



HONG KONG SAILING FEDERATION (“HKSF”) Common Code of Conduct

1. DEFINITIONS AND INTRODUCTION

1.1. This HKSF Common Code of Code applies all individuals acting on behalf of HKSF whether paid or voluntarily.

1.2. In this HKSF Common Code of Conduct, unless there be something in the subject or context inconsistent therewith:

"Officials" means Office-bearers, Council Members, any Members of Hong Kong Sailing Federation (“HKSF”) acting on behalf of HKSF.

“Staff” means all paid employees of HKSF on full time, part time, temporary, or contract terms.

“Volunteers” means all individuals voluntarily helping on HKSF’s events and functions with any financial or non-financial reward.

1.3. HKSF is fully committed to the principle of honesty, integrity and fair play in all its businesses and activities. All officials, staff and volunteers should ensure that the businesses of HKSF, such as procurement of sailing and office equipment, hiring of staff and services, processing of applications and selection of sailors for enrolment in race activities, and allocation of resources such as sailing equipment and venue, are dealt with in an open, fair and impartial manner. They should bear in mind that HKSF is accountable to its sponsors and partners, including the government and any private sponsors, and all its members, in the conduct of its business and activities.

1.4. This Common Code of Conduct sets out the basic standard of conduct expected of all officials and staff and HKSF's policy on such matters as acceptance of advantages and declaration of conflict of interest.

1.5. For coaches, instructors and umpires, please refer to “HKSF Code of Conduct for Coaches and Instructors” and “HKSF Code of Conduct for Umpires” for details.

2. Prevention of Bribery Ordinance

- 2.1. Under Section 9 of the Prevention of Bribery Ordinance (Cap. 201), an employee who solicits or accepts an advantage in relation to his employer's business or affairs without the latter's permission may commit an offence. The term "advantage" is defined in the Ordinance and includes almost anything of value, except entertainment, such as money, gift, commission, loan, fee, reward, office, employment, contract, service or favour:
- (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).
- 2.2. It is the policy of HKSF to prohibit all staff from soliciting any advantage from any persons having business dealings with HKSF (e.g. suppliers, contractors, members, sailors, parents, instructors, coaches, activity participants). Officials, staff or volunteers who wish to accept any advantage from such persons should seek permission from the HKSF Council prior to the acceptance.
- 2.3. Any gifts offered voluntarily to the officials, staff, or volunteers in their official capacity are regarded as gifts to HKSF and they should not be accepted without permission. Officials, staff and volunteers should decline the offer if the acceptance could affect their objectivity in conducting HKSF's business, or induce them to act against the interest of HKSF, or lead to perception or complaints of bias or impropriety.
- 2.4. For gifts which are presented to officials, staff and volunteers in their official capacity and of nominal value (below \$500), the refusal of which could be seen as unsociable or impolite (e.g. a plaque presented to an official or a staff member during a seminar in which he is invited to be the guest speaker), the Council has given a **blanket permission** for the officials, staff and volunteers to accept these gifts. In other circumstances, the officials, staff and volunteers should apply in writing to the HKSF Council for

permission to accept the gifts. Each application should be carefully considered by the HKSF Council. Proper records of these applications should be kept showing the name of the applicant, the occasion of the offer, the nature and estimated value of the gift, and whether permission has been granted for the applicant to retain the gift or other directions have been given to dispose of the gift. Possible ways of disposal of such gifts are:

- (a) If the gift is of perishable nature (e.g. food or drink), it may be shared among the office or during an activity organised by HKSF.
- (b) If the gift is of historical or other interest, it may be sent to a library or museum.
- (c) If the gift is suitable for display (e.g. a painting, vase, etc.), it may be retained for display in the recipient's office or elsewhere noticeable in HKSF's premises.
- (d) If the gift is of low value (below \$500), it may be donated to the HKSF's function as a lucky draw prize.
- (e) If the gift is a personal item of low value (below \$500), it may be retained by the recipient after approval by HKSF.

2.5. There is however no restriction on the acceptance of advantages, in the official's or staff's private capacity, from any person who does not have any official dealings with HKSF. In case of doubt, the officials and staff should refer the matter to the HKSF Council for advice and instruction before accepting such offer of advantages.

3. Conflict of Interest

3.1. A conflict of interest situation arises when the "private interests" of the official and staff compete or conflict with the interests of HKSF. "Private interests" means both the financial and personal interests of the official and staff or those of their connections including:

- (a) Family members;
- (b) Personal friends;
- (c) Other companies or business interests which they hold or own (both in part or in whole);
- (d) Other clubs, associations, and societies to which they belong; and
- (e) Any person to whom they owe a favour or are obligated in any way.

3.2. Officials, staff and volunteers should avoid using their official position or any information made available to them in the course of their duties for HKSF to benefit themselves, their relations or any other persons with whom they have personal or social ties, or business connections. They should avoid putting themselves in a position that may lead to an actual or perceived conflict of interest with HKSF. Failure to avoid or declare any conflict of

interest may give rise to criticism of favoritism, abuse of authority or even allegations of corruption, which are to the corporate disgrace of HKSF. In particular, officials, staff and volunteers involved in the procurement and selection of sailors process should declare conflict of interest if they are closely related to, or have or will likely be perceived to have, beneficial interest in any company which is considering submission of quotation/tender to HKSF or is being considered for selection as HKSF's supplier of goods or services. Appendix 3 provides some examples of conflict of interest situations which may be encountered and should be avoided by officials and staff.

3.3. Please refer to "HKSF Guidelines on Conflict of Interest" for details.

4. Entertainment

4.1. 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 and is not an "advantage", officials and staff must not accept lavish or frequent entertainment from persons with whom HKSF has official dealings (e.g. suppliers or contractors, clubs, associations, persons to which HKSF may allocate resources or job assignments), so that they will not be placed in a position of obligation to the offeror.

5. Misuse of Official Position

5.1 Officials, staff and volunteers who misuse their official position for personal gains or to favour their relatives or friends or to benefit their business connections are liable to disciplinary action by the HKSF or even prosecution by the appropriate authorities. Examples of misuse include an official or a staff member responsible for the selection of suppliers giving undue favour or leaking tender information to his own or his relative's company with a view to awarding the contract to the latter, or placing it in an advantageous position ahead of other competitive bidders.

6. Handling of Confidential, Classified or Proprietary Information

6.1. Officials, staff and volunteers are not allowed to disclose any confidential, classified or proprietary information to anybody without prior authorization by HKSF. Officials, staff and volunteers who have access to or are in control of such information should at all times provide adequate safeguards to prevent its abuse or misuse. Examples of misuse include disclosure of information in return for monetary rewards, or use of information for personal interest or business benefit.

6.2. It should also be noted that unauthorized disclosure of any personal data may result in a breach of the Personal Data (Privacy) Ordinance (Cap. 486).

6.3. Please also refer to “HKSF Privacy Statement”.

7. Access to Property and Other Resources of HKSF

7.1 Officials, staff and volunteers given access to any property or other resources of or acquired by HKSF (such as sailing venue) should ensure that it is properly used solely for the purpose of conducting HKSF's business. Misappropriation or unauthorized use of such property or resources, such as for personal use or personal gain (e.g. resale or unauthorized leasing) is strictly prohibited.

8. Use of Items from Sponsors and Partners

8.1 HKSF is accountable to its sponsors and partners for the use of their sponsorship and partnership. Officials, staff and volunteers should ensure that any sponsorship or partnership or sponsored item is used solely for the purpose for which it is provided. Consent from the sponsor or partner should be obtained if it is to be used for a purpose that deviates from the stated purpose for which it is obtained.

8.2 Officials, staff and volunteers should also ensure adequate transparency on the use of sponsorship partnership to the sponsors and partners, and ensure that HKSF can account for the use of their sponsorship and partnership.

9. Gambling

9.1 Officials, staff and volunteers must not engage in frequent or excessive gambling with persons who have business dealings with HKSF as well as among colleagues, particularly with subordinates. If on social occasions where refusal of gambling (provided that the activity is legal) is considered unsociable, the amount of money involved should not be significant. Gambling in HKSF's premises, government venues, and locations where activities of HKSF take place is strictly forbidden.

10. Outside Employment for HKSF Full time Staff

10.1 HKSF full time employee who wish to take up paid outside work, including those on a part-time basis or on temporary basis must seek the written approval of HKSF before accepting the job. Applications for outside work

should be made to HKSF Council for consideration. Approval will not be given if the outside work is in conflict with the interest of HKSF.

11. Compliance with the Common Code of Conduct

- 11.1 It is the personal responsibility of every official and staff to understand and comply with the Common Code of Conduct and Code of Conduct of specific personnel as described in Section 1.5, in particular by conscientiously avoiding any conflict of interest, and making declaration and seeking prior permission from HKSF in accordance with this Code and Code of Conduct of specific personnel as described in Section 1.5 in any case of exception.
- 11.2 HKSF Management will ensure that officials and staff understand and comply with the standards and requirements stated in this Code. Any problems encountered as well as any suggestions should be channeled to HKSF Council for consideration and advice.
- 11.3 Any official and staff who violates any provision of the Common Code of Conduct and Code of Conduct of specific personnel as described in Section 1.5, will be subject to disciplinary action, or termination of appointment or employment where warranted. In cases of suspected corruption or other criminal offences, a report will be made to the ICAC or the appropriate authorities.

Examples of Conflict of Interest Situations

An officials or staff member who:

- takes part in the selection of suppliers or contractors, and one of the bidders under consideration is his relative or close personal friend.
- has interest of taking employment or contract from a potential supplier, contractor, or bidder of certain project related to HKSF.
- has a financial interest in a company which is being considered for selection as HKSF's supplier of goods or services, or is an existing supplier.
- acquires dealership of goods or services on insider knowledge that such goods or services are being considered for procurement by HKSF.
- has beneficial interests in a supplier whose goods or services are being selected through an intermediary (e.g. a publicity agent) appointed by HKSF.
- selects a sailing venue where he, his relative or close personal friend has close interest or management responsibility.
- accepts frequent or lavish entertainment or expensive gifts from HKSF's suppliers or contractors.
- hires a relative as an instructor or coach or staff member, or is considering the promotion of such a person.
- nominates a relative as office-bearer.
- Is a Committee Member of a Club, Association or Society with official vetting of applications for programme sponsorship.
- responsible for controlling the allocation of sailing venue rented by HKSF, allocates prime time slots to a sailing training school or a club, association or society operated by himself, a relative, or a personal friend.
- responsible for selling tickets of a popular sport programme reserves tickets for his relatives or personal friends without permission.