

體育總會防貪錦囊

Best Practice Reference for Governance of  
National Sports Associations



邁向卓越管治 共建專業體壇  
Towards Excellence  
in Sports Professional Development



防止貪污處  
Corruption Prevention Department

香港的體育運動愛好者憑著多年來堅定不移、努力不懈的精神，艱辛地為香港的體育運動發展奠定了基石。我們專心致志的運動員近年在各項賽事中，例如2009年香港第五屆東亞運動會和2010年廣州第十六屆亞運會，屢創佳績，將香港的體育運動史推進新紀元。

為了推動香港體育運動的長遠發展，政府已增加撥款，支持和推廣本地與國際體壇的各項活動。市民亦殷切期望香港體壇能健康發展，以及各體育總會能善用政府資助。廉政公署（廉署）過往一直與政府攜手，致力協助各體育總會加強管治，如建立能有效防貪的營運制度、舉辦工作坊加強員工的廉潔意識等。我們深信只要各體育總會秉持誠信，管治有方，定能加強對體育界和市民大眾的問責性；並在促進和推動體壇發展方面，獲得公眾的認同和支持。

作為各運動項目的代表，香港各體育總會的職能涉及重大公眾利益，例如甄選運動員代表香港參加國際賽事、提名本地裁判考取國際資格等。因此，體育總會應保持運作廉潔，避免出現貪污賄賂、用人唯親、利益衝突和其他舞弊行為，以符合大眾的期望。

廉政公署尊重各體育總會的自主權，同時希望透過本《防貪錦囊》協助體育總會加強管治，為香港體育運動的長遠發展作出正面和深遠的影響。本錦囊就良好管治和內部監控的原則和標準，向體育總會提供指引，確保其職能免受貪污舞弊的損害。體育總會可因應各自的組織架構、資源和運作需要，採納適用的防貪建議。

廉政公署防止貪污處轄下的私營機構顧問組，可因應私營機構和體育總會的要求，提供**免費、保密及度身訂造**的防貪建議，包括協助機構按其實際情況推行本《防貪錦囊》內的防貪措施。如需更多資料，請以下列方法與顧問組聯絡：




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良好管治不僅是體育事業發展的基石，也是防止貪污的要訣。作為體育總會內最高的管治及決策組織，董事會<sup>1</sup> 需領導及確保總會在推廣有關運動及發揚該會宗旨的工作方面，符合最高的誠信標準。下列的最佳工作常規旨在協助各體育總會提高董事會及相關委員會的問責性，從而令總會的內部管治更具成效。

## 1.1 行政董事會

- 把董事會管治架構的要素納入體育總會的管治文件內<sup>2</sup>，包括董事會的職權範圍及組合、董事會成員的選舉或委任及有關任期、取消董事資格的事宜、議事規則和誠信規定等。
- 訂明總會的宗旨，並承諾在進行業務及活動時，恪守誠信及遵從既定的政策及程序。
- 擬定董事會的職權範圍，訂明董事會於促進體育總會的妥善運作及貫徹該會宗旨的責任。
- 確保董事會的運作獨立於秘書處。
  - 委任兩位不關連人士，分別出任董事會主席及秘書處負責人<sup>3</sup>。
  - 分隔董事會與秘書處的職能及職責。
- 界定主席、董事會成員、增選委員及主要職位（如秘書及司庫等）的職能及責任。

<sup>1</sup> 在本《防貪錦囊》中，「董事會」一詞泛指體育總會的管治組織。在一些體育總會中，其管治組織或會被稱為「議會」、「執行委員會」或「管理委員會」等。

<sup>2</sup> 管治文件指根據《公司條例》（第32章）註冊的體育總會所制定的組織章程大綱及組織章程細則或其他根據《社團條例》（第151章）註冊的團體所訂定的會章。

<sup>3</sup> 鑑於不同的體育總會的人事編制各異，「秘書處負責人」指執行董事或秘書處薪酬最高的職員。



附錄 1

- 制定及公布董事會組成的政策，內容應包括：
  - 設立能確保領導層有效地輪替及更新的機制，例如訂定競選連任的所需條件、規定常務委員或一些重要職位的最長任期，及作出適當安排讓卸任委員可以繼續作出貢獻；
  - 董事會成員數目應與體育總會的規模相稱；
  - 董事會成員的組合應包括各種專才，以促進有效管治及平衡各主要持份者的利益。
  
- 訂明董事會及功能委員會成員的最低會議出席率。

## 1.2 功能委員會

- 成立功能委員會以監察體育總會的各項職能，例如審計、財務及運動員的遴選。
- 訂明功能委員會的職責、組合（如增選委員的人數及比例）及成員的資歷要求（如專業背景及專長）、以及提名或委任程序。
- 要求功能委員會定期向董事會匯報討論內容。

### 1.2.1 審計委員會

- 設立審計委員會，監察體育總會的內部及外部審計工作。
- 委任一名獨立的董事會成員擔任審計委員會主席，避免由董事會主席或其他功能委員會主席兼任。
- 委任至少一名具備會計或審計知識的專業人士為審計委員會委員。

### 1.2.2 財務委員會

- 設立財務委員會，以監察體育總會的財務規劃、管理及匯報事宜，包括制定詳盡的採購政策，及就委任核數師事宜作出建議。

### 1.2.3 運動員遴選委員會



3.4

- 成立**運動員遴選委員會**以監察運動員的選拔過程（第三章），包括訂定遴選政策、擬定選拔的程序及準則等。

## 1.3 提名及選舉董事會及功能委員會成員

### 1.3.1 董事會成員

- 設立及公布董事會成員的提名機制，包括提名參選及競逐連任所需的資格、提名權及提名程序等。
- 制定公平合理和具透明度的選舉機制，包括：
  - ◆ 邀請一名獨立人士擔任觀察員，監察整個選舉過程；
  - ◆ 訂定投票人的資格及權利；
  - ◆ 訂明候選人當選或連任必須符合的要求（如適用），例如最低得票率；
  - ◆ 妥善保管選票，以備日後查核；
  - ◆ 適時及公開點票。

### 1.3.2 功能委員會成員

- 訂明對各功能委員會成員的要求資格（如適用），例如財務委員會的成員需具備財務或會計背景。





1.3.1

- 設立渠道，讓合資格董事會成員表達加入功能委員會的意向，及限定個別董事會成員可參與的功能委員會的數目。
- 選舉必須公平公正地進行並具透明度。

### 1.3.3 增選委員<sup>4</sup>

- 擬定各委員會內增選委員的職能、任期、需具備的專長和限制（如服務年期），在正常情況下，增選委員不應擁有投票權。
- 規定增選委員在各功能委員會中，所佔的比例或人數上限。
- 訂定增選委員的提名及委任機制，包括提名權及委任權。

## 1.4 召開董事會及會員大會

- 訂定召開董事會議或會員大會的規則及程序，包括舉行會議的次數、召開會議的最短通知期限，及於會議前派發議程及討論文件的安排等。
- 訂定董事會及功能委員會的議事程序，包括會議法定人數和決議機制（如簡單多數制或須達到預定的最低支持率）等。
- 適時及準確地把討論內容載於會議記錄內，包括任何有別於決議的意見及最後通過的決議。

<sup>4</sup> 有些體育總會會邀請具有某方面專長（如財務、運動醫學等）的非董事會成員，列席各功能委員會會議，以提供意見。這些人士一般稱為「增選委員」。

## 1.5 透明度及問責性

- 體育總會應在網頁內向公眾提供有關總會管治架構及運作的資料，包括總會的管治文件（註腳二）、董事會的選舉機制及任何連任限制、主要財務資料如財務報告、運動員遴選政策及機制等，以提高透明度。
- 定期更新已公開的資料，例如每季或每半年更新一次。
- 作出公開承諾，表明體育總會恪守良好管治常規，例如將有關陳述上載於總會的網頁。
- 自我評估落實良好管治常規的情況；倘若未能遵守，須提供理由及處理相關事宜的替代措施（如適用）。

良好管治是機構賴以成功的重要元素，而誠信更是推行良好管治的關鍵。要達致有效的誠信管治，管理層的決心和參與至為重要，尤其是在機構內培養誠信文化和竭力維持高道德水平，使員工能在廉潔的工作環境下工作。下列措施有助機構領導展示他們恪守誠信管治的決心和承諾。

## 2.1 恪守誠信管治

- 展示最高管理層致力在體育總會內推行良好管治和培養誠信文化的決心。
  - 董事會與最高管理層應一致表明對貪污舞弊採取「零容忍」態度。
  - 坐言起行，積極參與推廣道德文化的活動，例如出席總會的誠信培訓工作坊。
  - 嚴格執行既定的懲處機制，不容出現雙重標準。

## 2.2 紀律守則



附錄2至4

- 為董事會和功能委員會成員、職員和教練分別制定**紀律守則**，以供他們遵守，當中須加入2.2.1至2.2.3節所述的主要誠信條文。
- 定期向董事會和功能委員會的成員及體育總會職員傳閱有關誠信條文的摘要（如在臨近有送禮傳統的節日時），以提醒他們遵守相關規定。

### 2.2.1 收受利益



附錄5

- 確保董事會和功能委員會的成員及職員清楚明白《**防止賄賂條例**》（香港法例第201章）的精神及當中有關收受利益的條文。



## 附錄6

- 禁止董事會和功能委員會的成員及職員在未經授權人員批准的情況下，收受與他們有公事往來的人士所提供的利益。
- 為顧及行政需要，可考慮就董事會和委員會成員及職員收受象徵式禮物，給予一般性批准，唯必須按情況及禮物性質訂定此類象徵式禮物的價值上限。
- 就接受象徵式禮物以外的利益，訂明批核程序和授權人員的職級。
- 制定**標準範本**，用以**呈報接受利益事宜**及記錄管理層就處理該等禮物之決定。

### 2.2.2 接受款待

- 提醒董事會和功能委員會成員及職員，避免接受與他們有公事往來的人士所提供的奢華或過於頻密的款待。
- 制定指引以協助處理有關的邀請，例如就接受款待事宜訂立清晰政策，包括由指定人員批核員工就接受款待的事先申請，以及在未能取得事先批准的情況下已接受款待的事後申報。

### 2.2.3 利益衝突<sup>5</sup>

- 規定董事會及功能委員會成員、職員和參與決策的人士，例如被委任為運動員遴選委員會成員的教練，迴避及申報任何實際或被視為利益衝突的情況。
- 訂立申報利益衝突的機制，包括申報制度（一層或兩層）<sup>6</sup>、申報方式、向誰申報等。

<sup>5</sup> 利益衝突是指董事會或功能委員會成員或職員的「私人利益」與體育總會的利益或其職務互相抵觸或有所衝突。「私人利益」泛指有關的董事會或功能委員會成員或職員、其家人或其他親屬、私交友好、所屬會社或協會，以至任何與其有私人或社交關係的人士，或其受過恩惠或欠下人情的人士的任何財務或其他個人利益。

<sup>6</sup> 在一層申報利益制度下，董事會或功能委員會成員和總會職員遇有利益衝突時須予以申報。兩層申報利益制度則指董事會或功能委員會成員和總會職員在作出一層利益申報以外，還須在獲委任時及其後定期披露其金錢利益。

- 列舉一些利益衝突的例子（例如：物色訓練場地時申報與運動場場主的關係、揀選運動員參與國際賽事時申報與候選運動員的關係），並且制定指引，列明就已申報的利益衝突應採取的跟進行動，例如禁止已申報利益衝突的董事會成員參與決策過程。



附錄7

- 制定**標準表格**，用作**申報利益**及記錄所採取之行動。
- 確保所有申報事宜及跟進行動均記錄在案，以便監察。

#### 2.2.4 遵守紀律守則

- 說明違反守則的紀律處分，例如警告、撤職等。
- 指派一名高級職員專責處理查詢及違反誠信的舉報。

### 2.3 建立及深化誠信意識



7.2

- 為新委任董事會成員（包括功能委員會成員和增選委員）及職員舉辦講座，使他們熟悉紀律守則及反貪法例。**廉政公署可提供相關協助。**
- 為現任董事會成員及職員安排進修講座，讓他們溫故知新，時刻保持警覺，守法持廉。**廉政公署可提供相關協助。**
- 定期檢討誠信管治策略，確保有關策略配合法例、社會和機構本身的轉變。

在體育總會各項獨有的主要職能中，選拔運動員代表香港參加國際賽事最受運動員和公眾關注。懷有抱負的運動員努力爭取出賽機會，以追求個人成就和突破之同時，公眾亦期望各體育總會以公平公正的制度挑選最合適、勝算最高的運動員，代表香港出戰國際賽事。為達到運動員和公眾的期望，一套有效、公平而具透明度的運動員遴選制度是不可或缺的。

每當體育總會參與相關體育運動的國際賽事，或香港參加奧運會、亞運會等多項運動會時，體育總會便需要進行選拔運動員參賽。在此之前，體育總會須預先選拔一些有潛質的運動員加入港隊 / 青少年隊 / 區域代表隊，以便日後從中挑選精英，代表香港出賽。以下的清單對選拔運動員加入港隊 / 青少年隊 / 區域代表隊和參加國際賽事均適用。

## 3.1 選拔運動員的基本原則

- 以平等機會和公平競爭作為選拔運動員的核心價值。
- 給予運動員均等和充分的機會，以展示實力，爭取入選，並在賽事中達到體育總會的指定目標。
- 確保遴選過程和與遴選有關的資料透明公開，並適時發放該等資料。
- 在遴選過程中堅守不偏不倚的原則，包括制定機制以申報實際或被視為利益衝突的情況，並就跟進該等申報應採取的行動發出指引。

## 3.2 遴選政策

- 公開承諾在遴選過程中恪守誠信及遵守各項基本原則。

- 就每項及 / 或每類活動和賽事訂下目標或目的（以下統稱為「理想成績」），例如培育第二梯隊運動員參加適合其程度的錦標賽，和挑選獲獎機會最高的運動員參加奧運會、亞運會等世界級賽事。



- 按理想成績擬定**遴選準則**及釐定每項準則在個別遴選活動中應佔的比重。

- 決定遴選方法，例如舉行選拔比賽、參考教練評估，或綜合各種方法，務求給予運動員展示實力的機會，證明他們有能力爭取理想成績。



- 制定**遴選程序**。



- 訂立**上訴機制**。

- 匯集理想成績、遴選準則或標準、遴選方式和上訴程序以制定遴選政策文件。

- 公布遴選政策。



- 定期**檢討遴選政策**，以配合任何環境轉變，如政府的體育運動發展政策。

### 3.3 遴選委員會

- 成立遴選委員會，根據遴選政策，就個別比賽擬定遴選準則與方法，並訂定遴選程序。



- 設立適當的**委任機制**，確保符合指定資格的人士才會獲委任加入委員會。

### 3.4 遴選準則 - 客觀與主觀準則<sup>7</sup>

- 就個人項目、隊際項目和含有「團隊元素」<sup>8</sup>的個人項目 等不同性質的比賽，分別評估不同遴選方法的合適性（如以量化因素或質量因素為選拔基礎）。
- 為比賽擬定遴選準則，並就每項準則釐定應佔比重。
- 參考體育總會就比賽定下的理想成績和國際體育聯會釐定的準則及 / 或基準，為客觀遴選準則設定量化標準，如世界排名的最低要求、表現基準等。
- 為主觀遴選準則訂下指導性原則，以評估運動員的能力，例如專家在考慮運動員的心理因素、比賽成績和近期表現後對該運動員勝出機會的評估，以及不同教練就該運動員的潛能所作的評價等。
- 適時公布詳細而清晰的遴選準則，讓有意參加遴選的運動員作好準備。

### 3.5 遴選程序

- 訂定和公布有關遴選活動的重要資料，包括但不限於下列內容：
  - 名額、遴選方式及詳情（例如以多次測試之表現作為依據的計分制、以過往不同比賽的成績作為依據的記分制、選拔賽的表現、或就對抗性項目以直接淘汰制進行遴選）。
  - 遴選目的，例如被揀選的運動員是否直接入選港隊或最後參賽名單，抑或只是暫時入選，須符合某些附帶條件，如通過體能評估、達到指定水平的表現及 / 或完成特定訓練後，才能真正獲選。

<sup>7</sup> 遴選準則大致可分為客觀和主觀兩種。客觀準則大多以可量化的因素作為基礎，以確保遴選結果的整體肯定性；主觀準則著重對質素的專業評估，對選拔最合適的運動員以爭取理想成績同樣重要。

<sup>8</sup> 含有「團隊元素」的個人項目指該體育項目雖然只頒發個人獎牌，但需要其他同場比賽的隊員合作，以貫徹比賽策略，爭取最佳成績。





3.6

- **上訴機制。**

- 如舉行選拔測試，須公布下列各項：
  - 參加測試的登記期限、遴選日期及地點；
  - 參加選拔測試的資格；
  - 通過有關測試的標準。
  
- 如以過往比賽成績作為遴選依據，須公布下列各項：
  - 獲取比賽成績的合資格時期；
  - 獲承認的賽事或項目。
  
- 確保遴選得以妥善進行，並詳細記錄決議過程。
  
- 適時公布遴選結果。

## 3.6 上訴機制

- 確立上訴制度框架，包括上訴委員會的組成和權力，及上訴程序等。

### 3.6.1 上訴委員會

- 確保委員會中有過半數成員（包括主席）沒有參與原本的遴選過程。
- 列明成員須具備的條件，例如相關資格、經驗和技能。
- 確立委員會的權力，例如推翻原遴選決定及 / 或指令重新進行遴選。

### 3.6.2 上訴程序

- 公布就遴選決定提出上訴的詳細資料，包括：
  - ◆ 可接納的上訴理由（例如程序失當）；
  - ◆ 提出上訴的合理時限和方式（例如上訴須於遴選結果公布後的指定期限內，以書面方式向上訴委員會主席提出）；
  - ◆ 提出上訴的費用（如適用）。
- 確立上訴委員會的審議方式，例如書面判決或進行聆訊等。
- 嚴格遵守聆訊的規則，如就有關聆訊的日期和地點、聆訊的程序（例如上訴人可否選擇由他本人或法律代表出席聆訊），儘早通知上訴人。
- 向上訴委員會提供過往上訴案件的檔案，包括上訴的內容和裁決。
- 確定議決方式，例如以大多數或一致意見作決定。
- 適時以書面方式通知上訴人和答辯人上訴結果及跟進行動。

## 3.7 檢討遴選政策

- 定期檢討與評估遴選政策，例如比較賽果與賽前定下的目標及 / 或目的，以及取得該等賽果的機制。
- 建立適當渠道收集持份者的意見，如問卷調查、公開論壇等。
- 制定改善或提升遴選制度的方案供董事會審議，並在獲通過後納入未來的遴選活動。

在香港，只有體育總會可以頒授認可教練和本地裁判員資格，以及提名本地裁判員考取國際資格。對裁判員而言，獲頒國際資格不僅是專業晉升，更是一項個人榮譽，標誌著其成就備受認同。體育總會除舉辦訓練課程和比賽外，亦經常獲其他機構如學校的邀請，協助它們物色合適人選擔任教練或裁判員，從而給予他們不少同時賺取酬勞和經驗的機會。有鑑於體育總會在本港教練和裁判員的管理和專業發展方面，擔當舉足輕重的角色，並擁有特殊權力，故應在相關的工作過程中，持廉守正，恪守最高的誠信標準。

## 4.1 資歷及註冊機制

- 制定教練和裁判員的資歷和註冊架構，包括：
  - 架構的理念和目標；
  - 整體結構（如資歷級別的數目、各級別的標準、獲取資歷的途徑、持續發展的要求和資歷的有效期）。

### 4.1.1 訓練課程和資歷評審

- 訂定並公布下列獲取教練或裁判員資歷的重要細節：
  - ◆ 訓練課程的招生詳情，包括招生時間和渠道、報名資格、費用、收生機制（例如抽籤或先到先得）等。
  - ◆ 完成課程後的評核機制，包括課程綱要、評核模式（例如筆試、實習試，或二者兼備）、其他評核準則（例如課堂出席率）、各項準則所佔比重、可獲取資歷的最低標準、上訴機制（如適用）等。
  - ◆ 關於公布收生結果、評核結果和頒發資歷的服務承諾。

## 課程招生

- 除非獲得董事會特別批准，否則遲交的申請概不受理。
- 在所有申請表上蓋上收件日期；如以「先到先得」方式分配課程名額，應在表格上註明收件時間。
- 查核課程申請人的申請資格，及隨機覆檢經篩選後不獲接納的申請。
- 核實申請人所呈交的證書的真確性（如接受證書副本），或申請人聲稱所擁有的所需證書或資歷。
- 如名額以抽籤方式分配，必須確保所有合乎申請資格的申請人都在抽籤名單內。
- 規定抽籤由一個最少由二人組成的小組進行（當中最好包括一名體育總會的幹事或高級職員），並由一名獨立人士見證抽籤過程。
- 把抽籤過程及結果記錄在案，例如錄影整個抽籤過程。
- 適時公布獲取錄人士的名單。

## 結業評核

- 將評核內容（如試題庫（如適用）、筆試或實習試的選定題目、評分標準）保密，只准許有需要知情人士取閱有關資料。
- 考生的姓名不應顯示在筆試的答案紙上。
- 設定評分機制，例如採用雙評分員制，以平均分為最終積分；或以單評分員制配合成績調節或覆審機制。
- 制定範本，劃一系列明所有評核範疇及相關的評分標準。
- 規定評審人員將評核結果記錄在範本上。

- 若出席率乃結業評核的考慮因素之一，須確保出席記錄妥善和準確（例如隨機核對課堂出席記錄與在場人數是否相符）。
- 覆核評審人員的最終評核結果，確保資歷頒發妥當。
- 適時公布評核結果和上訴程序（如適用）。
- 確保資歷資料庫適時更新及準確無誤，並以此根據發出證書。
- 如需發出證書，應小心保存未使用證書的存貨，包括完整記錄其收發情況、定期核對存貨記錄和實際數目是否相符等。

#### 4.1.2 註冊和續期

- 制定註冊和相關的續期機制，並公開主要資料，包括：
  - ◆ 註冊 — 登記註冊的期限、有效期和費用及任何豁免安排、註冊要求（例如須持有指定證書或資歷）和所需文件等；
  - ◆ 續期 — 申請續期的期限和費用及任何豁免安排、續期條件（例如最少執教時數、出席認可課程的最少受訓時數及良好行為）和所需文件等；
  - ◆ 申請人對遵守體育總會**教練紀律守則**的承諾；
  - ◆ 處理註冊和續期申請的服務承諾。
- 審核申請，例如申請人須聲明他們所提交的資料和文件均真確無誤，體育總會也須隨機核實有關文件的真確性。
- 如續期條件包括申請人須具有良好行為或同等條件，應翻查**投訴記錄**，以確保申請人符合資格。
- 適時更新註冊教練和裁判員的資料庫，並在網站公布名單。



2.2



4.1.3

### 4.1.3 處理投訴

- 制定程序處理針對教練和裁判員的投訴，包括：
  - ◆ 就各主要程序訂下服務承諾，例如開展調查程序、向高層管理人員或董事會報告的時限等；
  - ◆ 調查模式，例如舉行聆訊或會面、由被投訴人作出書面陳述，或向其他出席課程的學員搜集資料；
  - ◆ 就證明屬實的投訴所採取紀律處分的指引；
  - ◆ 獲授權結束投訴個案的人員，包括確認調查結果和紀律處分；
  - ◆ 就調查結果及 / 或紀律處分裁決的上訴機制。
- 公布投訴渠道和處理投訴的服務承諾，如確認收訖投訴的時限。
- 公布投訴處理程序，包括紀律處分程序和被投訴者在過程中享有的權利（例如作出申述、就調查結果和紀律處分裁決提出上訴）。
- 委派高層人員監察調查投訴的過程。
- 把調查細節記錄在案，確保日後處理註冊續期時能有效地查閱有關資料。
- 將調查結果於合理時限內通知投訴人和被投訴人。

## 4.2 提名裁判員考取國際資歷

- 制定提名程序（如公開申請或面試）和相關的考慮因素（例如裁判員年資、獲認可的活動項目），並公布上述資料。

- 預先向合資格裁判員公布即將舉行的提名活動和須注意的資料，例如申請日期、年資要求、面試日期、公布結果的日期等，讓他們有足夠時間預備和提出申請。
- 委任評審小組進行提名。
- 把決議過程和結果記錄在案。
- 按服務承諾公布提名結果和公開上訴程序。

## 4.3 分配教練及裁判員工作

- 決定並公布教練和裁判員工作的分配方式，例如公開邀請合資格人士表明承接工作的意向，或由體育總會按照服務要求，依據教練和裁判員的資歷和意向進行配對。
- 適時向申請人公布工作分配的結果。

### 4.3.1 公開邀請

- 確保所有合資格人士均獲悉有關工作機會、承接該項工作的資歷要求、邀請期限和工作分配機制。若超過一名人士表示對同一項工作有興趣，應以透明公開的方式分配工作，例如抽籤及 / 或輪流分配。
- 提供合理時限讓合資格人士提出意向。
- 妥善記錄工作分配過程，尤其是獲超過一名合資格人士表示有興趣的工作。

### 4.3.2 內部配對

- 透過定期更新，確保教練和裁判員的檔期及 / 或承接工作意向的資料庫，載有完整和最新的資料。
- 就配對結果進行隨機覆審。
- 妥善記錄配對過程和最終的工作分配。



體育總會的會員主要包括屬會會員和個人會員。一般而言，只有屬會會員在總會的重要會務中擁有投票權（如執行董事會選舉）；而個人運動員如要獲選入港隊並參加國際賽事，亦必須取得會籍。有鑑於體育總會會籍的重要性，總會應設立制度，妥善處理入會、暫停及終止會籍等事宜。

### 5.1 入會事宜

- 決定並公布取得各種會籍的方法，如公開申請及 / 或由現任會員提名。
- 制定入會程序，包括：
  - 申請或提名期限；
  - 所需文件或資料；
  - 遞交申請或提名的渠道；
  - 決策過程，如審閱文件、觀察申請者一段時期及交由審核小組討論；
  - 繳納會費的方法。
- 公布各種會籍的入會要求，如個人會員申請者的年齡、屬會會員申請者的最低會員人數要求、觀察期及費用（於釐定入會費用時，考慮因素應包括一般市民的負擔能力，以及從社會大眾的角度，考慮費用是否合理等）。
- 制定並公布處理入會申請的服務承諾。
- 制定並公布評審程序，例如若屬會會員申請者須通過觀察期，應訂明觀察期內受評核的範疇及相關評審標準等。
- 適時通知申請者有關結果及覆核機制（如適用）。

## 5.2 暫停及終止會籍

- 訂定各種會籍的權利和義務，例如出席會員大會及在會上投票的權利、參加屬會聯賽的權利、遵守會規的義務等。
- 訂明可被暫停及終止會籍的情況、作出相關決定的授權人員及上訴渠道。
- 通知有關會員暫停及終止其會籍的程序，例如讓有關會員知悉其違反會規的詳情和答辯的權利，及進行小組聆訊。
- 適時通知有關會員聆訊結果，例如暫停及終止會籍的期限，或須接受嚴密監察的要求。

撇除在體育事務上所擔當的重要角色，體育總會日常的行政運作實與其他機構無異。採購，員工管理及處理投訴這些範疇，向來都是貪污和不當處理利益衝突等舞弊行為的溫床。貪污舞弊不單使機構蒙受財務損失，更會令機構多年來苦心建立的聲譽毀於一旦。


為了防範貪污舞弊所帶來的禍害，和回應公眾對公帑用得其所的期望，接受政府資助的體育總會應遵守資助協議，在機構運作上（尤其是採購和員工管理方面）恪守道德操守。政府已向各體育總會提供了相關指引，以便它們各自制定工作程序。體育總會必須按照資助協議，嚴格遵守政府的要求和履行合約責任。

多年來，廉政公署防止貪污處亦就採購、員工管理等容易出現貪污的範疇，分別編制《防貪錦囊》，供接受龐大公帑資助的機構（如非政府機構）採納。各體育總會於訂定及檢討其工作程序時，歡迎參考廉署編製的《「非政府機構的管治及內部監控」防貪錦囊》，特別是第三章（財務管理）、第四章（採購）和第五章（人事管理）。

 參考網址：[http://www.icac.org.hk/filemanager/tc/Content\\_1031/ngo\\_c.pdf](http://www.icac.org.hk/filemanager/tc/Content_1031/ngo_c.pdf)

就體育總會如何處理針對總會員工或運作的投訴，各總會可以本《防貪錦囊》4.1.3節中所列的指引為藍本，制定相關的程序。

為方便閱覽，下列重點列舉體育總會在訂定財務管理、採購和人事管理等程序時，應當恪守的原則：

財務管理、採購和人事管理		
<b>保密性</b>	<input type="checkbox"/> 只有獲授權人士可按「有需要知情」原則，取閱機密或專有資料。 <input type="checkbox"/> 能影響決策過程的重要資訊，如投標價格、面試內容等，應絕對保密。	
<b>職務分工</b>	<input type="checkbox"/> 不應讓個別員工單獨控制整個工作過程，如從提出採購申請、物色供應商、訂購物品、驗收貨物，到最後繳付款項，應盡量分工，以便員工互相監察。	
<b>督導監控</b>	<input type="checkbox"/> 透過例行檢查和隨機抽查，偵察和阻嚇包庇行為。	
<b>妥善記錄</b>  <b>附錄 5</b>	<input type="checkbox"/> 備存妥善記錄，以便日後有需要時追查和問責。 <input type="checkbox"/> 提醒員工應小心處理一切收據、賬目或文件，並遵守《防止賄賂條例》第9(3)條。	
	採購	人事管理
<b>競爭性</b>	<input type="checkbox"/> 邀請足夠數量的投標者報價，讓其提出最具競爭力的報價單或標書。	<input type="checkbox"/> 有關機制應容許所有合資格應徵者參加甄選。
<b>公平公正</b>	<input type="checkbox"/> 所有投標者和應徵者均可公平競爭。	
<b>透明度</b>	<input type="checkbox"/> 參與投標、招聘或晉升活動的供應商或應徵者，均應享有同等機會獲悉一切相關的要求和資訊，如所需產品或服務的規格、截標日期；職員的入職條件、晉升準則等。	

體育總會可向下列機構尋求協助或意見。

## 7.1 政府決策局及部門

服務單位	聯絡資料
<b>民政事務局</b> — 制定香港康樂及體育發展政策和策略事宜	
<b>康樂及體育部</b> 辦公時間： 星期一至五上午8時45分至 下午6時 （下午1時至2時午膳休息）	☎：3509 7059 📠：2591 4704 🌐：habrs@hab.gov.hk 📄：香港添馬添美道2號政府總部 西翼13樓
<b>康樂及文化事務署</b> — 管理體育資助計劃及就與體育相關的活動計劃提供政策上的意見	
<b>體育資助辦事處</b> 辦公時間： 星期一至五上午8時45分至 下午6時 （下午1時至2時午膳休息）	☎：2601 8756 📠：2393 8177 🌐：sfgr@lcsd.gov.hk 📄：香港沙田排頭街1-3號康樂及 文化事務署總部2樓
<b>體育發展小組</b> 辦公時間： 星期一至五上午8時45分至 下午6時 （下午1時至2時午膳休息）	☎：2601 7650 📠：2681 2099 🌐：acosdev7@lcsd.gov.hk 📄：香港沙田排頭街1-3號康樂及 文化事務署總部1樓

服務單位	聯絡資料
<b>學校體育推廣小組</b> 辦公時間： 星期一至五上午8時45分至 下午6時 （下午1時至2時午膳休息）	☎：2601 7602 📠：2684 9076 🌐：acosdev5@lcsd.gov.hk 📍：香港沙田排頭街1-3號康樂及 文化事務署總部1樓
<b>社區體育會小組</b> 辦公時間： 星期一至五上午8時45分至 下午6時 （下午1時至2時午膳休息）	☎：2601 8914 📠：2697 4220 🌐：acocs3@lcsd.gov.hk 📍：香港沙田排頭街1-3號康樂及 文化事務署總部3樓

## 7.2 廉政公署

服務單位	聯絡資料
<b>社區關係處</b> — 協助機構安排防貪講座 — 接受與貪污問題有關的查詢及投訴	
<b>分區辦事處</b> 辦公時間： 星期一至五上午9時至 下午7時	🌐：crd@icac.org.hk
<b>東港島辦事處</b>	☎：2519 6555 📠：2824 9766 📍：香港灣仔軒尼斯道201號東華大廈地下
<b>西港島及離島辦事處</b>	☎：2543 0000 📠：2545 5036 📍：香港干諾道中124號海港商業大廈地下

服務單位	聯絡資料
東九龍及新界辦事處	☎：2756 3300 📠：2174 4129 📍：九龍藍田啟田道67號啟田大廈地下4號
西九龍辦事處	☎：2780 8080 📠：2770 5158 📍：九龍彌敦道434-436號彌敦商務大廈地下
新界東辦事處	☎：2606 1144 📠：2601 6447 📍：新界沙田上禾輦路1號沙田政府合署 地下G06-G13
新界西北辦事處	☎：2459 0459 📠：2146 4352 📍：新界元朗青山路230號富興大廈地下
新界西南辦事處	☎：2493 7733 📠：2405 6360 📍：新界荃灣青山道300-350號荃錦中心 地下B1
<b>防止貪污處</b> — 提供 <b>免費、保密及度身訂造</b> 的防貪意見	
<b>私營機構顧問組</b> 辦公時間： 星期一至五上午9時至 下午6時	☎：2526 6363（24小時熱線 — 非辦公時間 設有電話錄音服務） 📠：2522 0505 🌐：asg@cpd.icac.org.hk 📍：香港北角渣華道303號廉政公署大樓 防止貪污處
<b>執行處</b> — 接受及處理貪污舉報	
<b>廉署舉報中心</b> 辦公時間：24小時服務	☎：2526 6366（由當值人員接聽的24小時 熱線） 📍：香港中央郵政信箱1000號 🚶：香港北角渣華道303號地下

## 參考資料：體育總會董事會成員的任期

### (甲) 有關任期的統計數字

任期 (年數)	體育總會數目
1	11
2	34
3	2
4	10
5	1
<b>共計</b>	<b>58</b>

### (乙) 體育總會有訂明最長任期的情況

體育總會	任期	最長連任期限
體育總會 一	2 年	• 8 任
體育總會 二	4 年	• 會長及主席: 2 任
體育總會 三	1 年	• 4 任
體育總會 四	1 年	• 會長：不得競選連任
體育總會 五	2 年	• 2 任；其後必須獲得80%的選票才可連任
體育總會 六	1 年	• 5 任
體育總會 七	2 年	• 主席：2 任
體育總會 八	4 年	• 會長：4 任 • 主席及董事：2 任

(資料由康樂及文化事務署提供)



## 體育總會董事會成員紀律守則範本

### I. 引言

[體育總會名稱]（總會）致力以誠信、正直和公平的原則，執行本總會事務，包括甄選運動員參加比賽、管理教練和裁判、管理會籍和其他日常行政（例如採購、人事管理等）。為了維持公眾信心及保障公眾利益，各董事會成員須秉公處理一切事務，確保總會不會因為不誠實、失當或貪污的行為而聲譽受損。因此，所有董事會成員必須嚴格遵守本守則內載列的行為標準。

### II. 一般標準

1. 董事會成員應確保本身的行為不會損害總會的聲譽。
2. 董事會成員無論在任何時間或在任何方面，均不得做出任何可能危及或損害其個人誠信、公正性、客觀態度或履行董事會職務的能力的事情。
3. 董事會成員應遵守總會的常規與程序，或總會就董事會成員執行會務所訂的任何規例及命令之條文及其精神。

### III. 特定標準

#### 1. 《防止賄賂條例》的規定

董事會成員乃總會的代理人，受到《防止賄賂條例》（香港法例第201章）第9條（及其他相關條例）的約束。董事會成員如未得董事會的許可，索取或接受任何與董事會職務相關的利益，即屬觸犯《防止賄賂條例》。《防止賄賂條例》第9條全文及有關「利益」的法律釋義見**附件1**。

#### 2. 接受利益

##### 2.1 董事會成員因董事身分獲贈禮物 / 紀念品

- (a) 董事會成員因董事身分獲贈的禮物 / 紀念品（例如董事會成員因其董事身分或代表董事會出席主禮儀式所獲贈的禮物 / 紀念品），應當視作給予董事會的饋贈。

- (b) 董事會成員應按照附件2所訂的程序，處理在上述情況所接受的禮物 / 紀念品。

## 2.2 董事會成員因董事身分獲得資助

- (a) 董事會成員可能因其董事身分獲其他人士 / 機構資助進行公務，例如參加本地 / 海外會議、產品試用活動等；該等資助應當視作提供予董事會的資助，並交由董事會考慮是否接受。
- (b) 董事會應根據下列一般性原則，考慮應否接受資助：
  - (i) 所接受的資助須符合總會的整體利益，亦不會令總會蒙羞；
  - (ii) 董事會不會感到不得不給予提供者優待或方便，以作回報；及
  - (iii) 接受資助不會引起確實或被視為利益衝突的情況（例如提供者是競投董事會合約的供應商 / 承包商）。
- (c) 董事會如決定接受資助，應挑選合適的成員代表董事會出席受資助的活動。

## 2.3 董事會成員因私人身分接受利益

- (a) 如董事會成員因私人身分接受利益，則只可在下列情況考慮接受——
  - (i) 接受利益不會影響其履行作為董事會成員的職務；及
  - (ii) 董事會成員不會感到不得不在公事上給予提供者優待或方便，以作回報。
- (b) 如董事會成員感到難以避免在公事上給予提供者優待或方便，以作回報，便須拒絕接受利益。
- (c) 若董事會成員對是否接受利益存有疑問，最好先進行「陽光測試<sup>註</sup>」及徵詢董事會主席 / 秘書的意見。

<sup>註</sup> 在陽光測試中，當事人應自問可否毫無保留地公開談論接受利益一事，如自己也對此感到不安，即代表事件可能有違公眾一般所接受的道德標準。

### **3. 接受款待**

董事會成員不應接受任何與董事會有公事往來的人士 / 機構過於奢華或頻密的款待，以免在考慮與這些人士 / 機構相關的事宜或提供意見時，出現尷尬或失去客觀立場。

### **4. 提供利益**

董事會成員在執行總會事務時，不得直接或間接經第三者向另一間公司或機構的任何董事或僱員，或任何公職人員提供利益，以影響該人士或公司在其業務上的決定。

### **5. 利益衝突**

#### **5.1 定義**

利益衝突指董事會成員的私人利益與總會的利益出現矛盾或衝突。「私人利益」泛指成員本身及與其相關的人士（包括家人及親屬、私交友好、所屬會社及社團和他欠下恩惠或人情的任何人士）的財務和個人利益。

#### **5.2 處理利益衝突**

董事會成員須避免任何會導致利益衝突或被視為有利益衝突（即私人利益與總會的利益有所衝突）的情況。董事會成員亦不得利用其董事身分或在執行職務期間所取得的資料，為自己、親屬或其他與他有私人或社交關係的人士謀取利益，並應避免任何會導致實際或被視為利益衝突的情況。若董事會成員未能避免或申報利益衝突情況，可能會被指偏私、濫權，甚至貪污。因此，董事會成員須遵守載列於附件3有關申報利益的指引。

#### **5.3 董事會成員競投總會合約**

董事會成員原則上應避免以個人名義，與總會簽訂任何提供貨物或服務的商業合約，以防遭人質疑董事會成員利用公職從總會謀取私利。如競投合約實屬無可避免，董事會成員須遵守載列於附件4有關規管競投總會合約時可能出現利益衝突的指引。

## **6. 使用機密或獨有資料**

- (a) 董事會成員不得利用因其身分而取得的機密或獨有資料謀取私利，或讓任何人士或機構從中得益。
- (b) 董事會成員不得在未獲授權的情況下，向任何人士披露總會的機密或獨有資料。

## **7. 資金運用**

- (a) 董事會成員須以審慎、負責的態度運用總會所有資金，以保障總會的利益。在批准撥款予任何計劃 / 活動 / 開支項目時，須確保有關項目適用於撥款範圍，並能達致撥款的目的。
- (b) 董事會成員須確保採購貨物 / 服務及招聘總會職員的程序公開、公平、具競爭性。

## **8. 濫用董事會成員身分**

董事會成員不得濫用其董事身分，以圖為個人或他人謀取利益或優待任何人士 / 機構。

**《防止賄賂條例》**  
**(香港法例第201章) 節錄**

**第9條 - 代理人的貪污交易**

- (1) 任何代理人無合法權限或合理辯解，索取或接受任何利益，作為他作出以下行為的誘因或報酬，或由於他作出以下行為而索取或接受任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (2) 任何人無合法權限或合理辯解，向任何代理人提供任何利益，作為該代理人作出以下行為的誘因或報酬，或由於該代理人作出以下行為而向他提供任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (3) 任何代理人意圖欺騙主事人而使用如下所述的任何收據、帳目或其他文件，即屬犯罪 —
  - (a) 對其主事人有利害關係；及
  - (b) 在要項上載有虛假、錯誤或欠妥的陳述；及
  - (c) 該代理人明知是意圖用以誤導其主事人者。
  
- (4) 代理人如有其主事人的許可而索取或接受任何利益，而該項許可符合第(5)款的規定，則該代理人及提供該利益的人均不算犯第(1)或(2)款所訂罪行。

- (5) 就第(4)款而言，該許可 —
- (a) 須在提供、索取或接受該利益之前給予；或
  - (b) 在該利益未經事先許可而已提供或接受的情況下，須於該利益提供或接受之後在合理可能範圍內盡早申請及給予，

同時，主事人在給予該許可之前須顧及申請的有關情況，該許可方具有第(4)款所訂效力。

### 利益的定義（第2條）

「利益」指：

- (a) 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類其他財產或財產權益；
- (b) 任何職位、受僱工作或合約；
- (c) 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結；
- (d) 任何其他服務或優待（款待除外），包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出；
- (e) 行使或不行使任何權利、權力或職責；及
- (f) 有條件或無條件提供、承諾給予或答應給予上文(a)、(b)、(c)、(d)及(e)段所指的任何利益，

但不包括《選舉（舞弊及非法行為）條例》（第554章）所指的選舉捐贈，而該項捐贈的詳情是已按照該條例的規定載於選舉申報書內的。

## **款待的定義（第2條）**

「款待」指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待。

## **第19條 - 習慣不能作為免責辯護**

在因本條例所訂罪行而進行的任何法律程序中，即使顯示本條例所提及的利益對任何專業、行業、職業或事業而言已成習慣，亦不屬免責辯護。

## 董事會成員以公職身分 所收到禮物 / 紀念品的處理程序

董事會成員以董事身分收到的所有禮物 / 紀念品，均須轉交董事會秘書按下列方式處置：

- (a) 如禮物 / 紀念品容易變壞（如食物或飲品等），可由董事會成員及職員在合適情況下分享，或轉贈其他慈善機構。
- (b) 如禮物 / 紀念品具實用價值，可由總會保留及使用，或轉贈其他慈善機構。
- (c) 如禮物 / 紀念品適合作陳列用途（如字畫、花瓶等），可擺放在總會內的恰當地方（如辦事處）。
- (d) 如禮物 / 紀念品的價值少於港幣 \_\_\_\_\_ 元，可捐贈作總會活動的獎品。
- (e) 如禮物 / 紀念品為價值少於港幣 \_\_\_\_\_ 元的私人物品，例如刻上受贈人姓名的牌匾或筆等紀念品，可由受贈人保留。
- (f) 如禮物 / 紀念品是在公開活動中分發給所有參加人士，例如原子筆、文件夾或鎖匙扣等，可由受贈人保留。



## 董事會成員申報利益指引

### 一般原則

如董事會成員（包括主席）就總會正予考慮的任何事項有實際或潛在的利益衝突，應在察覺此事後盡快透過既定渠道，使用特定表格（附件5）向主席（或董事會）申報有關利益。本會所堅守的基本原則，是董事會成員提出的意見必須公正無私，各成員亦有責任判斷是否需要申報有關利益；如有疑問，應要求主席作出裁決。

由於每個個案各有不同、對各種特殊及未能預料的情況亦難以逐一說明，因此要界定或闡述所有需要申報利益的情況實不可能。另一方面，董事會成員亦無須純粹因本身對董事會正考慮的事項有所認識或具有經驗，便申報利益。

### 潛在的利益衝突情況

以下為一些涉及潛在利益衝突的情況：-

- (1) 董事會成員或其任何近親在董事會正予考慮的事項中擁有金錢利益，例如董事會成員的一名親屬把所經營的私人體育場地租予總會作訓練用途。該董事會成員在這情況下，應該最能判斷誰是「近親」。
- (2) 董事會所考慮的事項涉及某一公司、商行、會社、協會、聯會或其他機構，而董事會成員是該公司、商行、會社、協會、聯會或機構的董事、合夥人、顧問、客戶或僱員，或與之有其他重要的連繫，例如為競投總會服務合約的公司合夥人。
- (3) 董事會成員與有關人士為私交友好，致令任何客觀的第三者均會認為該名成員提出的意見受雙方密切關係所左右，例如其中一名參與甄選出賽的運動員為董事會成員好友的女兒。
- (4) 本身為大律師、律師、會計師或其他專業顧問的董事會成員，並曾以個人或公司成員身分，向任何與董事會正予考慮的事項有關的人士或機構提供意見，或出任其代表，或經常與其有交往。

- (5) 董事會成員所擁有的任何利益，致令任何客觀的第三者均會懷疑他提出意見的動機可能是基於個人利益，而非公正無私地履行董事責任。

### 在會議上申報利益

- (1) 如某董事會成員（包括主席）在董事會正予考慮的任何事項中有直接的個人或金錢利益，該成員在察覺此事後，必須在討論該事項之前，盡早向主席（或董事會）披露。
- (2) 主席（或董事會）須決定曾就某事項披露其利益的成員（或主席），可否就有關事項發言或參與表決或留在席上旁聽，或應否暫時避席。
- (3) 如主席就某項正予考慮的事項申報利益，其主席的職務可由副主席暫代執行；如副主席未有出席，可由大多數成員投票選舉一名成員暫代執行。
- (4) 在得知某成員在董事會的討論事項中有直接金錢利益時，秘書可停止分發有關文件予該成員。如有成員收到任何討論文件，而知道該文件涉及與他有直接利益衝突的事項，則須立刻通知秘書，並將文件退回。
- (5) 所有利益申報的個案必須記錄在會議紀錄內。

## 處理董事會成員在競投總會合約時 可能出現利益衝突的指引

- (1) 董事會在討論是否需要有關合約前，須要求各成員表明他們或任何與其有關連的公司是否有意投標。
- (2) 如董事會成員表明有意投標，便不得參與或出席其後就擬備合約而進行的任何會議或討論，亦不可取得任何與合約相關的資料（以投標者身分取得的資料除外）。
- (3) 董事會成員（及與其有關連的公司）如最初沒有表明投標的意願，便不得競投有關合約。
- (4) 若有董事會成員（或與其有關連的公司）表明有意投標，總會便須核查該成員在履行其董事職務期間是否已掌握任何與合約有關的資料。如該成員已掌握有關資料，則須同時向其他投標者提供相同資料，以示公允。
- (5) 若有董事會成員（或與其有關連的公司）經已投標，董事會須確保該成員不能索閱其他已遞交的標書，及當中可能載有的商業敏感資料。
- (6) 若有董事會成員（或與其有關連的公司）參與投標，應在評標前塗掉所有供評審用途之標書中的投標者身分。
- (7) 董事會成員（或與其有關連的公司）如投得合約，便不得參與董事會其後就合約進行的一切相關討論，惟以供應商或服務供應商身分出席者除外。
- (8) 董事會成員獲批總會合約的事宜，須在總會網站及年報內公布。

**[總會名稱]**  
**董事會成員利益衝突申報書**

**甲部 一 申報事項** (由申報人填寫)

致：**董事會主席**

本人在執行職務時遇到\* 實際 / 潛在利益衝突情況，現申報如下：-

<b>(i) 董事會商議事項</b>
<b>(ii) 本人與上述(i)項有關的利益關係概要 (例如：作為與該事項有關的公司的董事)</b>

[申報人姓名]

[日期]

**乙部 一 回條** (由董事會主席填寫)

致：**[申報人]**

**認收利益衝突申報書回條**

你在 \_\_\_\_\_ (日期) 呈交的利益衝突申報書經已收悉。現決定：-

- 如甲部所申報的資料未有任何更改，你可繼續就有關甲部所述事項發言及參與表決。
- 如甲部所申報的資料未有任何更改，你可繼續就有關甲部所述事項發言，但不得參與表決。
- 如甲部所申報的資料未有任何更改，你可繼續就有關甲部所述事項在席上旁聽。
- 你應暫時避席，並須立刻將較早前交予你有關該事項的文件歸還秘書。
- 其他 (請註明)：

[主席姓名]

董事會主席

[日期]

\* 請將不適用者刪除

## 引言

誠信、廉潔、公平是[總會名稱]（下稱「總會」）的重要價值。本守則列明總會所有職員必須恪守的基本操守準則，以及在處理總會事務時應遵守的有關收受利益及申報利益衝突的政策。

## 預防賄賂

### 《防止賄賂條例》

2. 根據《防止賄賂條例》（第201章），任何職員未經僱主或主事人（即總會）許可，索取或收受任何利益，作為他作出任何與主事人的事務或業務有關的作為，或優待的誘因或報酬，即屬違法，而提供利益者亦會觸犯法例。

3. 根據《防止賄賂條例》，若任何職員行使載有虛假資料的文件，意圖欺騙其僱主或主事人，亦屬違法。

[《防止賄賂條例》第9條全文及有關「利益」的法律釋義見附件1。]

## 接受利益

4. 總會的政策禁止職員以私人身分向任何與總會有業務往來的人士或公司（如服務對象、供應商、承辦商）索取或收受任何利益。不過，他們可考慮接受（但不准索取）下列由饋贈人自願送贈的利益：

- （甲） 只具象徵價值的宣傳或推廣禮品或紀念品；或
- （乙） 傳統節日或特別場合中的饋贈，惟價值不得超過  
元；或
- （丙） 任何人士或公司給予的折扣或其他優惠，而使用條款及條件須  
同樣適用於其他一般顧客；或
- （丁） 職員代表總會以公職身分獲贈的禮物或紀念品。

除第4（甲）及（乙）段所指的饋贈外，所有職員均不得以私人身分接受由下屬提供的任何利益。

5. 所有在第4（丁）段所指的禮物或紀念品，應當視作給予總會的饋贈，職員只可在獲批准後保留該等禮物。獲饋贈者應向總會報告接受禮物一事，並使用《表格甲》（**範本見附件2**）徵詢核准人員註如何處理這些獲贈禮物。如職員希望收取其他任何不屬於第4段所指的利益，他們亦應在《表格甲》上列明該物品，向[核准人員職銜]申請批准。

6. 如接受禮物會影響職員處理機構事務的客觀態度，或導致他們作出有損總會利益的行為，或他們相信饋贈者確有該等意圖，或接受禮物會被視為處事不當，他們便應予以拒絕。

### **提供利益**

7. 職員在執行總會事務時，均不得直接或間接經第三者向其他公司或機構的任何董事、僱員或代理人，或任何公職人員提供利益，以影響該人士或公司在其業務上的決定。

### **款待**

8. 根據《防止賄賂條例》第2條，「款待」指供應在當場享用的食物或飲品，以及任何與此項供應有關及同時提供的其他款待。雖然款待一般被視為可以接受的商業及社交活動，但職員應拒絕接受與總會有事務往來的人士（如服務對象、供應商或承辦商）或下屬所提供過於奢華或頻密的款待，以免欠下他們的恩惠。

### **記錄、帳目及其他文件**

9. 職員應盡其所知，確保所有提交總會名稱的任何記錄、收據、帳目或其他文件，如實反映所載事件或商業交易。如職員刻意使用載有虛假資料的文件以欺騙或誤導總會，則不論他們有否獲取任何得益或利益，均可能觸犯《防止賄賂條例》。

## 遵守其他司法管轄區的法例

10. 如職員在其他司法管轄區為總會辦理業務，必須遵守該司法管轄區的法例，包括反貪法例。

## 利益衝突

11. 職員應盡量避免任何利益衝突（即私人利益與總會的利益有所衝突）或會被視為有利益衝突的情況。他們不得濫用其在總會的職位或權力，以謀取私人利益。「私人利益」泛指職員本身及與他相關的人士，包括其家人及親屬、私交友好、所屬會社及社團和他欠下恩惠或人情的任何人士的財務和個人利益。在實際或潛在的利益衝突情況出現時，職員應使用《表格乙》（範本見附件3）向[核准人員職銜]申報。若他們沒有避免或申報利益衝突，可能會被指偏私、濫權，甚至貪污。

12. 利益衝突情況不能盡錄，以下是一些常見的利益衝突例子：

- （甲） 參與採購工作的職員與其中一間被考慮的供應商有密切關係或擁有該公司的財務利益。
- （乙） 負責處理聘用或晉升事宜的職員是其中一名應徵者或獲考慮晉升的職員的家屬、親戚或私交友好。
- （丙） 一名職員接受總會的服務對象、供應商或承辦商過於頻密或奢華的款待。
- （丁） 一名全職或兼職職員在一間他負責監管的承辦商裡兼職。

## 使用總會資產

13. 獲授權管理或使用總會資產（包括資金、財物、資料及知識產權等）的職員，只可將資產用於進行總會業務的事宜上。總會嚴禁職員將總會資產作未經許可之用途，以謀取私利。

## 資料保密

14. 所有職員未經授權不可向任何其他人士洩露總會任何機密資料或濫用總會任何資料。獲授權查閱或管理該等資料的職員，必須時刻採取保密措施，以防該等資料遭人濫用或未經授權下洩露。在使用任何個人資料時，必須格外小心，以確保符合《個人資料（私隱）條例》（第486章）和總會的個人資料私隱政策的規定。

## 外間兼職

15. 全職僱員如欲兼任總會以外的工作，不論是固定職務或屬顧問性質，均須事先向[指定人員職銜]申請書面批准。核准人員應考慮該項工作會否對申請人在總會的職務構成利益衝突。

## 與供應商、承包商及服務對象的關係

### 賭博活動

16. 職員應避免與總會有業務往來的人士進行頻密的賭博活動（如搓麻將）。若在社交場合中與服務對象、供應商或業務夥伴參與有賭博成分的遊戲，應先判斷是否恰當，如注碼過高，則應退出。

### 貸款

17. 職員不可接受任何與總會有業務來往的人士或機構的貸款，或由其協助獲得貸款。然而，向持牌銀行或財務機構的借貸則不受限制。

## 遵守紀律守則

18. 總會的所有職員，不論在香港或其他地方執行總會事務，均有責任瞭解及遵守紀律守則的內容。

19. 任何職員違反紀律守則，均會受到紀律處分，嚴重者更可能被終止職務。如總會懷疑該違規事項涉及貪污或其他刑事罪行，將會向廉政公署或有關執法機構舉報。



20. 如對本守則有任何疑問，應向主席請示。

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[總會名稱]

日期：

**《防止賄賂條例》**  
**(香港法例第201章) 節錄**

**第9條 - 代理人的貪污交易**

- (1) 任何代理人無合法權限或合理辯解，索取或接受任何利益，作為他作出以下行為的誘因或報酬，或由於他作出以下行為而索取或接受任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (2) 任何人無合法權限或合理辯解，向任何代理人提供任何利益，作為該代理人作出以下行為的誘因或報酬，或由於該代理人作出以下行為而向他提供任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (3) 任何代理人意圖欺騙主事人而使用如下所述的任何收據、帳目或其他文件，即屬犯罪 —
  - (a) 對其主事人有利害關係；及
  - (b) 在要項上載有虛假、錯誤或欠妥的陳述；及
  - (c) 該代理人明知是意圖用以誤導其主事人者。

- (4) 代理人如有其主事人的許可而索取或接受任何利益，而該項許可符合第(5)款的規定，則該代理人及提供該利益的人均不算犯第(1)或(2)款所訂罪行。
- (5) 就第(4)款而言，該許可 —
- (a) 須在提供、索取或接受該利益之前給予；或
  - (b) 在該利益未經事先許可而已提供或接受的情況下，須於該利益提供或接受之後在合理可能範圍內盡早申請及給予，
- 同時，主事人在給予該許可之前須顧及申請的有關情況，該許可方具有第(4)款所訂效力。

## 利益的定義（第2條）

「利益」指：

- (a) 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類其他財產或財產權益；
- (b) 任何職位、受僱工作或合約；
- (c) 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結；
- (d) 任何其他服務或優待（款待除外），包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出；
- (e) 行使或不行使任何權利、權力或職責；及
- (f) 有條件或無條件提供、承諾給予或答應給予上文(a)、(b)、(c)、(d)及(e)段所指的任何利益，

但不包括《選舉（舞弊及非法行為）條例》（第554章）所指的選舉捐贈，而該項捐贈的詳情是已按照該條例的規定載於選舉申報書內的。

## **款待的定義（第2條）**

「款待」指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待。

## **第19條 - 習慣不能作為免責辯護**

在因本條例所訂罪行而進行的任何法律程序中，即使顯示本條例所提及的利益對任何專業、行業、職業或事業而言已成習慣，亦不屬免責辯護。

表格甲

**[總會名稱]**  
**僱員接受禮物申報表**

**甲部 一 由獲贈禮物的職員填寫**致：**[批核人員職銜]**

饋贈人資料：

饋贈人姓名及職銜：

公司：

關係（業務/私人）：

已經/將會獲贈禮物的場合：

禮物的資料及估值/價值：

**建議處置方法：****備註**

- 由獲贈禮物職員保留
- 存放在辦公室作陳列或紀念之用
- 與其他職員共同分享
- 在職員活動中作抽獎之用
- 送贈慈善機構
- 退回饋贈人
- 其他（請註明）：

[日期]

[獲贈禮物職員姓名]

[職銜]

**乙部 一由批核人員填寫**致：**[獲贈禮物的職員]**上述所建議的處理獲贈禮物方法\* **已獲/不獲批准**。

\*該份禮物將以下列方式處置：

[日期]

[批核人員姓名]

[職銜]

\*請將不適用者刪除

表格乙

**[總會名稱]**  
**僱員利益衝突申報書**

**甲部 — 申報事項** (由申報人填寫)致：**[批核人員職銜]**

本人在執行職務時所遇到的\* 實際 / 潛在利益衝突情況，現申報如下：-

<b>與本人有業務往來的人士 / 公司</b>
<b>本人與上述人士 / 公司的關係 (如親屬)</b>
<b>上述人士 / 公司與總會的關係 (如供應商)</b>
<b>本人與上述人士 / 公司有關的職務概要 (如處理招標工作)</b>

[日期]

[申報人姓名]

[職銜 / 部門]

**乙部 — 回條** (由批核人員填寫)致：**[申報人]****認收利益衝突申報書回條**你在 \_\_\_\_\_ (日期) 呈交的**利益衝突申報書**經已收悉。現決定：-

- 你毋須再執行或參與執行甲部中提及可能引致利益衝突的工作。
- 如甲部中提及的資料沒有更改，你可繼續處理甲部中提及的工作。
- 其他 (請註明)：

[日期]

[批核人員姓名]

[職銜 / 部門]

\* 請將不適用者刪除

### 防止賄賂

#### 《防止賄賂條例》

1. 根據《防止賄賂條例》（第201章），若任何代理人未經主事人（即「總會」）許可，索取或收受任何利益，作為他作出任何與主事人的事務或業務有關的作為或優待的誘因或報酬，即屬違法，而提供利益者亦會觸犯法例。
2. 根據《防止賄賂條例》，若任何代理人行使載有虛假資料的文件，意圖欺騙其主事人，亦屬違法。

[《防止賄賂條例》第9條全文及有關「利益」的法律釋義見附件1。]

### 接受利益

3. 總會的政策禁止註冊教練以私人身分向任何與總會有業務往來的人士或公司（如運動員、家長或供應商）索取或收受任何利益。不過，他們可考慮接受（但不准索取）下列由饋贈人自願送贈的利益：
  - （甲） 只具象徵價值的宣傳或推廣禮品或紀念品；或
  - （乙） 傳統節日或特別場合中的饋贈，惟價值不得超過 \_\_\_\_\_ 元；  
或
  - （丙） 任何人士或公司給予的折扣或其他優惠，而使用條款及條件須同樣適用於其他一般顧客；或
  - （丁） 教練代表總會以公職身分獲贈的禮物或紀念品。
4. 如接受禮物會影響註冊教練處理總會事務的客觀態度，或導致他們作出有損總會利益的行為，或他們相信饋贈者確有該等意圖，或接受禮物會被視為處事不當，他們便應予以拒絕。

### 提供利益

5. 註冊教練在執行總會事務時，均不得直接或間接經第三者向其他公司或機構的任何董事、僱員或代理人，或任何公職人員、總會董事會成員或職員提供利益，以影響該人士或公司在其業務上的決定。

## 款待

6. 根據《防止賄賂條例》第2條，「款待」指供應在當場享用的食物或飲品，以及任何與此項供應有關及同時提供的其他款待。雖然款待一般被視為可以接受的商業及社交活動，但註冊教練應拒絕接受與總會有事務往來的人士（如運動員、家長或供應商）所提供過於奢華或頻密的款待，以免欠下他們的恩惠。

## 利益衝突

7. 註冊教練應盡量避免任何利益衝突（即私人利益與總會的利益有所衝突）或會被視為有利益衝突的情況。他們不得濫用其在總會的職位或權力，以謀取私人利益。「私人利益」泛指註冊教練本身及與他相關的人士，包括其家人及親屬、私交友好、所屬會社及社團和他欠下恩惠或人情的任何人士的財務和個人利益。在實際或潛在的利益衝突情況出現時，教練應使用《表格乙》（**範本見附件2**）向[核准人員職銜]申報。若他們沒有避免或申報利益衝突，可能會被指偏私、濫權，甚至貪污。

## 資料保密

8. 註冊教練未經授權不可向任何其他人士洩露總會任何機密資料或濫用總會任何資料。獲授權查閱或管理該等資料的教練，必須時刻採取保密措施，以防該等資料遭人濫用或未經授權下洩露。在使用任何個人資料時，必須格外小心，以確保符合《個人資料（私隱）條例》（第486章）和總會的個人資料私隱政策的規定。



**《防止賄賂條例》**  
**(香港法例第201章) 節錄**

**第9條 - 代理人的貪污交易**

- (1) 任何代理人無合法權限或合理辯解，索取或接受任何利益，作為他作出以下行為的誘因或報酬，或由於他作出以下行為而索取或接受任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (2) 任何人無合法權限或合理辯解，向任何代理人提供任何利益，作為該代理人作出以下行為的誘因或報酬，或由於該代理人作出以下行為而向他提供任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (3) 任何代理人意圖欺騙主事人而使用如下所述的任何收據、帳目或其他文件，即屬犯罪 —
  - (a) 對其主事人有利害關係；及
  - (b) 在要項上載有虛假、錯誤或欠妥的陳述；及
  - (c) 該代理人明知是意圖用以誤導其主事人者。

(4) 代理人如有其主事人的許可而索取或接受任何利益，而該項許可符合第(5)款的規定，則該代理人及提供該利益的人均不算犯第(1)或(2)款所訂罪行。

(5) 就第(4)款而言，該許可 —

(a) 須在提供、索取或接受該利益之前給予；或

(b) 在該利益未經事先許可而已提供或接受的情況下，須於該利益提供或接受之後在合理可能範圍內盡早申請及給予，

同時，主事人在給予該許可之前須顧及申請的有關情況，該許可方具有第(4)款所訂效力。

## 利益的定義（第2條）

「利益」指：

(a) 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類其他財產或財產權益；

(b) 任何職位、受僱工作或合約；

(c) 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結；

(d) 任何其他服務或優待（款待除外），包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出；

(e) 行使或不行使任何權利、權力或職責；及

(f) 有條件或無條件提供、承諾給予或答應給予上文(a)、(b)、(c)、(d)及(e)段所指的任何利益，

但不包括《選舉（舞弊及非法行為）條例》（第554章）所指的選舉捐贈，而該項捐贈的詳情是已按照該條例的規定載於選舉申報書內的。

## **款待的定義（第2條）**

「款待」指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待。

## **第19條 - 習慣不能作為免責辯護**

在因本條例所訂罪行而進行的任何法律程序中，即使顯示本條例所提及的利益對任何專業、行業、職業或事業而言已成習慣，亦不屬免責辯護。

**[總會名稱]**  
**註冊教練利益衝突申報書**

**甲部 一 申報事項** (由申報教練填寫)

致：**[批核人員職銜]**

本人在執行職務時所遇到的\* 實際 / 潛在利益衝突情況，現申報如下：-

<b>與本人有業務往來的人士 / 公司</b>
<b>本人與上述人士 / 公司的關係 (如親屬)</b>
<b>上述人士 / 公司與本總會的關係 (如供應商)</b>
<b>本人與上述人士 / 公司有關的職務概要 (如處理甄選運動員的工作)</b>

[申報教練姓名]

[日期]

**乙部 一 回條** (由批核人員填寫)

致：**[申報教練]**

**認收利益衝突申報書回條**

你在 \_\_\_\_\_ (日期) 呈交的利益衝突申報書經已收悉。現決定：-

- 你毋須再執行或參與執行甲部中提及可能引致利益衝突的工作。
- 如甲部中提及的資料沒有更改，你可繼續處理甲部中提及的工作。
- 其他 (請註明)：

[批核人員姓名]

[職銜/部門]

[日期]

\* 請將不適用者刪除

**第9條 - 代理人的貪污交易**

- (1) 任何代理人無合法權限或合理辯解，索取或接受任何利益，作為他作出以下行為的誘因或報酬，或由於他作出以下行為而索取或接受任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (2) 任何人無合法權限或合理辯解，向任何代理人提供任何利益，作為該代理人作出以下行為的誘因或報酬，或由於該代理人作出以下行為而向他提供任何利益，即屬犯罪 —
  - (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
  - (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
  
- (3) 任何代理人意圖欺騙主事人而使用如下所述的任何收據、帳目或其他文件，即屬犯罪 —
  - (a) 對其主事人有利害關係；及
  - (b) 在要項上載有虛假、錯誤或欠妥的陳述；及
  - (c) 該代理人明知是意圖用以誤導其主事人者。
  
- (4) 代理人如有其主事人的許可而索取或接受任何利益，而該項許可符合第(5)款的規定，則該代理人及提供該利益的人均不算犯第(1)或(2)款所訂罪行。

(5) 就第(4)款而言，該許可 —

(a) 須在提供、索取或接受該利益之前給予；或

(b) 在該利益未經事先許可而已提供或接受的情況下，須於該利益提供或接受之後在合理可能範圍內盡早申請及給予，

同時，主事人在給予該許可之前須顧及申請的有關情況，該許可方具有第(4)款所訂效力。

### 利益的定義（第2條）

「利益」指：

(a) 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類其他財產或財產權益；

(b) 任何職位、受僱工作或合約；

(c) 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結；

(d) 任何其他服務或優待（款待除外），包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出；

(e) 行使或不行使任何權利、權力或職責；及

(f) 有條件或無條件提供、承諾給予或答應給予上文(a)、(b)、(c)、(d)及(e)段所指的任何利益，

但不包括《選舉（舞弊及非法行為）條例》（第554章）所指的選舉捐贈，而該項捐贈的詳情是已按照該條例的規定載於選舉申報書內的。

### 款待的定義（第2條）

「款待」指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待。

[總會名稱]

接受禮物申報表

甲部 一 由獲贈禮物的職員填寫

致：[批核人員職銜]

饋贈人資料：

饋贈人姓名及職銜：

公司：

關係（業務/私人）：

已經 / 將會獲贈禮物的場合：

禮物的資料及估值 / 價值：

建議處置方法：

備註

- 由獲贈禮物人員保留
- 存放在辦公室作陳列或紀念之用
- 與其他職員共同分享
- 在職員活動中作抽獎之用
- 送贈慈善機構
- 退回饋贈人
- 其他（請註明）：

[日期]

[獲贈禮物職員姓名]

[職銜]

乙部 一由核准人員填寫

致：[獲贈禮物的職員]

上述所建議的處理獲贈禮物方法\* 已獲/不獲批准。

\*該份禮物將以下列方式處置：

[日期]

[核准人員姓名]

[職銜]

\*請將不適用者刪除

[總會名稱]

**董事會成員利益衝突申報書****甲部 — 申報利益** (由申報人填寫)

致：董事會主席

本人在執行職務時遇到\*實際/潛在利益衝突情況，現申報如下：-

<b>(i) 董事會商議事項</b>
<b>(ii) 本人與上述(i)事項的利益關係概要 (例如：作為與該事項有關的公司的董事會成員)</b>

[申報人姓名]

[日期]

**乙部 — 回條** (由董事會主席填寫)

致：[申報人]

**認收利益衝突申報表回條**

你在 (日期) 提交的利益衝突申報表經已收悉。現決定：-

- 如甲部所申報的資料未有任何更改，你可繼續就有關甲部所述事項發言及參與表決。
- 如甲部所申報的資料未有任何更改，你可繼續就有關甲部所述事項發言，但不得參與表決。
- 如甲部所申報的資料未有任何更改，你可繼續就有關甲部所述事項在席上旁聽。
- 你應暫時避席，並須立刻將較早前交予你有關該事項的文件歸還秘書。
- 其他 (請註明)：

[主席姓名]

董事會主席

[日期]

\*請將不適用者刪除



**[總會名稱]**  
**職員利益衝突申報書**

**甲部 — 申報事項** (由申報人填寫)

致：**[批核人員職銜]**

本人在執行職務時所遇到的\* 實際 / 潛在利益衝突情況，現申報如下：-

<b>與本人有業務往來及有利益衝突的人士 / 公司</b>
<b>本人與上述人士 / 公司的關係 (如親屬)</b>
<b>上述人士 / 公司與總會的關係 (如供應商)</b>
<b>本人與上述人士 / 公司有關的職務概要 (如處理招標工作)</b>

[日期]

[申報人姓名]

[職銜/部門]

**乙部 — 回條** (由批核人員填寫)

致：**[申報人]**

**認收利益衝突申報書回條**

你在     (日期)     呈交的利益衝突申報書經已收悉。現決定：-

- 你毋須再執行或參與執行甲部中提及可能引致利益衝突的工作。
- 如甲部中提及的資料沒有更改，你可繼續處理甲部中提及的工作。
- 其他 (請註明)：

[日期]

[批核人員姓名]

[職銜/部門]

\* 請將不適用者刪除

**[總會名稱]**  
**註冊教練利益衝突申報書**

**甲部 — 申報事項** (由申報教練填寫)

致：**[批核人員職銜]**

本人在執行職務時所遇到的\* 實際 / 潛在利益衝突情況，現申報如下：-

<b>與本人有業務往來的人士 / 公司</b>
<b>本人與上述人士 / 公司的關係 (如親屬)</b>
<b>上述人士 / 公司與本總會的關係 (如供應商)</b>
<b>本人與上述人士 / 公司有關的職務概要 (如處理甄選運動員的工作)</b>

[申報教練姓名]

[日期]

**乙部 — 回條** (由批核人員填寫)

致：**[申報教練]**

**認收利益衝突申報書回條**

你在 \_\_\_\_\_ (日期) 呈交的利益衝突申報書經已收悉。現決定：-

- 你毋須再執行或參與執行甲部中提及可能引致利益衝突的工作。
- 如甲部中提及的資料沒有更改，你可繼續處理甲部中提及的工作。
- 其他 (請註明)：

[批核人員姓名]

[職銜/部門]

[日期]

\* 請將不適用者刪除

# Best Practice Reference for Governance of National Sports Associations



## Towards Excellence in Sports Professional Development



防止貪污處  
Corruption Prevention Department

# 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.



3.4

## 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

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<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



7.2

- 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.



3.4

- 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.



3.5

- Map out the **selection procedures**.



3.6

- 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.



3.7

- 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.



1.3.2

- 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.

<b>Financial Management, Procurement and Staff Administration</b>		
<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>  Appendix 5	<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> .	
	<b>Procurement</b>	<b>Staff Administration</b>
<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>	<b>58</b>

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

(Date)

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

*\* 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.

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*[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.

(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 & 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 Receiving Staff \_\_\_\_\_

( ) Retain for Display / as a Souvenir in the Office \_\_\_\_\_

( ) Share among the Office \_\_\_\_\_

( ) Reserve as Lucky Draw Prize at a Staff Function \_\_\_\_\_

( ) Donate to another Charitable Organisation \_\_\_\_\_

( ) Return to Offeror \_\_\_\_\_

( ) Others (please specify) : \_\_\_\_\_

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

(Title)

(Date)

**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)

(Title)

(Date)

*\* Please delete as appropriate*

(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 &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** 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)

(Title)

(Date)

**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)

(Title)

(Date)

\* 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*



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**Corruption Prevention Department**  
Independent Commission Against Corruption  
303 Java Road, North Point, Hong Kong