Unit	Contact Details
<b>Home Affairs Bureau</b> – for formulating recreation and sports policies and strategies in Hong Kong	
<b>Recreation and Sport Division</b> <i>Office-hours:</i> Monday to Friday 0845 – 1800 (Lunch break 1300 – 1400)	☎ : 3509 7059 📠 : 2519 7404 🌐 : habrs@hab.gov.hk 🏢 : 13/F, West Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong
<b>Leisure and Cultural Services Department</b> – for administering the Sports Subvention Scheme and providing inputs in sports-related programmes in Hong Kong	
<b>Sports Funding Office</b> <i>Office-hours:</i> Monday to Friday 0845 – 1800 (Lunch break 1300 – 1400)	☎ : 2601 8756 📠 : 2393 8177 🌐 : sfgr@lcsd.gov.hk 🏢 : 2/F, Leisure and Cultural Services Headquarters, 1-3 Pai Tau Street, Shatin
<b>Sports Development Unit</b> <i>Office-hours:</i> Monday to Friday 0845 – 1800 (Lunch break 1300 – 1400)	☎ : 2601 7650 📠 : 2681 2099 🌐 : acosdev7@lcsd.gov.hk 🏢 : 1/F, Leisure and Cultural Services Headquarters, 1-3 Pai Tau Street, Shatin
<b>School Sports Programme Unit</b> <i>Office-hours:</i> Monday to Friday 0845 – 1800 (Lunch break 1300 – 1400)	☎ : 2601 7602 📠 : 2684 9076 🌐 : acosdev5@lcsd.gov.hk 🏢 : 1/F, Leisure and Cultural Services Headquarters, 1-3 Pai Tau Street, Shatin
<b>Community Sports Club Unit</b> <i>Office-hours:</i> Monday to Friday 0845 – 1800 (Lunch break 1300 – 1400)	☎ : 2601 8914 📠 : 2697 4220 🌐 : acocs3@lcsd.gov.hk 🏢 : 3/F, Leisure and Cultural Services Headquarters, 1-3 Pai Tau Street, Shatin



## 7.2 Independent Commission Against Corruption

Service Unit	Contact Details
<b>Community Relations Department</b> – for assisting organizations to arrange corruption prevention talks – for enquiries and complaints on corruption-related matters	
<b>Regional Offices</b> Office-hours: Monday to Friday 0900 – 1900	 : crd@icac.org.hk
<b>Regional Office</b> (Hong Kong East)	 : 2519 6555  : 2824 9766  : G/F, Tung Wah Mansion, 201 Hennessy Road, Wanchai, Hong Kong
<b>Regional Office</b> (Hong Kong West/Islands)	 : 2543 0000  : 2545 5036  : G/F, Harbour Building, 124 Connaught Road Central, Hong Kong
<b>Regional Office</b> (Kowloon East/ Sai Kung)	 : 2756 3300  : 2174 4129  : Shop No. 4, G/F, Kai Tin Building, 67 Kai Tin Road, Lam Tin, Kowloon
<b>Regional Office</b> (Kowloon West)	 : 2780 8080  : 2770 5158  : G/F, Nathan Commercial Building, 434-436 Nathan Road, Kowloon
<b>Regional Office</b> (New Territories East)	 : 2606 1144  : 2601 6447  : G06-G13, G/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories
<b>Regional Office</b> (New Territories North West)	 : 2459 0459  : 2146 4352  : G/F, Fu Hing Building, 230 Castle Peak Road, Yuen Long, New Territories
<b>Regional Office</b> (New Territories South West)	 : 2493 7733  : 2405 6360  : Shop B1, G/F, Tsuen Kam Centre, 300-350 Castle Peak Road, Tsuen Wan, New Territories



Service Unit	Contact Details
<b>Corruption Prevention Department</b> – for providing <i>free, confidential, and tailor-made</i> corruption prevention advice	
<b>Advisory Services Group</b> Office-hours: Monday to Friday 0900 – 1800	☎ : 2526 6363 (24-hour hotline with telephone recording services after office hours) 📠 : 2522 0505 🌐 : asg@cpd.icac.org.hk 🏢 : Corruption Prevention Department, ICAC Building, 303 Java Road, North Point, Hong Kong
<b>Operations Department</b> – for receiving and handling corruption complaints	
<b>ICAC Report Centre</b> Office-hours: 24-hour service	☎ : 2526 6366 (24-hour hotline manned by duty officer) 🏠 : G.P.O Box 1000, Hong Kong 🚶 : G/F, 303 Java Road, North Point, Hong Kong



# REFERENCE INFORMATION: TERM OF OFFICE FOR NSA BOARD MEMBERS

## (A) Statistics on the length of term of office

Length of Term of Office (No. of Years)	No. of NSAs
1	11
2	34
3	2
4	10
5	1
<b>Total</b>	58

## (B) NSAs which have prescribed maximum length of term of office

NSA	Length of Term of Office	Maximum No. of Terms
NSA 1	2 Years	<ul style="list-style-type: none"> <li>• 8 terms</li> </ul>
NSA 2	4 Years	<ul style="list-style-type: none"> <li>• President and Chairman: 2 terms</li> </ul>
NSA 3	1 Year	<ul style="list-style-type: none"> <li>• 4 terms</li> </ul>
NSA 4	1 Year	<ul style="list-style-type: none"> <li>• President: No re-election</li> </ul>
NSA 5	2 Years	<ul style="list-style-type: none"> <li>• 2 terms, thereafter 80% votes for re-election</li> </ul>
NSA 6	1 Year	<ul style="list-style-type: none"> <li>• 5 terms</li> </ul>
NSA 7	2 Years	<ul style="list-style-type: none"> <li>• Chairman: 2 terms</li> </ul>
NSA 8	4 Years	<ul style="list-style-type: none"> <li>• Executive President: 4 terms</li> <li>• Chairman and Directors: 2 terms</li> </ul>

*(Information provided by the Leisure and Cultural Services Department)*



# **SAMPLE: CODE OF CONDUCT FOR NSA BOARD MEMBERS**

## **I. Preamble**

The [Name of NSA] (the Association) is fully committed to the principle of honesty, integrity and fair play in the conduct of its business, including selection of athletes for competitions, management of coaches and umpires, administration of membership and general administration such as procurement and staff administration. To uphold public trust and protect public interest, it is important for all Board Members to handle the Association's business in a just and impartial manner so that the Association's reputation will not be tarnished by dishonesty, impropriety or corruption. To this end, this Code of Conduct sets out the standard of behaviour expected of all Board Members.

## **II. General Standards**

1. A Board Member shall ensure that his conduct would not bring the Association into disrepute.
2. A Board Member shall not at any time or in any respect do anything which may compromise or impair his integrity, impartiality, objectivity or ability to perform Board duties.
3. A Board Member shall adhere to the spirit and the letter of any rules or orders made for the Association's practices and procedures or for Board Members' behaviour in relation to the business of the Association.

## **III. Specific Standards**

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

Members of the Board are agents of the Association governed by Section 9 of the Prevention of Bribery Ordinance (POBO, Cap. 201) (and other provisions where appropriate). A Board Member commits an offence under POBO if he, without the Board's permission, solicits or accepts any advantage in connection with the Board's business. **Annex 1** provides the full text of POBO Section 9 and the legal definition of an advantage.



## **2. Acceptance of Advantages**

### **2.1 *Gifts/souvenirs presented to Board Members in their capacity as such***

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

### **2.2 *Sponsorships offered to Board Members in their capacity as such***

- (a) Board Members may be offered sponsorships in their capacity as such by persons/organisations other than the Board 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 Board and referred to the Board for consideration of acceptance.
- (b) The Board 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 Board 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 Board's contracts).
- (c) If the Board decides to accept the sponsorship, it should then select a suitable Member to attend the sponsored activity on its behalf.

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<sup>2</sup> Specify the post of the approving authority in the Code and the Form.



### **2.3 Advantages offered to Board Members in their private capacity**

- (a) Where a Board Member 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 a Board Member; and
  - (ii) he will not feel obliged to do something in return in connection with Board business for the offeror.
- (b) If a Board Member feels that he would be obliged to reciprocate an advantage by returning to the offeror a favour connected with any Board business, he should decline the offer.
- (c) When a Board Member 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 2</sup> and consult the Board Chairman/Secretary.

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

A Board Member should not accept frequent or lavish entertainment from persons/organisations who/which have an interest in any matters under consideration by the Board or with whom/which he has official dealings, in order to avoid embarrassment or loss of objectivity when considering or giving his views on matters concerning these persons/organisations.

### **4. Offer of Advantage**

Board Members are prohibited from offering advantages to any director, or staff of any company or organisation, 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.

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<sup>Note 2</sup> *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.*



## **5. Conflict of Interest**

### **5.1 Definition**

A conflict of interest situation arises when the private interest of a Board Member competes or conflicts with the interest of the Association. "Private interest" includes both the financial and other interests of Members 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**

Board 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 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 this connection, Board Members shall comply with the guidelines on declaration of interests in **Annex 3**.

### **5.3 Board Members bidding for the Association's contracts**

As a matter of principle, Board Members 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 Board Members using their capacity to obtain financial gains from the Association. Where this is unavoidable, Board Members shall adhere to the guidelines on managing possible conflict of interest in bidding for the Association's business contracts as set out in **Annex 4**.

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

- (a) A Board Member shall not take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his capacity as a Board Member.
- (b) A Board Member shall not disclose any confidential or privileged information of the Association to any party unless he is authorized to do so.



## **7. Use of Funds**

- (a) Board Members 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) Board Members shall particularly ensure that an open, fair and competitive mechanism is adopted for the procurement of goods/services and recruitment of staff for the Board.

## **8. Misuse of Capacity as a Board Member**

Board Members shall not misuse their official capacity as such to gain benefit for themselves or others, or render favour to any person/organisation.



**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 Board Members in their Capacity as such**

All gifts/souvenirs received by Board Members of the Association in their official capacity should be forwarded to the Secretary of the Board for disposal in the following manner:

- (a) If the gift/souvenir is of perishable nature (e.g. food or drink, etc.), it may be shared among Board Members 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\$ \_\_\_\_\_ , it may be donated as a prize in functions organized by the Association.
- (e) If the gift/souvenir is a personal item with a value below HK\$ \_\_\_\_\_ , 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 Board Members**

### **General Principles**

When a Board Member (including the Chairman) has an actual or potential conflict of interest in any matter under consideration by the Association, he should, as soon as practicable after he has become aware of it, make a declaration to the Chairman (or the Board) through the reporting channel using a prescribed form (Annex 5). The basic principle to be observed is that Members' advice should be disinterested and impartial and it is the responsibility of each Member to judge and decide if the situation warrants a declaration, and to seek a ruling from the Chairman in case of doubt.

It is impossible to define or describe all the situations that would call for such a declaration, because each individual case differs, and because of the difficulty of catering for unusual and unforeseen circumstances. On the other hand, it is not intended that a Member should make a declaration of interest simply because the Board is considering a matter in which he has knowledge or experience.

### **Potential Conflict of Interest Situations**

The following are potential conflict of interest situations:-

- (1) Pecuniary interests in a matter under consideration by the Board, held by either the Member or his any close relative. For example, the relative of a Board Member is the owner of a private sports venue which is rented by the Association for training. The Member himself is in the best position to judge who, in the particular circumstances, is his "close relative".
- (2) A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter under consideration by the Board. For example, the Board Member is a partner in a company bidding for the Association's service contract.
- (3) Some friendships which might be so close as to warrant declaration in order to avoid the situations where an objective observer may believe that a Member's advice has been influenced by the closeness of the association. For example, one of the athletes under consideration for selection to a sports game is the daughter of the Board Member's close friend.



- (4) A Member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as a member of a company, advised or represented or had frequent dealings with any person or body connected with a matter being considered by the Board.
- (5) Any interest likely to lead an objective observer to believe that the Member's advice may have been motivated by personal interest rather than a duty to give impartial advice.

### **Declaration of Interests at Meetings**

- (1) If a Member (including the Chairman) has any direct personal or pecuniary interest in any matter under consideration by the Board, he must, as soon as practicable after he has become aware of it, disclose to the Chairman (or the Board) prior to the discussion of the item.
- (2) The Chairman (or the Board) shall decide whether the Member disclosing an interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
- (3) If the Chairman declares an interest in a matter under consideration, his chairmanship may be temporarily taken over by the Vice-Chairman, or a Member appointed by a majority of votes if the Vice-Chairman is not present.
- (4) When a known direct pecuniary interest exists, the Secretary may withhold circulation of relevant papers to the Member concerned. Where a Member is in receipt of a paper for discussion which he knows presents a direct conflict of interest, he should immediately inform the Secretary and return the paper.
- (5) All cases of declaration of interests shall be recorded in the minutes of meeting.



**Guidelines on Managing Possible Conflict of Interest  
Arising from Board Members  
Bidding for Contracts of the Association**

- (1) When the need for a business contract is discussed, Board Members 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 Board Members 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 Board Members who have not declared an interest to bid (and the companies concerned) should not be allowed to bid subsequently.
- (4) When a Board Member (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 Board Member in the course of his duties as a Member. If so, such information should be made available to other bidders as well to ensure a level playing field.
- (5) If a Board Member (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 a Board Member (or a company associated with him) is one of the bidders.
- (7) If a Board Member (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 Board Member being awarded a contract of the Association will be published in the Association's website and annual report for public information where practicable.



(Name of the Association)

**Declaration of Conflict of Interest by Board Members****Part A – Declaration** *(To be completed by Declaring Member)*To : **Chairman of the Board**

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 Board</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 of Declaring Member)

(Date)

**Part B – Acknowledgement** *(To be completed by Chairman )*To : **(Declaring Member)****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 of Chairman)

Chairman of the Board

(Date)

\* Please delete as appropriate



# **SAMPLE: CODE OF CONDUCT FOR EMPLOYEES OF NSAS**

## **Introduction**

The [Name of Association] (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 favour 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 **Annex 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 \$ \_\_\_\_\_ in value; or
- (c) discounts or other special offers from any person or company, on terms and conditions applicable to other customers;
- (d) gifts or souvenirs presented to the staff member acting on behalf of the Association in official 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.



5. 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>9</sup> using Form A (**A sample at Annex 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.

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 organisation, 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 behaviour, 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, regardless of whether the staff member may obtain any gain or advantage, may constitute an offence under the Ordinance.

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<sup>9</sup> Specify the post of the approving authority in the Code and the Form.



## 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 favour 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 Annex 3**). Failure to do so may give rise to criticism of favouritism, 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 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***

17. Staff members should not accept a loan from, or through the assistance of, any person or organisation 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 channelled to the Chairman for advice.

---

*[Name of Association]*

Date:



**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.



**Form A**

(Name of the Association)  
**Report of Gifts Received by Employees**

**Part A – To be completed by Receiving Staff**To : *(Approving Authority)*

Description of Offeror :

Name &amp; Title of Offeror : \_\_\_\_\_

Company : \_\_\_\_\_

Relationship (Business/Personal) : \_\_\_\_\_

Occasion on which the Gift was/is to be Received : \_\_\_\_\_

Description &amp; (Assessed) value of the Gift : \_\_\_\_\_

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

- |  |   |
|--|---|
| <input type="checkbox"/> Retain by the Receiving Staff<br><input type="checkbox"/> Retain for Display / as a Souvenir in the Office<br><input type="checkbox"/> Share among the Office<br><input type="checkbox"/> Reserve as Lucky Draw Prize at a Staff Function<br><input type="checkbox"/> Donate to another Charitable Organisation<br><input type="checkbox"/> Return to Offeror<br><input type="checkbox"/> Others (please specify) : _____ | _____<br>_____<br>_____<br>_____<br>_____<br>_____<br>_____ |
|--|---|

(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**

(Name of the Association)

**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)

\* Please delete as appropriate



## **Prevention of Bribery**

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

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

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

### ***Acceptance of Advantage***

3. It is our policy that registered coaches should not solicit or accept any advantage from any persons or companies having business dealings with the Association (e.g. athletes, parents, or suppliers). They may consider accepting, but not soliciting, 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 \$ \_\_\_\_\_ in value; or
  - (c) discounts or other special offers from any person or company, on terms and conditions applicable to other customers;
  - (d) gifts or souvenirs presented to the coach acting on behalf of the Association in official functions.
4. A registered coach 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***

5. Registered coaches are prohibited from offering advantages to any staff member of any company or organisation, for the purpose of influencing such person or



company in any dealings, or any public official, Board Members or staff of the Association, whether directly or indirectly through a third party, when conducting the business of the Association.

### **Entertainment**

6. 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, a registered coach should avoid accepting lavish or frequent entertainment from persons with whom the Association has business dealings (e.g. athletes, parents, suppliers or contractors) to avoid placing themselves in a position of obligation to the offeror.

### **Conflict of Interest**

7. Registered coaches 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 registered coach 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 favour or obligated in any way. When actual or potential conflict of interest arises, the coach should make a declaration to the Board in writing (A sample at Annex 2). Failure to do so may give rise to criticism of favouritism, abuse of authority or even allegation of corruption.

### **Confidentiality of Information**

8. Registered coaches 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.



**Extracts of 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.



(Name of the Association)

**Declaration of Conflict of Interest by Registered Coaches****Part A – Declaration** *(To be completed by Declaring Coach)*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 athlete selection exercise)</b>

---

 (Name of Declaring Coach)

(Date)

**Part B – Acknowledgement** *(To be completed by the Approving Authority)*To : **(Declaring Coach)****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) : \_\_\_\_\_

---

 (Name of Approving Authority)  
 (Title/Department)

(Date)

\* Please delete as appropriate



**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.



# SAMPLE: REPORT OF GIFTS RECEIVED

(Name of the Association)

## Report of Gifts Received

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

To : *(Approving Authority)*

Description of Offeror :

Name & Title of Offeror : \_\_\_\_\_

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 Recipient                          | _____ |
| ( ) 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) :                        | _____ |

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

(Date)

(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 : \_\_\_\_\_

\_\_\_\_\_  
(Name of Approving Authority)

(Date)

(Title)

\* Please delete as appropriate



# SAMPLE: DECLARATION OF CONFLICT OF INTEREST

(Name of the Association)

## Declaration of Conflict of Interest by Board Members

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

To : **Chairman of the Board**

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 Board</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 of Declaring Member)  
(Date)

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

To : **(Declaring Member)**

#### 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) : \_\_\_\_\_

(Date)

\_\_\_\_\_  
(Name of Chairman)  
Chairman of the Board

\* Please delete as appropriate



(Name of the Association)

## Declaration of Conflict of Interest by Staff

### 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)

*\* Please delete as appropriate*



(Name of the Association)

## Declaration of Conflict of Interest by Coaches

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

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 athlete selection exercise)</b>

\_\_\_\_\_  
(Name of Declaring Coach)

(Date)

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

To : **(Declaring Coach)**

#### 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) : \_\_\_\_\_

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

(Date)

*\* Please delete as appropriate*





防止貪污處

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**Independent Commission Against Corruption**

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