



# HONG KONG SAILING FEDERATION GUIDELINES ON CONFLICT OF INTEREST

(February 2021)

## 1. DEFINITIONS

- 1.1. Private Interests include financial and non-financial interests of the Members of the Council, Committee, Sub-Committee or Working Group himself or herself, and those of his or her connections including (a) family and other relations, (b) personal friends, (c) other companies or business interests which the Member or the persons in (a) or (b) above hold or own either in part or in whole, (d) the clubs, associations and organisations to which he or she belongs, and (e) any person or organisation to whom he or she has a personal connection or to whom he or she may be obligated in any way.
- 1.2. A Conflict of Interest is where a Council Member, a Committee Member, a Sub-Committee Member, or a Working Group Member (collectively “Members”, each or any of them a “Member”) has a Private Interest which conflicts, or may conflict, with his or her duties to act in the best interests of HKSF.
- 1.3. A *perceived* Conflict of Interest is a situation that leads an objective observer to believe that a Member’s impartiality or objectivity in discharging his or her duty to act in the best interest of HKSF has been compromised.
- 1.4. A *potential* Conflict of Interest is a situation which could develop into a real or perceived Conflict of Interest.

## 2. GENERAL PRINCIPLE

- 2.1. All Members should use their best efforts to avoid any potential, perceived or real Conflict of Interest. In the event that a Member has a Conflict of Interest they must declare it and manage Conflicts of Interest properly.
- 2.2. Members have an obligation to act in the best interests of HKSF and in accordance with HKSF’s Articles of Associations, Regulations and Guidelines. They are expected to act impartially and objectively and to actively take steps to avoid Conflict of Interest. Failure to do so may have a serious impact on HKSF’s reputation, giving rise to criticism of favouritism, abuse of authority or allegations of corruption.

## 3. DECLARATIONS

- 3.1. All Members are required to declare interests, or potential interests upon joining the Council, Committee, Sub-Committee or Working Group, by completing and signing of the General Declaration of Interest Form as in APPENDIX A.

- 3.2. The General Declaration of Interest should be updated on an annual basis at or before the first meeting of the Council, Committee, Sub-Committee or Working Group in each calendar year.
- 3.3. The General Declaration of Interest should be as comprehensive as possible and must include, to the least:
- a) directorships, partnerships and employments with, and any office held with, Clubs, Associations, Non-Governmental Organisations (NGOs), or commercial businesses that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing; and
  - b) any material or non-material interests arising from close family or personal relationships with any coach or other person hired by HKSF, any service provider, goods supplier or other party who has business dealings with HKSF, or any member or potential member of HKSF national squads.
- 3.4. The Secretary General will use the information in the General Declaration of Interest Form to maintain a Register of interests. The information provided in any Declarations of interest will be processed in accordance with the Personal Data (Privacy) Ordinance. The information provided will not be used for any other purpose by HKSF.
- 3.5. When and where there is a matter being considered by the Council, a Committee, Sub-Committee or Working Group but giving rise to a real, potential or perceived *Conflict of Interest*, the interested Member shall promptly make a Special Declaration to the President (in case of Council Member) or the Chairperson of the Committee, Sub-Committee or Working Group where he or she belongs.
- 3.6. The Special Declaration shall cover:
- a) Matter to be discussed by the Council, the Committee, the Sub-Committee, or the Working Group;
  - b) Description of the Declarer's connection with the matter.
- 3.7. The Special Declaration Form is attached in APPENDIX B.
- 3.8. At the beginning of each meeting of the Council, a Committee, Sub-Committee or Working Group, there shall be an agenda item of declaration of interests by the Members. Any Private Interests in any matter to be discussed at the meeting must be declared at this point and minute.

#### **4. MANAGEMENT**

- 4.1. In general, the President of HKSF shall not have any Conflict of Interests, whether actual, perceived or potential, during his or her term of presidency. The Chairperson of any Committee, Sub-Committee and Working Group shall not have a Conflict of Interest, whether actual, perceived or potential, in the matters that his or her Committee, Sub-Committee, or Working Group are in charge of, during his or her term as a chairperson.

- 4.2. Under an unforeseeable circumstance where the President of HKSF or the Chairperson of a Committee, Sub-Committee or Working Group has a Conflict of Interest in a specific matter, the President or the Chairperson shall follow the same ethic and practice as in Sections 4.3 and 5 and vacate the chair (which shall be taken over by a Vice President or another Member of the Committee, Sub-Committee or Working Group) in the proceedings of the meeting where the matter is discussed until decision on the matter is made by the rest of the Council, Committee, Sub-Committee or Working Group.
- 4.3. A Member shall be excluded from handling the matter, participating in the discussion or decision making of the matter, or access to the documents or information about the matter (except public documents and information), and shall abstain from voting on the matter if and when the Member has a Private Interest or potential Private Interest in a matter.
- 4.4. Section 5 below sets out the principles to be adhered to by the Members in certain scenarios of Conflict of Interest.

## **5. PARTICULAR SCENARIOS**

### **5.1. *Selection of Athletes***

- (a) A Member who is a candidate or participant in the selection or who is a close relative or friend of such candidate or participant is regarded to have Private Interests in the selection and should follow the practice in section 4.3.
- (b) Such candidate or participant should not sit on the Selection Committee or High Performance Committee.

### **5.2. *Employment of a coach or other employee by HKSF***

- (a) A Member who is an applicant for a full time or part time staff position in HKSF or who is a close relative or friend of such applicant, is regarded to have Private Interests in the decision making of the employment and should follow the practice in section 4.3.
- (b) If such Member succeeds in its application and becomes an employee of HKSF, he should resign from the Council and as a voting member of the Committee, Sub-Committee or Working Group which oversee his work.

### **5.3. *Provision of goods or services or other commercial arrangement with HKSF***

- (a) A Member who bids for a supply or other commercial contract with HKSF or who has any connections with a bidder as specified in section 1.1 is regarded to have Private Interests in the bidding and award of such contract and should follow the practice in section 4.3.
- (b) If such Member succeeds in bidding for the contract, he should resign from the Council and the Committee, Sub-Committee or Working Group which oversee his work but may be appointed as a non-voting member of such Committee, Sub-Committee or Working Group.

**5.4. *Appointment or nomination by HKSF to other organisations***

A Member who seeks HKSF's appointment or nomination to another organisation has Personal Interests in the discussion and decision making of the appointment or nomination and should follow the practice in section 4.3.

**5.5. *Proposal by a Member Club or Member Association to HKSF***

(a) There is no Conflict of Interest in a proposal made by a Member Club or Member Association arising from those connections specified in section 1.1 unless such proposal:

- (i) affects the proposing club or association specially; or
- (ii) affects the proposing club or association differently from other Member Clubs or Member Associations.

(b) In case of a proposal mentioned in (i) or (ii) above, the Member who holds any office in the proposing club or association should abstain from voting on the proposal but may participate in the discussion of the proposal.

**6. REFERENCES**

- 6.1 ICAC's Management of Conflict of Interest for NGOs
- 6.2 LCSD's Guidelines for Conflicts of Interest
- 6.3 HKSAR Efficiency Unit's Guide to Corporate Governance for Subvented Organisations
- 6.4 World Sailing Policy on Conflict of Interest

**GENERAL DECLARATION OF INTEREST**

Save as explained in the notes below:

1. I acknowledge that as a member of the HKSF Council, Committee, Sub-Committee or Working Group (a “Member”), I owe fiduciary duties to the Federation.
2. I understand that all Council, Committees, Sub-Committees, and Working Groups’ members are obligated to discharge their responsibilities with integrity and good faith. They may not exploit their official position for their private benefit.
3. I acknowledge that if any Member were to be influenced in the performance of his or her duties by improper considerations of personal advantage, he or she would breach his or her fiduciary duties and vitiate the trust reposed in him or her.
4. I acknowledge that no Member shall make, participate in making, or in any way attempt to use his or her official position to influence a decision of the committee in which he or she knows, or has reason to know he or she or his or her connection has a personal interest.

**DECLARATIONS**

- A. Memberships or Office held in Clubs, Associations and Non-Governmental Organisations (“NGOs”)

NAME OF CLUBS, ASSOCIATIONS AND NGOs	MEMBERSHIP AND/OR OFFICE HELD

- B. Directorships, Shareholders and/or Employees of Commercial Organisations

NAME OF COMMERCIAL ORGANISATIONS	CAPACITY AND/OR POSITION HELD

- C. Name of Family Member with Whom a Conflict of Interest Arises

NAME OF FAMILY MEMBER (RELATIONSHIP) AND FRIENDS	CAPACITY WHERE THERE IS OR MAY BE A CONFLICT OF INTEREST

D. Other Declarations


Name of Member: \_\_\_\_\_

Signature of Member: \_\_\_\_\_

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

**SPECIAL DECLARATION**

TO: The President of HKSF (for Council Member) or Chairperson of the Committee, Sub-Committee, or Working Group.

CC: Secretary General, HKSF

REFERENCE DECLARATION NUMBER: \_\_\_\_\_ (To be completed by Secretary General)

I would like to declare the following existing or potential conflict of interest situation in relation to the discussion item:

**PART A - MATTER TO BE DISCUSSED BY THE COUNCIL, THE COMMITTEE, THE SUB-COMMITTEE OR THE WORKING GROUP WHERE I AM A MEMBER**

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**PART B - DECIPTION OF MY CONNECTION WITH THE ABOVE MATTER**

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Name of Member: \_\_\_\_\_

Signature of Member: \_\_\_\_\_

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