

ICAC - CODE OF CONDUCT
ADOPTED BY THE SALVATION ARMY
HONG KONG & MACAU COMMAND
(Abridged Version)

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Corruption Prevention Department

Acknowledgements

Gratefully acknowledge the ICAC's Corruption Prevention Department for allowing The Salvation Army to adopt and use this Code of Conduct.

Prevention of Bribery

1. The Salvation Army (hereafter referred to as the Army) prohibits all forms of bribery and corruption. All Board members¹ and staff² are prohibited from soliciting, accepting or offering any bribe in conducting the Army's business or affairs. In conducting all business or affairs of the Army, they must comply with the Prevention of Bribery Ordinance (POBO) of Hong Kong.

[The relevant sections of the POBO are detailed at Appendix 1.]

Solicitation and Acceptance of Advantages

2. The Salvation Army prohibits Board members and staff from soliciting or accepting any advantage from any persons or companies having official dealings with the Army (e.g. service recipients, suppliers, contractors, professional fund-raisers), and (for Board members) from staff to whom the Board may have an influence^{3*}, and (for staff) from any subordinates*, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis:
 - (a) advertising or promotional gifts or souvenirs⁴ of a nominal value;
 - (b) discount or other special offers given by any person or company to them as customers, on terms and conditions equally applicable to other customers in general; or
 - (c) gifts (including red packets, gift cheques⁵) given by staff to Board members who may have an influence over them, or subordinates to their supervisors on festive (e.g. Chinese New Year) or special occasions (e.g. birthday, wedding, retirement), subject to a maximum limit as stated in the Policy 3.5, or the related Policy in the different stream of work.
3. If a Board member or staff wishes to accept from any persons or companies having official dealings with the Army, or (for Board members) from staff to whom the Board may have an influence, or (for staff) from any subordinates any other advantages not listed in paragraph 2, he should seek the permission from Leadership/Head of Department. Form A or a Register of Gifts/Advantages Received (Sample at Appendix 2) could be used to record and seek approval of

1 "Board members" means members of the Army's governing body which may be referred to as "Council", "Committee" and "Board".

2 "Staff" includes Officers, full-time, part-time and temporary staff.

3 E.g. Staff members whose appointment, performance, remuneration and contract renewal are subject to the Board's decisions, or who request for favour from Board members on matters related to the Organisation for himself or others.

4 Include food offered which is not for immediate consumption, like mooncakes, radish cakes or Christmas hampers. Whenever practicable, the accepted advantage should be shared with service recipients.

5 E.g. gift cheques issued by banks (禮券) or supermarket or department store coupons.

the advantages received by Board member or staff. In case of doubt, the Board member or staff should refer the matter to Business Administrator who then report to Leadership for advice and instruction.

4. Even if the offeror does not have any official dealings with the Army, a Board member or staff should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Army's business, induce him to act against the Army's interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. Board members and staff should ensure that the solicitation or acceptance of any advantages can stand up to public scrutiny and will not bring the Army into disrepute.

Acceptance of Entertainment

5. Board members and staff should not accept lavish, or unreasonably generous or frequent entertainment⁶ from any person having official dealings with the Army.

Conflict of Interest

6. A conflict of interest situation arises when the "private interests" of a Board member or staff compete or conflict with the interests of the Army or the official duties of the Board member or staff. Private interests include financial and other interests of the Board member or staff himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, and any person to whom he owes a favour or to whom he may be obligated in any way. [Example of conflict of interest at Appendix 3.]
7. A fundamental integrity requirement is that all Board members and staff should avoid situations which may compromise (or be seen to compromise) their personal judgment or integrity at work or lead to conflict of interest. A Board member or staff's duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.
8. When a situation involving a conflict of interest cannot be avoided, Board members and staff should as soon as possible make full disclosure of all relevant interests which conflict, may conflict or may be seen to conflict with their official

⁶ As defined in section 2 of the POBO (Appendix 1), "entertainment" means 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 the provision of food or drink.

duties. Any declarations made and the related decisions should be recorded in a minute in the subject file or a central declaration file, or use a sample declaration form (Form B / C at Appendix 3) for major tender exercises.

9. For Board members, the Army may make reference to the declaration guidelines at Appendix 3. For staff members who have made a declaration, their supervisors / the approval authority will then decide on the appropriate course of action to be taken. If Board members or staff have doubts concerning the handling of conflict of interest situation, they should immediately consult the Chairman / Secretary or their supervisors / approval authority respectively.

Confidentiality of Information

10. Board members and staff should not disclose any classified or proprietary information of the Army without authorisation or misuse any Army's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal data of the Board members, staff, volunteers and service recipients to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486).
11. Board members and staff should continue to observe their duty of confidentiality after they have left the Army. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

Compliance

12. Any Board member and staff in breach of the Code will be subject to disciplinary action, including termination of appointment.

Extracts of the Prevention of Bribery Ordinance (Cap. 201)

Section 9

(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 the 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.

Section 4

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's-

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or
- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

(3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

Extracts of the Prevention of Bribery Ordinance (Cap. 201)

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.

“Entertainment” means :

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 8

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

Section 19

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

Appendix 2

Guidelines for Handling Gifts / Souvenirs Given to Board Members and Staff in their Official Capacity

All gifts / souvenirs received by Board members and staff in their official capacity should be forwarded to the Leadership/Heads of Department of the Army for disposal in the following manner:

- (a) If the gift / souvenir is of perishable nature (e.g. food, drink), it may be shared among service recipients, donated to a charitable organisation or, when this is not practical, shared among staff of the Army on a suitable occasion.
- (b) If the gift / souvenir is a useful item, it may be kept for use by the Army or donated to another charitable organisation.
- (c) If the gift / souvenir is suitable for display (e.g. a painting, vase), it may be displayed at appropriate locations of the Army premises.
- (d) If the gift / souvenir is of low value as stated in Policy 3.5, it may be donated as a prize in functions organised by the Army.
- (e) If the gift / souvenir is a personal item of low value as stated in Policy 3.5, 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.
- (g) Any gift / souvenir of high value as stated in Policy 3.5, or the related Policy in the different stream of work should be returned to the offeror as far as possible.

**THE SALVATION ARMY
REPORT ON GIFTS / ADVANTAGES RECEIVED**

Part A – To be completed by Receiving Staff

To : (Leadership/Head of Department)
Description of Offeror:
Name & Title: _____
Company: _____
Relationship (Business/ Personal): _____
Occasion on which the Gift/Advantage was/is to be received:

Description & (assessed) value of the Gift/Advantage: _____

Suggested Method of Disposal:

Remarks

- () Retain by the Receiving Staff
- () Retain for Use/ Display/ as a Souvenir in the Office
- () Share among service recipients or the Office
- () Reserve as Lucky Draw Prize at Staff Functions
- () Donate to a Charitable Organisation
- () Return to Offeror
- () Others (please specify):

(Date) _____
(Name of Receiving Staff)
(Title / Department)

Part B – To be completed by Approving Authority

To : (Name of Receiving Staff)
The recommended method of disposal is *approved/not approved.
*The gift /advantage concerned should be disposed of by way of:

(Date) _____
(Name of Leadership/HOD)
(Title / Department)

* Delete as appropriate

Register of Gifts/Advantages Received

<i>To be completed by Recipient</i>									<i>To be completed by Approving Authority</i>		
Date	Description of Offeror (Name & Title/ Organisation Name)	Relationship with Offeror (Business/ Personal)	Occasion of Gift/ Advantage Received	Description & (Assessed) Value of Gift/ Advantage	Suggested Method of Disposal (Note 1)	Name of Recipient (Title/ Department)	Signature of Recipient & Date	Remarks / File Reference	Approval of Disposal Method (Note 2)	Name of Approving Authority (Title/ Department)	Signature of Approving Authority & Date

Note 1: Please choose the following disposal methods -

1. Retain by the Recipient
2. Retain for Use/Display/as a Souvenir in the Office
3. Share among Service Recipients or the Office
4. Reserve as Lucky Draw Prize at Staff Functions
5. Donate to a Charitable Organization
6. Return to Offeror
7. Others (Please specify)

Note 2: Please indicate whether the suggested method is approved or not and specify the disposal method if the suggested method is not approved.

Guidelines on Declaration of Interests by Board Members of The Army

General Principles

When a Board member (including the chairman) of a board or committee has a potential conflict of interest in a matter placed before the board or committee, he should make full disclosure of his interest. The basic principle to be observed is that Board members' advice, decisions or views should be disinterested and impartial and it is the responsibility of each Board 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 Board member should make a declaration of conflict of interest simply because the committee 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 committee, held either by the Board member or by any close relative of his. Board members are themselves the best judge of who, in the particular circumstances, is a "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.
- (3) Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a Board member's advice to have been influenced by the closeness of the association.
- (4) A Board 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 under consideration by the Board.
- (5) Any interest likely to lead an objective observer to believe that the Board member's advice might have been motivated by personal interest rather than a

duty to give impartial advice.

Declaration of Conflict of Interests at Meetings

The following are guidelines governing declaration of conflict of interests at meetings :

- (1) If a Board 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 committee) prior to the discussion of the item.
- (2) The chairman (or Board) shall decide whether the Board member disclosing a conflict of 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 a conflict of interest in a matter under consideration, the chairmanship may be temporarily taken over by the secretary.
- (4) When a known direct pecuniary interest exists, the secretary may withhold circulation of relevant papers to the Board member concerned. Where a Board 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 conflict of interests shall be recorded in the minutes of the meeting.

Appendix 3

More Examples of Conflict of Interest for Board Members & Staff

Procurement of Products or Services

- A Board member, or a staff involved in a procurement process, has interest in or is closely associated with a company which provides the Army with paid services (e.g. training, consultancy, legal, accounting), or bids for supply of goods or services to the Army.
- A Board member or his close relative / friend has financial interest in a professional fundraiser (e.g. a marketing or public relations company) which the Army engages to solicit donations.
- A Board member or staff leases or sells his property to the Army.

Contract Administration

- A staff responsible for contract administration solicits quotations from or employs contractors of the Army for renovating his home.

Staff Administration

- A Board member gets paid to undertake a staff position and appoints his relatives or friends to take up posts in the Army.
- 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 Board member or staff responsible for the exercise.

Others

- A Board member attends a meeting for evaluation of an NGO supplier of which he is also a Board member.
- A Board member's company, being a sponsor for an event of the Organisation, is favoured over other sponsors, e.g. publicity or best seats in the event.
- A client of a Board member's business bids for purchase of an asset owned by the Army.
- A staff responsible for assessing eligibility of applications for food assistance provided by the Army is considering an application from his personal friend or relative.

The Salvation Army
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:

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

(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) : _____

*Please delete as appropriate

(Name of Chairman of the Board) (Date)

The Salvation Army
Declaration of Conflict of Interest by Staff

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

To : (Approving Authority) via (supervisor of the Declaring Staff)

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

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

 (Name of Declaring Staff) (Date)

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

To : (Declaring Staff) via (supervisor of the 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) : _____

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

*Please delete as appropriate