



## Governance and Internal Control in Schools

# FOREWORD

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The running of a school does not only involve the Principal and a team of general support staff, but also the teachers who are assigned administrative duties. Like any organization receiving Government financial assistance, schools are facing rising public expectation of good governance in their operations. It is therefore imperative for those responsible for the management of schools to ensure that there is good governance and adequate internal control in the school operation.





This checklist aims at providing a user-friendly guide to help schools set up a good governance structure and adopt internal control measures in their operations. Schools are advised to adapt the recommended measures to suit their respective organizational structure, resource capability and operational needs.

The Corruption Prevention Department (CPD) of the Independent Commission Against Corruption (ICAC) provides free, confidential and tailor-made advice to both public and private organizations on the ways to enhance governance and implement corruption prevention measures. For further information, please contact the CPD by telephone at 2526 6363, by fax at 2522 0505, or by email at [cpas@cpd.icac.org.hk](mailto:cpas@cpd.icac.org.hk).

For any enquiry about the guidelines and instructions issued by the Education Bureau (EDB), please refer to the EDB website at [www.edb.gov.hk](http://www.edb.gov.hk).

## HOW TO USE THIS BEST PRACTICE CHECKLIST

For quick and easy reference, you will find the following icons throughout this Best Practice Checklist. They serve to lead you to the information you want:

	<b>Guideline</b> – standard code of conduct, procedural guideline or work manual for reference
	<b>Sample Form</b> – sample forms for use where applicable
	<b>Legislation</b> – extracts from relevant ordinances, such as the Prevention of Bribery Ordinance
	<b>Pointer</b> – cross reference with other sections of the Best Practice Checklist

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## **1.1 Good Governance**

Good governance is the key to preventing corruption. Being a nurturing ground for the young generation, it is essential for the school management to set a model of good governance and uphold an ethical culture in school.

## **1.2 School Management Committees**

Under the Education Ordinance (Cap. 279), each aided school is required to establish an Incorporated Management Committee to manage the school. Schools under the Direct Subsidy Scheme and other types of schools are also encouraged to set up a School Management Committee for the same purpose. The following safeguards help ensure accountability of these management committees.

### **1.2.1 Roles and Composition**

- ☐ Specify the terms of reference of the management committee, including accountability to the Government and the public, for the proper running of the school.
- ☐ Define clearly the roles and responsibilities of the Chairman of the management committee, the School Supervisor and the Principal.
- ☐ Include in the management committee members representing different stakeholders (e.g. school sponsoring bodies, parents, teachers, alumni, etc.) to enhance checks and balances.

### **1.2.2 Conduct of Meetings**

- ☐ Lay down the quorum for meetings.
- ☐ Lay down the meeting frequencies, attendance requirements, and voting arrangements, etc.

- ☐ Draw up meeting schedules and notify members in advance.
- ☐ Provide adequate time for members to go through the agenda and discussion papers before a meeting.
- ☐ Resolve matters by circulation of documents only in case of emergency.
- ☐ Ensure all key and appropriate issues are deliberated by members in a timely manner.
- ☐ Prepare minutes of meetings promptly after each meeting.
- ☐ Record accurately the committee's decisions, including members' views, in particular any dissenting comments.
- ☐ Require the minutes to be endorsed by the management committee and signed by the Chairman.

### 1.3 Policy on Transparency and Disclosure

- ☐ Make transparent the school's operations (e.g. governance of the school, donations received, etc.), through disclosure in the school prospectus, website, or annual report.
- ☐ Publicise the objectives of the school, and its achievements towards the objectives.
- ☐ Establish communication channels (e.g. school newsletter or website) through which persons concerned could obtain information about the school.

### 1.4 Parent-Teacher Association

- ☐ Set up a Parent-Teacher Association (PTA), where practicable, to enhance home-school cooperation and transparency in school management.

- ☐ Require the PTA members to declare any conflict of interest when handling school matters, such as selection of suppliers, contractors or trading operators.

## 1.5 Integrity Management

- ☐ Issue a Code of Conduct for compliance by the school staff, and members of the school management committee (i.e. school managers) and the PTA (➡ **Section 2.1**).
- ☐ Organise capacity building workshops on probity for the school managers and PTA members, especially those who are involved in school administration (➡ **Section 2.3**).

## 2.1 Code of Conduct

A key factor of good governance is to demonstrate that the school is committed to ethical practices. Schools should issue a Code of Conduct for compliance by the school managers, school staff, and PTA members (📖 **Appendices 1 to 3**). The respective Codes should set out the standard of integrity expected of them.

## 2.2 Key Provisions of the Code of Conduct

### 2.2.1 Commitment to Ethical Practices

- ☐ Include in the Code a statement that the school is committed to good governance and ethical practices.
- ☐ State the school's "zero tolerance" policy towards corruption and fraud.

### 2.2.2 Acceptance of Advantages


- ☐ Ensure the school managers and staff are aware of the provisions and sanctions under the Prevention of Bribery Ordinance (POBO) (Cap. 201) in relation to acceptance of advantage (⚖️ *Section 9 of the POBO*<sup>1</sup> at **Annex 1 of Appendices 1 and 2**).
- ☐ Prohibit school managers and staff from accepting advantages from persons with whom they have official dealings, including their colleagues and subordinates, unless with the school's permission.
- ☐ State the permissible value of token gifts they are allowed to accept in their official capacity.
- ☐ Lay down the procedures and authority for approval of acceptance of advantage, other than token gifts.

<sup>1</sup> The staff of government schools are civil servants subject to Sections 3 and 4 of the POBO and the relevant civil service regulations, in addition to those stated in this checklist.

### 2.2.3 Acceptance of Entertainment

- ☐ Remind school managers and staff to avoid accepting unduly lavish or frequent entertainment from persons with whom they have official dealings.

### 2.2.4 Conflict of Interest

- ☐ Require school managers and staff to avoid and declare any actual or perceived conflict of interest.
- ☐ Provide examples of conflict of interest in work situations (e.g. relationship with a supplier when making procurement, or with a candidate when handling staff recruitment).
- ☐ Provide different standard forms for declaration of conflict of interest by school managers and staff respectively ( **Form B under Annex 5 of Appendices 1 and 2**).
- ☐ Establish a system to record and manage the declared conflicts, including the actions to be taken to mitigate the conflicts.

### 2.2.5 Abuse of Official Position

- ☐ Remind school managers and staff to avoid using their official position or power to benefit themselves, their relatives or personal friends.

### 2.2.6 Protection of Classified Information

- ☐ Prohibit unauthorised disclosure of any classified information by school managers and staff.
- ☐ Establish a system for protection of classified information (e.g. restricting access to authorised staff only, keeping records of recipients of confidential documents, and using passwords to protect computer data).

### 2.2.7 Permission to Take up Outside Work

- ☐ Require staff to seek approval from the school before taking up any outside work.
- ☐ Grant permission, if outside work is allowed as a policy, only if it would not give rise to any conflict of interest.
- ☐ Require the staff concerned to seek fresh approval on an annual basis.

### 2.2.8 Compliance with the Code

- ☐ Specify the disciplinary sanctions against breaches of the Code, such as warnings, dismissals, etc.
- ☐ Designate a staff member of the appropriate level to handle enquiries about the Code.

## 2.3 Promulgation of the Code

- ☐ Issue the Code to each school manager or staff member upon appointment, and periodically remind them to abide by the Code through circulation.
- ☐ Arrange capacity building sessions for both new and serving school managers and staff, with the assistance of ICAC.



### **3.1 Introduction**

Effective internal control is essential to good governance, and is the key to preventing corruption through reducing risks of malpractice and fraud. This chapter highlights the framework of a sound internal control system.

### **3.2 Key Elements of an Internal Control System**

#### **3.2.1 Clear Policies and Procedures**

- ☐ Lay down clear policies and procedures for the school's major operations, such as staff administration and procurement.
- ☐ Define clearly the respective roles, responsibilities and powers of the staff members involved in the processes.
- ☐ Ensure the guidelines are understood by the staff concerned through briefing or training.
- ☐ Review the policies and procedures regularly and update them as necessary to suit operational needs.

#### **3.2.2 Segregation of Duties**

- ☐ Segregate major duties as far as practicable to enhance checks and balances.

#### **3.2.3 Keeping of Records**

- ☐ Require the staff to keep proper records of the activities carried out and the decisions made to ensure accountability.

#### **3.2.4 Information Security – Please refer to Section 2.2.6**


### 3.2.5 Supervision

- ☐ Require designated staff of the school to conduct spot checks on the activities to ensure compliance with the laid down rules and guidelines.
- ☐ Report any irregularities identified to the management of the school for consideration of the action to take.

### 3.2.6 Feedback Channels

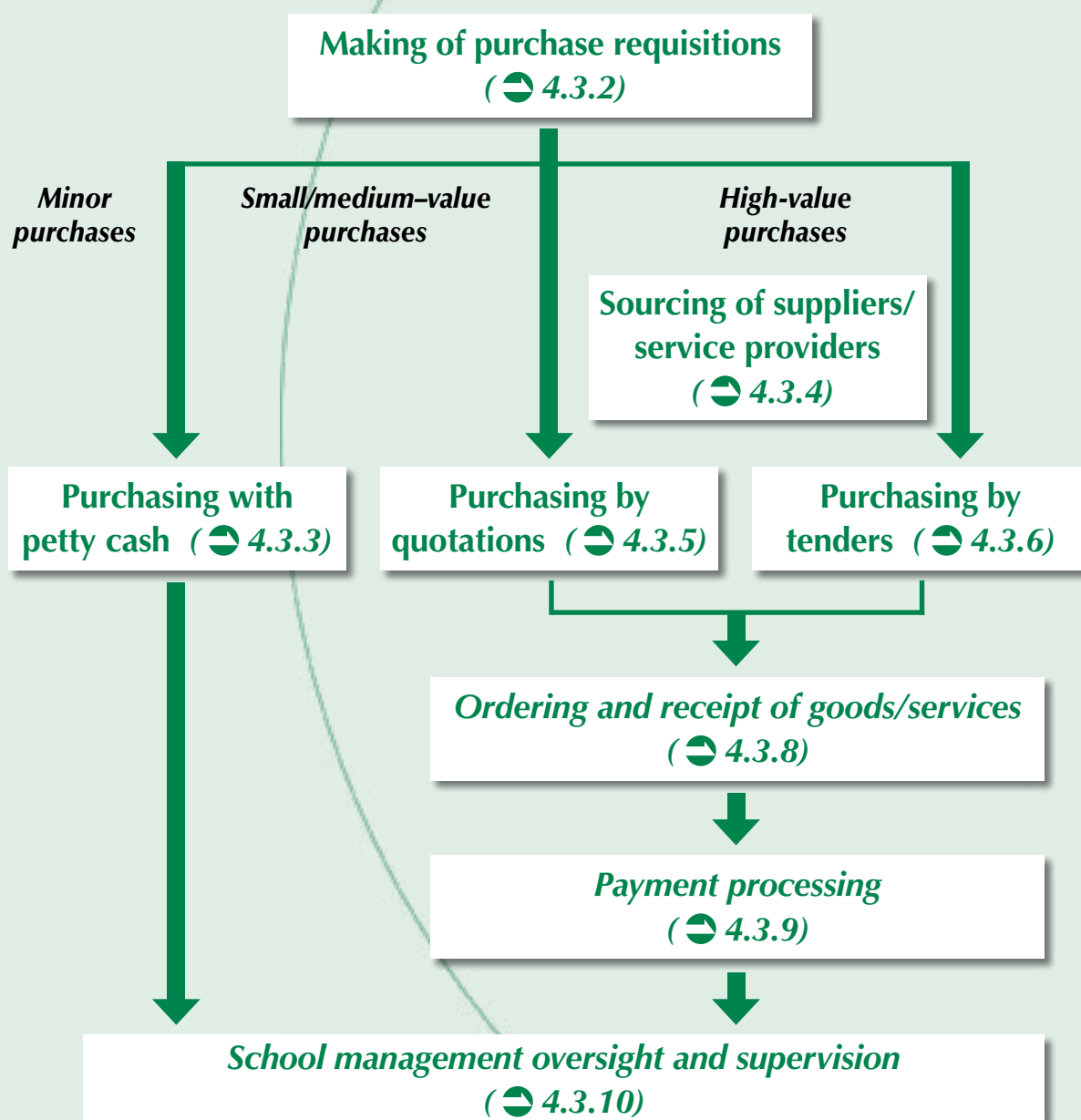
- ☐ Establish a user-friendly channel for feedback or complaints from staff, students, parents and parties having business dealings with the school.
- ☐ Designate an independent staff member to investigate into any irregularities reported.

## 3.3 Audit

- ☐ Appoint an independent auditor to audit the activities of the school periodically, including checking compliance with the relevant statutory and regulatory requirements, the administrative requirements laid down by the Education Bureau (EDB), and the school's policies and procedures.
- ☐ Where practicable, establish an audit committee under the school management committee ( **Section 1.2**) to consider the audit reports.

## 4.1 Introduction



School operations entail frequent procurement of goods and services. To achieve value for money and ensure the goods and services are purchased in a transparent and competitive manner, it is essential for schools to have an effective and properly controlled procurement system in place.

4.2 Key Processes<sup>2</sup>


<sup>2</sup> The key processes are listed from the control point of view and are by no means prescriptive.

## 4.3 Recommended Practices

### 4.3.1 Basic Controls


- ☐ Specify the procurement methods, procedures and approving authorities for purchases of different financial limits, making reference to the procurement guidelines issued by the EDB ( *EDB Circular No. 15/2007*).
- ☐ Specify the authority for approving exemptions to the procurement guidelines (e.g. not obtaining the required number of quotations due to urgency or a sole supplier situation).
- ☐ Where resources allow, designate a team of staff to coordinate and oversee procurement activities in the school.
- ☐ Segregate the procurement duties, such as sourcing of suppliers, evaluation of bids, approval of purchases, receipt of goods, etc. where practicable.
- ☐ Require all staff involved in the procurement process to declare any actual or potential conflict of interest ( **Appendix 4**), and where necessary reassign the duties to other staff members if a conflict has been declared.
- ☐ Maintain proper documentation of the procurement process, including decisions and justifications.
- ☐ Designate supervisory staff to check compliance with the laid down procedures and to ensure decisions are properly made.

### 4.3.2 Making of Purchase Requisitions


- ☐ Make purchase request on a standard form ( **Appendix 5**), stating the goods or services required, for approval by the designated authority.
- ☐ Ensure the goods or service specifications are not overly restrictive to favour any particular supplier or put off competitive bids (e.g. to avoid specifying brand names).

- ☐ Require a more senior staff member of the school to vet and endorse the specifications and to approve any brand name specification based on justifiable grounds.
- ☐ Consider engaging term contractors for frequently required purchases, in particular low-value goods or services (e.g. office supplies and minor maintenance services).

### 4.3.3 Petty Cash Purchases

- ☐ Assign a designated staff member to keep the petty cash account of a preset limit, and lay down the procedures and authorities for replenishment.
- ☐ Arrange payment or reimbursement only upon submission of a valid receipt or an original invoice, or a claim form duly signed by the staff concerned and certified by an authorised staff if no receipt/invoice is produced.
- ☐ Require the staff concerned to acknowledge receipt of the petty cash payment or reimbursement.
- ☐ Request replenishment from the accounting unit or staff, using a petty cash replenishment form ( **Appendix 6**), attaching all the vouchers and receipts for the claims made.

### 4.3.4 Sourcing of Suppliers or Service Providers

- ☐ Check whether the school has maintained lists of suppliers/service providers for different goods and services ( please refer to **Section 4.3.11.1** on best practices in relation to list maintenance).
  - If yes, invite the required number of suppliers or service providers from the list to bid on a fair share basis (e.g. by rotation), in addition to any nominations from the users.
  - If no, source suppliers or service providers according to pre-determined criteria and avoid including only suppliers nominated by the users.

### 4.3.5 Procurement by Quotations (for low-value purchases)

- ☐ Provide bidders with detailed descriptions of the goods or services required, and set a deadline for the submission of bids.
- ☐ Require written quotations from bidders where practicable.
- ☐ If verbal quotations are accepted, record in writing the dates of receiving the quotations, the names of bidders, the price offers, and the name of the responsible staff.
- ☐ Take measures to prevent leakage of the quotation information or tampering with the submitted quotations before the submission deadline (e.g. assign a staff member to keep all quotations in a secure place before opening, or receive electronic quotations through a designated mailbox with restricted access and only to be opened after the closing time).
- ☐ Keep proper records of all quotations received, and conduct spot checks to prevent and deter bogus quotations (e.g. verifying with the suppliers) where practicable.
- ☐ Evaluate the quotations received based on pre-determined selection criteria (e.g. price and quality factors).
- ☐ Seek approval from a higher level of authority, with justification, for not selecting the lowest bid, and keep record of such decisions.

### 4.3.6 Purchasing by Tenders (for high-value purchases)

- ☐ Decide the tendering approach (e.g. open tender by inviting bids through the website or newspaper advertisement, or restrictive tender by inviting bids from a shortlist of suppliers (e.g. from the approved suppliers list), or sourcing from the market based on a set of pre-qualification criteria).
- ☐ Include in the tender invitation documents:
  - clear product/service specifications (i.e. the mandatory requirements);


- tender assessment criteria in broad terms and their weightings in assessment, if price is not the only consideration;
  - contract terms and conditions (e.g. any after-sale service);
  - deadline for submission of tender or proposals;
  - submission method (e.g. proposals in duplicate to be put in a sealed envelope);
  - a warning against bribery (📖 *sample clause at **Appendix 7***); and
  - an anti-collusion clause prohibiting tender rigging (📖 *sample clause at **Appendix 8***).
- ☐ Ensure all bidders are given the same information and consider giving a briefing to all interested bidders shortly after the issue of tender invitation, if applicable.
  - ☐ Designate a staff member to keep the tenders submitted in a secure place before the closing time or deposit them in a double-locked tender box with the two keys held by separate staff members.
  - ☐ Accept late tenders only with the approval of the designated authority and with justification.
  - ☐ Assign a tender opening team (comprising at least two members) to open the tenders immediately after the closing time.
  - ☐ Designate a staff member not involved in the tender evaluation to keep duplicate copies of the tenders for future checking if necessary.

#### 4.3.7 Evaluation of Tender Proposals

- ☐ Appoint a tender evaluation panel (comprising the user and the procurement staff and other specialists, e.g. IT experts, as appropriate) to evaluate the tenders, if price is not the only consideration.
- ☐ Remind the panel members to declare any conflict of interest.
- ☐ Require individual panel members to record their own assessment and scores on a standard evaluation form to enhance fairness and objectivity.

- ☐ Give bidders an equal chance to make a presentation, if required, before the assessment panel.
- ☐ Select the bidder with the highest total score (i.e. the best offer), if not, give reasons for not doing so.
- ☐ Submit the recommended tender together with an evaluation report to the approving authority.
- ☐ If post-tender negotiation is necessary:
  - determine the baseline for negotiation;
  - assign a team of staff (at least two) of the appropriate level to conduct the negotiation for purchases of a high value;
  - document the salient points of the negotiation process; and
  - avoid changes to any mandatory tender requirements during negotiation to prevent any allegation of unfairness, and consider re-tendering if there are any substantial changes to the mandatory requirements.

#### 4.3.8 Receipt of Goods

- ☐ Assign a staff member or the user to inspect the goods delivered against the purchase order before acceptance.
- ☐ Arrange testing of the goods received (e.g. specialist equipment) by qualified staff if appropriate.
- ☐ Require the staff concerned or users to certify acceptance of goods or completion of service within a specified time limit.
- ☐ Ensure that any defective goods, short delivery or substandard service are handled promptly (e.g. by asking the supplier to make good the shortfall) and recorded.
- ☐ For recommended practices on the control of school property, please refer to  **Section 4.3.11.3.**



### 4.3.9 Payment Processing

- ☐ Arrange payment by cheques or direct transfer from the school account.
- ☐ Establish authorisation levels for approving payments and signing cheques.
- ☐ Verify the description and quantity of goods on the invoices against purchase orders.
- ☐ Ensure invoices are certified by the user or recipient and endorsed by the approving authority before effecting payment.

### 4.3.10 School Management Oversight and Supervision

- ☐ Conduct spot checks on procurement activities to ensure the laid down procedures are followed and to detect/deter malpractice.
- ☐ Where resources permit, require the staff responsible to compile regular management reports on purchases (e.g. purchases from sole supplier and purchases of substantial value) for review by the school management.
- ☐ Establish a system to detect and deter split orders to circumvent the approving authority (e.g. supervisory checks on the pattern of purchases).


### 4.3.11 Others

#### 4.3.11.1 *Maintenance of Approved Suppliers Lists*

- ☐ Maintain different lists of suppliers or service providers for frequently purchased goods or services.
- ☐ Lay down the criteria for inclusion and deletion of suppliers/service providers on the respective lists (e.g. poor performance) and specify the authority for inclusion or deletion.

- ☐ Establish a channel for interested potential suppliers/service providers to apply for inclusion in the lists.
- ☐ Collect feedback from users about the suppliers' performance after purchase, and take appropriate action in case of poor performance (e.g. suspension from invitation to bid for a specified number of times, or deletion from the list).

#### 4.3.11.2 *Administration of Service Contracts (e.g. cleaning and security contracts)*

- ☐ Specify in the contract agreement, among other terms and conditions, the service standards (e.g. standard and frequency of service, minimum manpower, etc.), and the remedies for non-compliance or default service (e.g. rectification within a specified period, payment deduction, liquidated damages, etc).
- ☐ Specify the rates for additional service (e.g. emergency cleaning service or additional security guards on special occasions) and the response time.
- ☐ Include in the contract conditions a probity clause prohibiting the contractor and its staff from offering or soliciting bribes when performing duties under the contract (  **Appendix 9**).
- ☐ Establish a disciplinary system to deal with non-compliance or unsatisfactory performance of the contractor (e.g. issue of warnings or payment deduction).
- ☐ Assign staff to monitor the standard of service and report on any deficient or default service.
- ☐ Collect user feedback on the services provided.
- ☐ Hold regular meetings with the contractor's management to discuss problems and review performance as necessary.

- ☐ Ensure contract renewal is based on good performance, and conduct tender exercise periodically with a view to exploring competitive alternatives in the market.

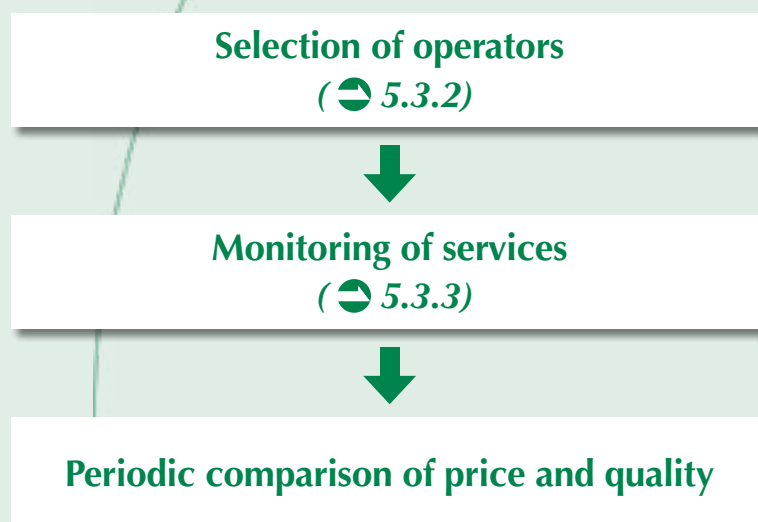
#### **4.3.11.3 Control of School Property**

- ☐ Maintain a register of property items (e.g. equipment, furniture), covering the unique identification code assigned to each item, description, quantity, date of purchase, location, name of holder if any, date and reason for disposal or writing-off, etc.
- ☐ Assign independent staff to conduct periodic stock-taking and inspection on valuable property items.
- ☐ Report any missing items or irregularities to the school management for follow-up action.
- ☐ Require disposal of property items (e.g. obsolete or beyond economical repair) and disposal methods (e.g. destruction, sale or donation) to be approved by a designated authority.

## 5.1 Introduction

The majority of schools are running trading operations for the provision of services to students (e.g. tuck shops and canteens, sale of lunch boxes, school uniforms and exercise books, provision of school bus service, etc.). It is important for schools to ensure that the selection of trading operators are conducted in a fair and competitive way and the services provided are up to the required standards.

## 5.2 Key Processes




## 5.3 Recommended Practices

### 5.3.1 Compliance with EDB's Guidelines

- Abide by EDB's guidelines on conducting trading operations in schools, including those governing solicitation or acceptance of donations from trading operators (EDB Circular No. 24/2008).

### 5.3.2 Selection of Trading Operators

- ☐ Select trading operators following the procurement best practices recommended in  **Chapter 4.**
- ☐ Follow the procurement guidelines as laid down by the school or EDB in selecting trading operators.
- ☐ Set up selection committees comprising parent and teacher representatives to assess the proposals received based on a pre-determined marking scheme.
- ☐ Require members of the selection committee, including parent and teacher representatives, to declare any conflict of interest arising from their relationships with the bidding operators.

### 5.3.3 Monitoring of Service and Renewal of Contracts

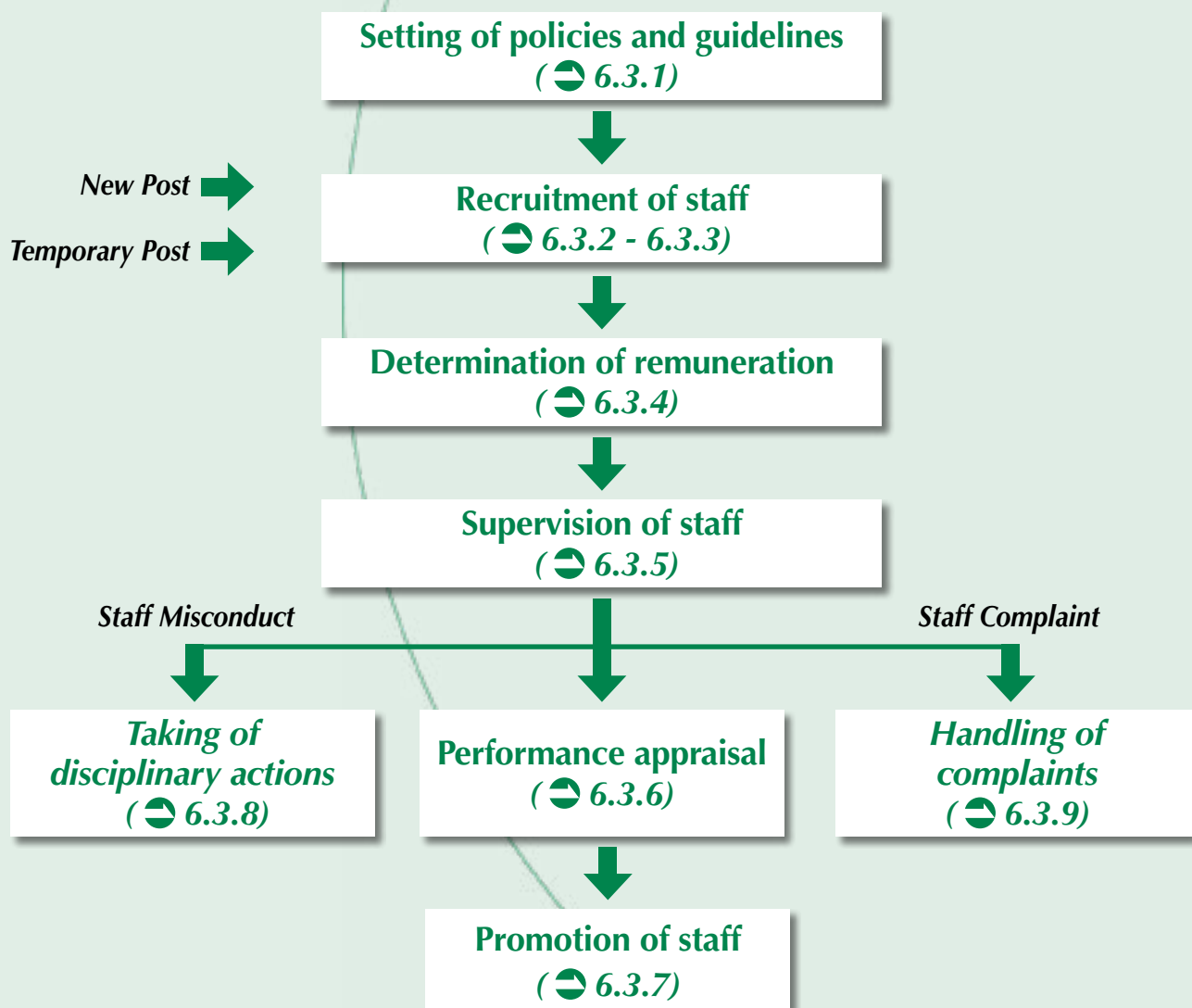
- ☐ Establish a monitoring committee, comprising parent and teacher representatives, to supervise the trading operations and report to the school management periodically.
- ☐ Collect feedback from students, teachers, and parents periodically to evaluate the standard of service provided.
- ☐ Take into account the performance of existing trading operators when they are being considered for renewal of contracts or if they bid for the school's contracts in future.

## 6.1 Introduction

Effective staff administration, such as staff recruitment and appraisal, is important to a school because it helps ensure that staff of the right quality are employed, enhance staff morale, and minimise opportunities for abuse or the perception of such. The basic corruption prevention principles in staff administration are openness and fairness, clear accountability and impartial enforcement of rules and regulations.

## 6.2 Key Processes

Listed below are the key processes of staff administration. The recommended best practices and control measures for each process are detailed in the respective sections.





## 6.3 Recommended Practices

### 6.3.1 Policies and Guidelines

- ☐ Lay down in guidelines and make known to all staff the policies for staff administration matters, including:
  - staff recruitment, promotion and posting policies;
  - staff remuneration packages, covering salary scales, fringe benefits, bonus or gratuity, as appropriate, for each rank of staff or each post;
  - job descriptions, working hours and other operational requirements such as overtime work arrangements;
  - the authority for approval of overtime work and rates payable;
  - the performance appraisal system;
  - the disciplinary system, such as the administration of sanctions and levels of authority (e.g. warnings and dismissals); and
  - the mechanism for handling staff complaints.

### 6.3.2 Staff Recruitment

- ☐ Clearly define the entry requirements of each rank or post (e.g. academic and professional qualifications, years of relevant experience, aptitude and any special skills), and seek approval from the school management or the designated authority.
- ☐ Advertise job vacancies in newspapers and on the website of the school.
- ☐ State clearly in the advertisement the job description, entry requirements and other essential information, such as the application deadline, any written test, correspondence address (and email address if any), and enquiry telephone number if available.

- ☐ Require applicants to declare in the job application form whether they have any friends or relatives working in the school.
- ☐ Record all applications received in a register or date-stamp and file all applications properly upon receipt.
- ☐ Require all staff involved in the selection process to declare any potential or actual conflict of interest and reassign staff to take over the process if a conflict is declared (e.g. a candidate is a relative or personal friend) ( **Appendix 4**).
- ☐ Shortlist candidates for interview based on pre-approved criteria, such as years of relevant experience, levels of education attained, results of the written test, etc.
- ☐ Form a recruitment panel to conduct selection interviews and skill tests as necessary.
- ☐ Design an assessment form ( **Appendix 10**) showing the attributes for assessment and the corresponding marks or weightings, and require individual panel members to give marks on their own.
- ☐ Record the combined scores of each candidate after the interview and the comments of the panel members on the form.
- ☐ Prioritize the candidates according to their scores.
- ☐ Make recommendations for selection to the school management for approval, giving justification if the highest scoring candidate is not recommended for selection.
- ☐ Designate the authority to approve the panel's recommendation and document the decision properly, in particular the reason if the panel's recommendation is not accepted.
- ☐ Verify the academic qualifications and work experience of the successful candidate(s) before offer of appointment.



- ☐ Make provisions for penalties (e.g. termination of employment) in case of corruption offence, fraud, or other misconduct in the employment contract.
- ☐ Record all refusals of offer and ensure subsequent offers are made to candidates according to their priority.

### 6.3.3 Employment of Temporary Staff

- ☐ Estimate the number of temporary staff required, the duration of engagement, and the estimated expenditure, based on the operational need and any performance benchmark, before seeking approval from the school management or the designated authority.
- ☐ Determine or endorse the pay scale or hourly rates for temporary staff when granting approval.
- ☐ Recruit temporary staff following proper recruitment procedures.
- ☐ Maintain a pool of eligible candidates selected through proper recruitment procedures if there is an on-going demand for temporary staff.
- ☐ Require the supervising staff to complete a performance appraisal form on the temporary staff who are given jobs repeatedly or to report on any adverse performance.
- ☐ File performance appraisals or adverse records to facilitate record check on candidates before offering jobs.
- ☐ Maintain proper employment and payment records of all the temporary staff.

### 6.3.4 Remuneration Package


- ☐ Determine the salary scales and fringe benefits for each rank of staff or post.
- ☐ Lay down the criteria and approving authority for determining the remuneration package of individual appointees, taking into account their respective qualification, work experience and expertise as well as the market rate.

- ☐ Seek approval from the school management or the designated authority for any offer which deviates from the remuneration package.
- ☐ Specify the criteria and formula for calculating pay adjustments and non-standard payments (e.g. performance bonus).
- ☐ Require any adjustment of salaries, benefits, and non-standard payments to be approved by the school management or the designated authority.

### 6.3.5 Monitoring of Staff Attendance


- ☐ Put in place a system for recording staff attendance where appropriate (e.g. attendance register or electronic access control card system).
- ☐ Require supervisors to check periodically the staff attendance records.
- ☐ Produce exception reports on irregularities, such as repeated unpunctuality or absence from duty, for school management information and follow up action.

### 6.3.6 Performance Appraisal

- ☐ Pre-determine and make known to all staff the core competencies and performance standards of each rank or post.
- ☐ Record performance assessment using a standard appraisal form ( **Appendix 11**), covering all core competencies to be assessed.
- ☐ Define clearly the duties of the appraisee, appraising staff, and counter-signing staff, at the beginning of the appraisal period.
- ☐ Form a review panel to moderate the performance ratings of the appraisal reports if a large number of staff at the same level are being appraised and different appraising staff are involved to ensure consistent appraisal standards and fairness.
- ☐ Allow the appraisees to acknowledge and respond to the comments made in their appraisal reports.

- ☐ Establish a channel for handling requests for review lodged by the appraisees.

### 6.3.7 Staff Promotion

- ☐ Lay down and make known to all staff the eligibility criteria for promotion.
- ☐ Announce the timing of the promotion exercise to the staff concerned.
- ☐ Appoint a promotion board to assess all eligible candidates for promotion based on the pre-determined criteria, with reference to their appraisal reports for a specified period of time (e.g. three or four years).
- ☐ Establish the interview procedures and design an assessment form for use by the board members if a promotion interview is conducted ( **Appendix 12**).
- ☐ Require all members of the promotion board to declare any conflict of interest which should be recorded, and assign other staff to take over the process if a conflict is declared (e.g. the candidate under consideration is a relative or personal friend).
- ☐ Prepare a report on the candidates recommended for promotion, in their order of priority, for approval by the specified authority.
- ☐ Announce the promotion results as soon as possible to avoid speculation.
- ☐ Provide a review channel for unsuccessful candidates.

### 6.3.8 Disciplinary Actions

- ☐ Lay down and make known to all staff the circumstances warranting different disciplinary actions and the procedures to be taken in the case of misconduct or breaches of regulations.
- ☐ Ensure fairness and consistency in taking disciplinary actions.
- ☐ Maintain proper records of the disciplinary actions taken and notify the school management committee as necessary.

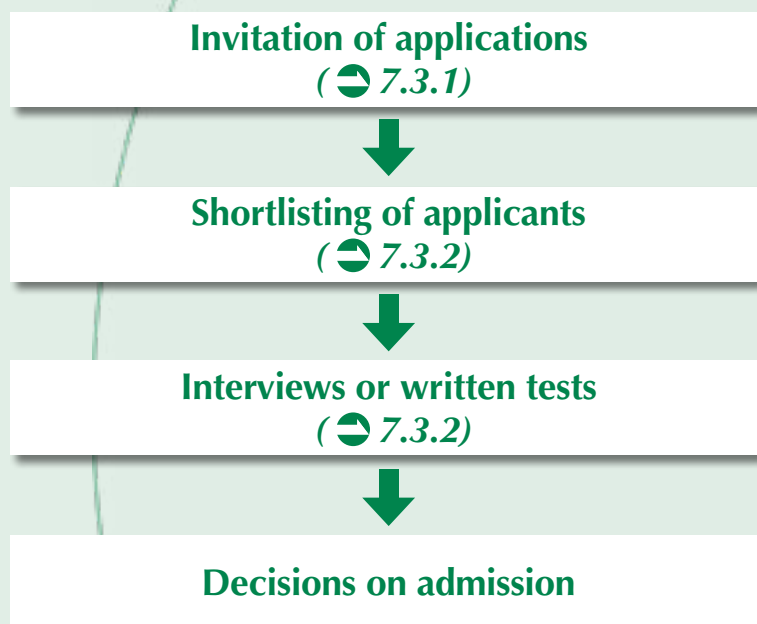
### 6.3.9 Handling of Staff Complaints

- ☐ Publicise the channels for complaint and make the procedures user-friendly.
- ☐ Ensure that all information given is handled in strict confidence.
- ☐ Assign an independent staff member, at the appropriate rank and not involved in the case, to investigate the complaint.
- ☐ Maintain proper records of the investigation results.
- ☐ Submit an investigation report, with recommendations for disciplinary action if applicable, to the designated authority (e.g. school principal) for consideration.
- ☐ Inform the complainant of the outcome after investigation if appropriate.

## 7.1 Introduction

Private schools and schools under the Direct Subsidy Scheme are given autonomy in the admission of students. These schools are free to draw up their own admission criteria and procedures (whereas aided schools are allowed to select students to fill the discretionary places). It is important to ensure that the admission process is fair and transparent to avoid allegation of favouritism or abuse.

## 7.2 Key Processes




## 7.3 Recommended Practices

### 7.3.1 Invitation of Applications

- ☐ Draw up fair and objective student admission criteria in accordance with the principles laid down by EDB.

- ☐ Publicise the school's admission criteria and application procedures (e.g. through the school website) and organize briefing sessions to all interested parents.
- ☐ Include a reminder in the application form that parents should not offer advantage to the school staff or school management committee members in connection with their applications.

### 7.3.2 Shortlisting and Assessment of Applicants

- ☐ Set up an admission committee, comprising staff members of the appropriate level, to scrutinise applications.
- ☐ Require the staff taking part in the assessment process to declare any conflict of interest (e.g. the student or parent is a relative or close personal friend).
- ☐ Shortlist applicants for written examinations or interviews based on pre-determined criteria (e.g. academic results and participation in extra-curricular activities) approved by the school management.
- ☐ If a written examination is required, take measures to ensure confidentiality of the examination questions.
- ☐ Assign two staff members to jointly interview the applicants as far as practicable to enhance checks and balances.
- ☐ Provide the interviewers with detailed guidelines (e.g. attributes to cover) and a marking scheme, and conduct a briefing to explain to them the assessment criteria if necessary.
- ☐ Require the interviewers to individually record their assessment in a standard form designed for the purpose ( **Appendix 13**).
- ☐ Notify applicants of the result as soon as possible.

### 7.3.3 Management Reports

- ☐ Keep proper records of the admission exercise and retain the records for a specified period to facilitate audit checks.
- ☐ Submit to the school management committee a report detailing the number of applications received, the applicants interviewed and accepted, and any cases given special consideration, etc. after each admission exercise.

### 7.3.4 Handling of Complaints

- ☐ Establish formal procedures for handling complaints from unsuccessful applicants, and report the outcome to the school management committee.

## 8.1 Introduction

Donations and sponsorships, in money or in kind, may be offered to schools. From time to time, schools may also organise fund-raising activities. As acceptance of donations, especially from parties who have business dealings with the school (e.g. suppliers), may easily give rise to perception of favouritism or bribes in disguise, it is essential for schools to put in place a transparent mechanism to ensure the donations or sponsorships received are properly accounted for and are used for the benefit of students.

## 8.2 Key Processes

**Consideration to raise funds or  
accept donations/sponsorships**  
(☞ 8.3.1)



**Approval of acceptance**  
(☞ 8.3.2)




**Management of donations/  
sponsorships received**  
(☞ 8.3.3)



## 8.3 Recommended Practices

### 8.3.1 Basic Principles

- ☐ Lay down the principles and criteria for raising funds and accepting donations/sponsorships, with reference to the guidelines issued by the EDB ( *EDB Circular No. 14/2003*). Examples of the guiding principles are:
  - Donations/sponsorships/funds raised should be used for the benefit of students only.
  - The acceptance must not adversely affect the reputation of the school.
  - No conditions should be attached to the acceptance of any donations/sponsorships, in particular those which will affect the school's ability to carry out its functions impartially (e.g. giving preferential treatment to a donor's child who is applying for admission to the school).
  - The acceptance should not give rise to any perceived or actual conflict of interest, or put the school in a position of obligation to the donor/sponsor.
  - Solicitation of donations from individuals/companies with which the school has business dealings (e.g. suppliers, contractors, trading operators) should be prohibited.
  - The acceptance of donations/sponsorships from any supplier or contractor should not in any way give or be perceived to give the donor/sponsor an unfair commercial advantage over others in the same trade, industry or profession.

### 8.3.2 Acceptance of Donations/Sponsorships

- ☐ Where a fund-raising campaign is held, clearly explain to the parents and students the objectives of the campaign and usage of the funds raised.
- ☐ Establish a formal mechanism for the school management committee to consider and approve acceptance of donations/sponsorships.

- ☐ Take into consideration any recurrent costs that will arise before deciding to accept a donation/sponsorship (e.g. the maintenance cost of a donated equipment).

### **8.3.3 Management of Donations/Sponsorships**

- ☐ Register in detail all funds/donations/sponsorships received, including the value and purpose, and publicise in the school annual report or website.
- ☐ Draw up formal procedures for the disbursement of the funds, donations or sponsorships received, including the approving authorities.
- ☐ Compile reports on the usage of received funds, donations or sponsorships for scrutiny by the school management committee and EDB.

## 9.1 Introduction

From time to time, schools may need to undertake building maintenance and repair works. These works may be managed by external consultants and carried out by contractors, under the supervision of the school staff. As such works are technical in nature and often involve substantial costs, there should be effective systems for the selection of suitable consultants and contractors, and for the administration of the contracts.

## 9.2 Key Processes

**Preparation of project brief (for appointment of consultants) (☞ 9.3.1)**



**Preparation of tender documents (for appointment of contractors) (☞ 9.3.2)**



**Determination of tender method (☞ 9.3.3)**



**Tendering (☞ 9.3.4)**



**Monitoring of work progress (☞ 9.3.5)**



**Processing of interim payments (☞ 9.3.6)**



**Handling of work variations (☞ 9.3.7)**




**Monitoring of work quality (☞ 9.3.8)**





**Completion of works and final payment (☞ 9.3.9)**


## 9.3 Recommended Practices

### 9.3.1 Project Brief (for appointment of consultants)

- ☐ Clearly define the scope of service (e.g. professional staff, frequency of work inspection, and reporting requirements).
- ☐ Specify the deliverables and payment arrangements (e.g. staged payments).
- ☐ Include in the terms and conditions of the contract the following probity clauses:
  - An anti-bribery clause prohibiting offer or acceptance of advantage by the consultant and his employees when performing duties under the contract ( sample clause at **Appendix 9**).
  - A clause requiring the consultant and his employees to declare conflict of interest, including their relationship with the contractors engaged for the works contract or with the school staff.

### 9.3.2 Tender Documents (for appointment of contractors)

- ☐ Draw up detailed work specifications (e.g. items of work and time schedules for work completion).
- ☐ Include in the tender documents the following probity requirements:
  - An anti-bribery clause prohibiting offer of advantage to members of the school for the purpose of tendering ( sample clause at **Appendix 7**).
  - An anti-collusion clause prohibiting tender rigging ( sample clause at **Appendix 8**).
- ☐ Invite tenderers to make price offers according to a pricing schedule for specified work items to facilitate evaluation of bids and valuation of cost for subsequent works variations.
- ☐ Require tenderers to propose an outline of works programme.

- ☐ Include the following terms and conditions in the contract:
- provisions for interim payments for works requiring a long period of time to complete (say 9 to 12 months);
  - the amount of retention money to be paid until all works have been satisfactorily completed (e.g. about 10% of the contract sum);
  - defect liability period<sup>3</sup> ;
  - criteria and conditions for extension of time<sup>4</sup> ;
  - conditions for liquidated damages, e.g. for late work completion;
  - provisions for work variations<sup>5</sup> ;
  - material guarantees;
  - insurance;
  - an anti-bribery clause prohibiting offer or acceptance of advantage by the contractor and his employees in executing the contract (  *sample clause at Appendix 9*);
  - a clause requiring the contractor and his employees to declare any conflict of interest when performing duties under the contract; and
  - provisions for termination of contract.

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<sup>3</sup> After work completion, there should be a “defect liability period”, similar to a warranty period, during which the contractor has the responsibility to make good any defect.

<sup>4</sup> An extension of time may be granted to the contractor if failure to complete any maintenance works by the agreed date is caused by factors outside the contractor’s control.

<sup>5</sup> Variations mean changes to the specified works, or additional works not included in the contract.


### 9.3.3 Tender Method

- ☐ Select the tender method by taking into consideration the factors shown in Table 1 below:

Tender Method	Factors for Consideration
<b>Open invitation for expression of interest</b>	<input type="checkbox"/> Usually for high-value contracts. <input type="checkbox"/> Usually for sourcing eligible consultants/ contractors and exploring what is available in the market. <input type="checkbox"/> The school needs to spare time and resources to conduct an open invitation.
<b>Invitation of tenders from a shortlist</b>	<input type="checkbox"/> The school has a shortlist of consultants/ contractors who have been previously engaged or recommended by a trusted party. <input type="checkbox"/> The school can entrust the consultant to recommend a shortlist of contractors. <input type="checkbox"/> The school has in-house expertise to draw up a shortlist.
<b>Single Tender</b>	<input type="checkbox"/> Only for exceptional cases, with reasons such as urgency and safety considerations which cannot afford a tendering process.

**Table 1 – Tendering Method**

### 9.3.4 Tendering

- ☐ Draw reference from the recommended procurement practices (please refer to  **Chapter 4**).
- ☐ Require the tenderers to submit the following information for evaluation of the technical or quality aspects of tender proposals:
- work experience;

- number of qualified professionals employed;
  - track record in providing similar maintenance works; and
  - programme of works.
- ☐ Apart from the shortlist mentioned in Table 1, make reference to the lists of consultants and contractors published by the relevant government departments (e.g. Architectural Services Department and Buildings Department) or professional bodies when compiling the list of consultants/contractors for invitation to tender.
  - ☐ Approach previous clients of the consultants/contractors under consideration for testimony of their previous performance as appropriate.
  - ☐ Award contract to the best offer.

### 9.3.5 Monitoring of Work Progress

- ☐ Require the contractor to submit a work programme at the start to facilitate monitoring of work progress.
- ☐ Appoint a staff member with technical knowledge (as project manager) within the school, if there is one, or enlist the help of members of the school management committee if they have the technical or professional knowledge, to monitor the progress of works, reporting to the senior management regularly.
- ☐ Require the consultant, if one is engaged, to report progress of works regularly.
- ☐ Require the project manager to hold regular meetings with the contractor, together with the consultant if any, to review work progress and any rectification work required.
- ☐ Require the contractor to explain any delay and propose remedial measures.

### 9.3.6 Interim Payments

- ☐ Make interim payments to the contractor according to the contract terms.
- ☐ Require the consultant, if one is employed, to certify work completion for the purpose of making payments.
- ☐ For in-house managed works, require the project manager to confirm satisfactory completion of works before endorsing release of payments.
- ☐ Retain a portion of payments (e.g. 10%) as retention money in accordance with the contract terms.
- ☐ Submit regular reports on the project to the school management for monitoring.

### 9.3.7 Work Variations

- ☐ Minimize the need for work variations which often entail special rates to be negotiated with the contractor.
- ☐ Try to include all foreseeable maintenance works in the scope of works at the outset as far as possible.
- ☐ Put in place the following safeguards for ordering work variations:
  - require the project manager or the consultant to assess the need for and the scope of the proposed variations;
  - require the contractor to estimate the rates for the proposed variations, which should be based on the schedule of rates in the contract as far as possible;
  - specify the authority for approval of work variations of different costs;
  - consider inviting new tenders for work variations if the scope or cost is substantial or disproportionate as compared to the original scope or value of the work ordered; and
  - require the project manager or the consultant to submit regular reports on work variations to the senior management for monitoring.



### 9.3.8 Monitoring of Work Quality

- ☐ For prolonged work projects, require the consultant (if there is one) to draw up a site supervision plan based on the contractor's works programme, specifying the frequency of site inspections, work items for checking and the personnel involved.
- ☐ Require the consultant to check the quality of works according to the site supervision plan or require the project manager to check the work according to the contractor's work programme.
- ☐ Where appropriate, require the project manager or the consultant to take photos of the works which will be covered up after completion as evidence of compliance with the quality requirements.
- ☐ Require the project manager or the consultant to record and report any adverse observations, in particular any substandard works or default in deliverables.
- ☐ Require the contractor to rectify any substandard works or make good the pledged deliverables before release of payment.
- ☐ Require regular reporting of work progress to the school management.

### 9.3.9 Completion of Works and Final Payment

- ☐ Require the project manager or consultant to certify completion of works as specified in the contract.
- ☐ Require the project manager (and members of the school management committee if appropriate) or consultant to carry out a final inspection on the completed works, requiring the contractor to compile a list of defects for follow up action.
- ☐ Make final payment upon certification of work completion by the project manager or consultant, except the retention money.
- ☐ Require the contractor to make good all the defects identified within the defect liability period before releasing the retention money to the contractor.

## Introduction

1. [Name of the School] (hereafter referred to as “the School”) is fully committed to the principles of honesty, integrity and fair play. It is therefore important for Managers<sup>1</sup> to handle the School’s business in a fair and impartial manner, and ensure that the School’s reputation will not be tarnished by any acts of dishonesty, impropriety or corruption. To this end, this Code of Conduct sets out the standard of conduct expected of all Managers.

## General Principles

2. To uphold a high standard of integrity, Managers shall:
- (a) ensure that their conduct would not bring the School into disrepute;
  - (b) refrain from doing anything which may compromise or impair their integrity or impartiality in handling the School’s business;
  - (c) adhere to any guidelines, instructions, regulations and procedures made by the Management Committee/Incorporated Management Committee<sup>2</sup> (IMC) for handling the School’s business, and governing the conduct and integrity standards expected of Managers; and
  - (d) maintain an open, transparent and welcoming environment in the best interest of all stakeholders including students, parents and teachers.

*[Schools may include other suitable principles/core values.]*

## Compliance with Legislations and Professional Standards

3. Managers shall ensure policies and operations of the School are in full compliance with the relevant legislations and professional standards and requirements, in particular, the Education Ordinance (Cap. 279) and Education Regulations (Cap. 279A), circulars and advice issued by the Education Bureau (EDB), as well as any other guidelines and instructions issued by government departments and authorities for

<sup>1</sup> Managers (校董) are persons who are registered as Managers of the school under the Education Ordinance (Cap. 279). Members of the Management Committee (校董會) or Incorporated Management Committee (IMC, 法團校董會) (Footnote 2) of the school are Managers.

<sup>2</sup> According to the Education Ordinance (Cap. 279), all aided schools are required to set up IMC to manage the school. Direct Subsidy Scheme schools and specified schools may, according to their own needs, decide on whether or not to establish an IMC. A school without an IMC shall be managed by its Management Committee.

the implementation/enforcement of statutory requirements relating to the management and operation of schools.

### **Prevention of Bribery Ordinance (Cap. 201)<sup>3</sup>**

4. Managers are agents of the school and governed by section 9 of the Prevention of Bribery Ordinance (POBO) (**Annex 1**). Under the POBO, any Manager who, without the permission of the Management Committee/IMC of the school, solicits or accepts an advantage as a reward for or inducement to doing any act or showing favour in relation to the school's business, commits an offence. The person offering the advantage also commits an offence. The term "advantage" is defined in the POBO and includes any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc., except entertainment. It is also an offence under section 9(3) of the POBO for any Manager to use any document containing false information with the intent to deceive the school.

5. The School's policy on the solicitation, acceptance and offering of advantages and entertainment by Managers is set out in paragraphs 6-14.

### **Solicitation and Acceptance of Advantages**

6. The School prohibits Managers from soliciting or accepting any advantage from parents and persons or companies having official dealings with the School (e.g. suppliers and contractors). Solicitation or acceptance of advantages by Managers from staff to whom they may have an influence<sup>4</sup> is also prohibited.

7. Managers may accept, but should not solicit, the following advantages when they are offered on a voluntary basis:

- (a) advertising or promotional gifts or souvenirs of a nominal value; or
- (b) discount or other special offers given by any person or company to

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<sup>3</sup> The description and explanation of the legal requirements under the Prevention of Bribery Ordinance (POBO) in this Sample Code of Conduct are necessarily general and abbreviated for ease of understanding. Users of this Sample Code of Conduct are advised to refer to the original text of the POBO or seek legal advice on particular issues where necessary. The ICAC will not accept any responsibility, legal or otherwise, for any loss occasioned to any person acting or refraining from action as a result of any material in this Sample Code of Conduct.

<sup>4</sup> For example, staff members whose appointment, performance, remuneration and contract renewal are subject to the Management Committee's/IMC's decisions.

them as customers, on terms and conditions equally applicable to other customers in general.

8. If Managers wish to accept any advantage not listed in paragraph 7, they should seek prior permission from the Management Committee/IMC, using **Form A** (Sample at **Annex 2**). Where it is impossible to obtain prior approval before acceptance, the Manager should provide written justification to and apply for such permission from the Management Committee/IMC within [ \_\_ ] working days after acceptance of the advantage. In case of doubt, Managers should refer the matter to the Management Committee/IMC for advice and instruction.

*[Schools should refer to and comply with EDB Circular No. 14/2003 on the general principles on “Acceptance of advantages and donations by schools and their staff”, which is subject to review and update by EDB from time to time and can be accessed at the EDB Homepage via the following path:*

*EDB Homepage ([www.edb.gov.hk](http://www.edb.gov.hk)) > School Administration and Management > Financial Management > Notes to School Finance > Reference on Acceptance of Advantages and Donations by Schools and Their Staff]*

*[Sample letter and notice to inform suppliers/contractors and parents of the school’s policy on acceptance of advantages are at **Annexes 3 and 4** respectively.]*

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

### ***Gifts/Souvenirs Presented to Managers in Their Official Capacity***

10. A gift/souvenir presented to a Manager in his official capacity is deemed as an offer to the School (e.g. a gift/souvenir presented to a Manager who represents the School to participate in an event or to officiate at a ceremony). In principle, Managers should as far as possible decline to accept advantages offered/presented to them by

virtue of their official position. Where this cannot be done due to protocol reasons or the need to avoid causing offence or embarrassment or inconvenience (such as a gift/souvenir offered/presented to a Manager when attending a ceremonial occasion in his official capacity), he/she should report the acceptance to the School and follow the guidelines set out at **Annex 2** and **Form A** for the disposal of the gifts/souvenirs received. Such permission should be applied for within [ ] working days after acceptance of the gift/souvenir.

### ***Acceptance of Entertainment***

11. As defined in section 2 of the POBO, “entertainment” means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with or provided at the same time as the provision of food or drink.

12. Managers should not accept lavish, unreasonably generous, or frequent entertainment, or indeed any entertainment which is likely to give rise to any perceived or actual conflict of interest, put the Managers in an obligatory position in the discharge of their duties, compromise their impartiality or judgement, or bring them or the School into disrepute bearing in mind public perception. When offered entertainment, a Manager should consider whether the entertainment offered could be regarded as:

- (a) excessive – taking into account its value, substance, frequency and nature;
- (b) inappropriate – taking into account the relationship between the Manager and the offeror (e.g. the offeror is bidding for the School’s contract); or
- (c) undesirable – taking into account the character or reputation of the host or known attendees.

*[Schools may insert additional guidelines on acceptance of entertainment and the reporting requirements.]*

## Offering of Advantages

13. Managers are prohibited from offering advantages to any director or staff of any organisation, for the purpose of influencing such person or organisation in any dealings, or any public official<sup>5</sup> when conducting the business of the School<sup>6</sup>.

14. Managers should as far as possible refrain from offering souvenirs to others during the conduct of official activities. However, if it is unavoidable due to operational, protocol or other reasons, the number of souvenirs to be offered should be kept to a minimum and the exchange of souvenirs should be made from organisation to organisation. Souvenir items should not be lavish or extravagant and souvenirs inscribed with the School's logo or name are preferred.

## Managing Conflict of Interest

15. Managing conflict of interest is important to good governance. If not properly managed, it could give rise to criticism of favouritism, abuse of authority or even allegation of corruption, and undermine the integrity of Managers, their decisions and eventually the reputation of the School.

16. A conflict of interest situation arises when the "private interests" of a Manager compete or conflict with the interests of the school or the official duties of the Manager. Private interests include financial and other interests of the Manager himself, and those of his connections including family and other relations, personal friends, associations, clubs and societies to which he belongs to, and any person to whom he owes a favour or to whom he may be obligated in any way. Use of official position and use of official information are some common areas in which conflict of interest may arise between official duties and private interests of a Manager. Some common examples of conflict of interest situations are set out in **Annex 5** but they are by no means exhaustive.

17. A fundamental integrity requirement is that all Managers should **avoid** situations which may compromise (or be seen to compromise) their personal judgement or

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<sup>5</sup> Examples of public officials include officers of the Education Bureau, Social Welfare Department, Equal Opportunities Commission, Hong Kong Examinations and Assessment Authority, etc.

<sup>6</sup> Offer of advantages to public officials under the circumstances specified in Sections 4 or 8 of the POBO may constitute an offence.

integrity at work or lead to conflict of interest. When a situation involving a conflict of interest cannot be avoided, Managers should as soon as possible **make full disclosure** of all relevant interests which conflict, may conflict or may be seen to conflict with their official duties (**Form B in Annex 5**). The Management Committee/IMC should then decide on the **appropriate course of action** to be taken to mitigate the declared conflict. Any declarations made and the related decisions should be recorded and filed.

*[Schools should refer to Sections 40BF, 40BG and 40BH of the Education Ordinance (Cap. 279) regarding the statutory requirements on the declaration and disclosure of pecuniary or other personal interests as well as on the register of interests. Schools should also make reference to the guidelines stipulated under Section 5 of the School Managers' Handbook issued by the EDB. In a gist, a two-tier reporting system is adopted. Under this system, a Manager is required to declare in writing, upon appointment and at least once every 12 months thereafter, whether he has any pecuniary or other personal interests that raise or may raise a conflict with his duties as a Manager of the school; and if so, the Manager should register the particulars of such interests in writing. Managers are also required to disclose any pecuniary or other personal interests in a matter considered or to be considered at a meeting (**Form B in Annex 5**).]*

18. If Managers have doubts concerning the handling of conflict of interest situations, they should immediately consult the Management Committee/IMC.

### **Managers Bidding for Supply of Goods/Services to the School**

19. As a matter of principle, Managers should avoid entering into any business relationship with the School in their personal capacity to prevent the perception of impropriety of Managers using their capacity to obtain financial gains from the School. Where this is unavoidable, Managers should adhere to the guidelines set out in **Annex 6**.

### **Misuse of Official Position**

20. Managers should act impartially. They should not use their official position for personal gains or according preferential treatment to organisations or persons with whom they have connections. Moreover, they should not use or permit the use of their official position or title in a manner that is intended to coerce or induce another

person to provide any benefit for themselves or their relations, friends or associates, or that could reasonably be construed to imply that the School sanctions or endorses their personal activities.

## **Confidentiality of Information**

21. Managers should not disclose any classified or proprietary information of the School without authorisation or misuse any information of the School (e.g. using the information for personal gains or the benefit of others).

22. Managers who have access to or are in control of such information (e.g. personal data, questions for admission tests, tender/quotation information) should at all times ensure its security and prevent any abuse, unauthorised disclosure or misuse of the information.

23. Managers should continue to observe their duty of confidentiality after they have resigned/retired from the School. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

## **Records, Accounts and Other Documents**

24. Managers should ensure, to the best of their knowledge, that any records, receipts, accounts or other documents they submit to the School, give a true representation of the events or transactions reported in the documents.

25. Intentional use of documents containing false information to deceive or mislead the School, regardless of whether or not the Managers may obtain any gain or advantage, may constitute an offence under section 9(3) of the POBO.

## **Use of School's Resources and Information**

26. Managers should ensure that the School's funds are used in a prudent and responsible manner to safeguard the School's interests. They should only approve funds for any project/activity/expenditure items which fall within the ambit of the funds and can achieve the purpose of the funds.



27. Managers should particularly ensure that an open, fair and competitive mechanism is adopted for the procurement of goods/services/assets, sale of assets and recruitment of staff for the School.

28. Managers in charge of or having access to any information not made available to the public, assets of the School, including funds, property, information, and intellectual property should use them solely for the purpose of conducting the School's business. They should make the best use of the School's assets and resources in terms of money, property, goods or services economically and diligently. Any misappropriation of the School's properties or unauthorised disclosure of proprietary information of the School for personal use or personal gain is strictly prohibited, and may amount to a criminal offence.

## **Loans**

29. Managers should not accept a loan from or through the assistance of parents, persons or organisations having official dealings with the School; or use a staff member as a guarantor for a loan or a hire purchase agreement. There is, however, no restriction on borrowing from a licensed bank or financial institution.

## **Compliance**

30. Managers should understand and comply with this Code when performing duties and work for the School. In case of suspected corruption or other criminal offences, a report should be made to the ICAC or the appropriate law enforcement agencies.

## **Review**

31. This Code is subject to review and revision from time to time by the School.

## **Enquiry**

32. Any enquiries, comments or suggestions in relation to this Code may be referred to the Management Committee/IMC.

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

### **Section 9 – Corrupt transactions 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.

## Section 2 – Interpretation

### **“Advantage” means:**

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e),

but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), particulars of which are included in an election return in accordance with that Ordinance.

**“Entertainment” means:**

the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provisions.

## **Guidelines for Handling Gifts/Souvenirs Given to Managers in their Official Capacity**

All gifts/souvenirs received by Managers in their official capacity should be forwarded to the [Management Committee/Incorporated Management Committee] for disposal in the following manner:

- (a) If the gift/souvenir is of perishable nature (e.g. food, drink), it may be shared among staff and students.
- (b) If the gift/souvenir is a useful item (e.g. stationery, office items), it may be kept for use by the School.
- (c) If the gift/souvenir is suitable for display (e.g. a painting, vase, trophy), it may be displayed at appropriate locations of the School.
- (d) If the gift/souvenir is of low value, it may be donated as a prize in functions organised by the School.
- (e) If the gift/souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient presented on special occasions (e.g. Manager's retirement, graduation), it may be retained by the recipient.
- (f) If the gift/souvenir is of low value and distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc., it may be retained by the recipient.
- (g) Any gift/souvenir of high value should be returned to the offeror.

## Report on Advantages Received

*[The school may consider specifying the timeframe for reporting acceptance of advantages (e.g. within \_\_ working days after such acceptance).]*

### Part A: To be completed by the recipient

To: (Management Committee/Incorporated Management Committee (IMC)\*)

Description of Offeror:

Name & Title: \_\_\_\_\_

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

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

Occasion on which the Advantage was/is to be received: \_\_\_\_\_

Description & (assessed) value of the Advantage: \_\_\_\_\_

#### Suggested Method of Disposal:

- ☐ To be Retained by the Recipient
- ☐ To be Retained for Use/Display in the Office
- ☐ To be Shared among Staff and Students
- ☐ To be Reserved as Lucky Draw Prize at School/Staff Functions
- ☐ To be Returned to Offeror
- ☐ Others (please specify):

#### Remark

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Name of Recipient)  
(Date)

### Part B: To be completed by Management Committee/IMC\*

To: (Name of Recipient)

The recommended method of disposal is approved /not approved\*.

The advantage concerned should be disposed of by way of :

\_\_\_\_\_

\_\_\_\_\_  
(Chairperson (or the Management Committee/IMC) \*)  
Date

\* Please delete as appropriate.

## **Sample Letter to Suppliers/Contractors regarding Policy on Acceptance of Advantages by School Managers/Staff**

(Date)

Dear Sir/Madam,

### **Policy on Acceptance of Advantages by School Managers/Staff**

I am pleased to inform you that our School has a clear policy on the solicitation and acceptance of advantages by Managers/staff in their official dealings.

It is a must that we have to maintain a team of clean and honest School Managers/staff at all times. Therefore, it is our policy that no Managers/staff shall solicit or accept gifts, money or any other form of advantages in their course of duty respectively without the special permission of the [Management Committee/Incorporated Management Committee or approving authority, as appropriate].

All our Managers/staff are committed to this policy and are fully aware that any breach of the policy will result in disciplinary action. Where the situation warrants, the case will even be reported to the Independent Commission Against Corruption for further action.

As a major stakeholder, we earnestly request your support to our commitment of managing our School in a fair and just way. Should any member of our Managers/staff approach you for an advantage, please let me know immediately.

Thank you for your cooperation.

Yours sincerely,

Head of School

## **Sample Notice to Parents regarding Policy on Acceptance of Advantages by School Managers/Staff**

(Date)

Dear Parents,

### **Policy on Acceptance of Advantages by School Managers/Staff**

I am pleased to inform you that our School has a policy on the solicitation and acceptance of advantages by Managers/staff in their official dealings.

In order to maintain a high moral standard of our Managers/staff and to set a good example to our students, it is our policy that no Managers/staff in our School should solicit or accept gifts, money or any other form of advantages in the course of their duty. Although we understand that offering advantages by parents is a gesture of goodwill, the acceptance of which, however, may turn it into a common practice. This may in turn cause speculations by outsiders and bring disrepute or embarrassment to the School and its Managers/staff as well as the parents. May I therefore appeal to you to refrain from offering advantages to our Managers/staff and join hands with us in managing our School in a fair and just way. Should any member of our Managers/staff approach you for an advantage, please let me know immediately.

Thank you for your cooperation.

Yours sincerely,

Head of School



## **Examples of Conflict of Interest Situations**

### ***Procurement***

- (a) A Manager has a financial interest in or is closely related with a company which is a supplier of goods or contractor of service (e.g. maintenance contractor, education materials supplier) to the school.
- (b) A Manager evaluates and selects a supplier/contractor from a number of bidders, and he, his spouse, family member, relative or personal friend, has a financial interest in one of the bidders, e.g. a bidder is operated by his spouse.

### ***Staff Recruitment***

- (c) A Manager appoints his relative or friend to take up a post in the school without following the established recruitment procedures.
- (d) A Manager interviews and recruits his relative or friend applying for a job in the school.

### ***Student Admission/Assessment***

- (e) A Manager requests the Principal to admit a student without following the established admission procedures.
- (f) A Manager influences the admission interview result or performance assessment of a student who is his or his close friend's child or relative.

### ***Confidentiality of Information***

- (g) A Manager leaks confidential information relating to the school's operations (e.g. internal scoring guidelines in evaluating tenders for works contracts) to favour his friends or relatives.

### ***Others***

- (h) A Manager enters into business relationship with parents or takes up part-time jobs for contractors of the school.
- (i) A Manager leases or sells his property to the school.

*[The School may include more conflict of interest examples.]*

## Declaration of Conflict of Interest by Managers

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

To : (Management Committee/Incorporated Management Committee (IMC)\*)

I would like to report the following existing/perceived\* conflict of interest situation in relation to the discussion item:

<b>(i) Matter to be discussed by the Management Committee/IMC*</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 Manager)

\_\_\_\_\_  
(Date)

### Part B – Approval *(To be completed by Management Committee/IMC\*)*

To : (Declaring Manager)

(a) 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 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 (but not to speak or vote) 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 any documents regarding the matter sent to you earlier.
- ☐ Others (please specify): \_\_\_\_\_

(b) The justification(s) for the measure(s) as described in Part B(a) above is/are:

\_\_\_\_\_

\_\_\_\_\_  
(Chairperson (or the Management Committee/ IMC)\*)

\_\_\_\_\_  
(Date)

\* Please delete as appropriate.

## **Measures to Manage Possible Conflict of Interest Arising from Managers' Bidding for Supply of Goods/Services to the School**

- (1) When a procurement requiring the decision of the Management Committee/ Incorporated Management Committee (IMC) is discussed, Managers should be asked at the outset to declare whether they or any company associated with them are interested in bidding for the supply of goods/services.
- (2) Managers who have declared an interest to bid should not take part or be present at any subsequent discussions or meetings concerning the proposed procurement, and should be prohibited from access to any information in relation to the procurement (other than in the capacity of a bidder).
- (3) Managers who have not declared an interest to bid (and the companies concerned) should not be allowed to bid subsequently.
- (4) When a Manager (or a company associated with him) has expressed an interest to bid, the Management Committee/IMC should ascertain whether any information relating to the tender/quotation has already come to the possession of the Manager in the course of his duties as a Manager. If so, such information should be made available to other bidders as far as practicable to ensure a level playing field.
- (5) If a Manager (or a company associated with him) has put in a bid/quotation, care should be taken to ensure that he subsequently has no access to the submitted tender documents/quotations which may contain commercially sensitive information.
- (6) Bidder identities should be anonymised before the evaluation of bids if a Manager (or a company associated with him) is one of the bidders.
- (7) If a Manager (or a company associated with him) is successful in bidding for the supply of goods/services, he should withdraw from all related discussions, except when attending in the capacity of a supplier or a service provider.

## Introduction

1. [Name of the School] (hereafter referred to as “the School”) is fully committed to the principles of honesty, integrity and fair play. It is therefore important for staff to handle the School’s business in a fair and impartial manner, and ensure that the School’s reputation will not be tarnished by any acts of dishonesty, impropriety or corruption. To this end, this Code of Conduct sets out the standard of conduct expected of all staff.

## General Principles

2. To uphold a high standard of integrity, staff shall:
- (a) ensure that their conduct would not bring the School into disrepute;
  - (b) refrain from doing anything which may compromise or impair their integrity or impartiality in handling the School’s business;
  - (c) adhere to any guidelines, instructions, regulations and procedures made by the Management Committee/Incorporated Management Committee<sup>1</sup> (IMC) for conducting business and performing work for the School, and governing the conduct and integrity standards expected of staff; and
  - (d) maintain an open, transparent and welcoming environment in the best interest of all stakeholders including students, parents and teachers.

*[Schools may include other suitable principles/core values.]*

## Compliance with Legislations and Professional Standards

3. Staff shall ensure policies and operations of the School are in full compliance with the relevant legislations and professional standards and requirements, in particular, the Education Ordinance (Cap. 279) and Education Regulations (Cap. 279A), circulars and advice issued by the Education Bureau (EDB), as well as any other guidelines and instructions issued by government departments and authorities for the implementation/enforcement of statutory requirements relating to the management and operation of schools.

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<sup>1</sup> According to the Education Ordinance (Cap. 279), all aided schools are required to set up Incorporated Management Committee (IMC, 法團校董會) to manage the school. Direct Subsidy Scheme schools and specified schools may, according to their own needs, decide on whether or not to establish an IMC. A school without an IMC shall be managed by its Management Committee.

## Prevention of Bribery Ordinance (Cap. 201)<sup>2</sup>

4. Staff are agents of the school and governed by section 9 of the Prevention of Bribery Ordinance (POBO) (**Annex 1**). Under the POBO, any staff member who, without the permission of the Management Committee/IMC of the school, solicits or accepts an advantage as a reward for or inducement to doing any act or showing favour in relation to the school's business, commits an offence. The person offering the advantage also commits an offence. The term "advantage" is defined in the POBO and includes any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc., except entertainment. It is also an offence under section 9(3) of the POBO for any staff member to use any document containing false information with the intent to deceive the school.

5. The School's policy on the solicitation, acceptance and offering of advantages and entertainment by staff is set out in paragraphs 6-14.

## Solicitation and Acceptance of Advantages

6. The School prohibits staff from soliciting or accepting any advantage from parents and persons or companies having official dealings with the School (e.g. suppliers and contractors). Solicitation or acceptance of advantages by staff from subordinates is also prohibited.

7. Staff may accept, but should not solicit, the following advantages when they are offered on a voluntary basis:

- (a) advertising or promotional gifts or souvenirs of a nominal value; or
- (b) discount or other special offers given by any person or company to them as customers, on terms and conditions equally applicable to other customers in general.

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<sup>2</sup> The description and explanation of the legal requirements under the Prevention of Bribery Ordinance (POBO) in this Sample Code of Conduct are necessarily general and abbreviated for ease of understanding. Users of this Sample Code of Conduct are advised to refer to the original text of the POBO or seek legal advice on particular issues where necessary. The ICAC will not accept any responsibility, legal or otherwise, for any loss occasioned to any person acting or refraining from action as a result of any material in this Sample Code of Conduct.

*[If the school considers acceptable under exceptional circumstances to allow staff to accept advantages from students or parents, special permission is recommended from the control perspective as the school can consider the circumstances of each case before granting the permission. If the school, after due consideration, wishes to give blanket permission for staff to accept defined advantage(s) under specified circumstances, it should impose restrictions as below:*

*(c) gifts offered on special occasions (i.e. graduation ceremonies, retirement, resignation), and subject to a maximum of \$ \_\_\_\_\_in value.]*

8. If staff wish to accept any advantage not listed in paragraph 7, they should seek prior permission from the Management Committee/IMC or designated authority, such as Supervisor/Principal, using **Form A** (Sample at **Annex 2**). Where it is impossible to obtain prior approval before acceptance, the staff should provide written justification to and apply for such permission from the Management Committee/IMC or designated authority within [ \_\_ ] working days after acceptance of the advantage. In case of doubt, staff should refer the matter to the Management Committee/IMC for advice and instruction.

*[Schools should refer to and comply with EDB Circular No. 14/2003 on the general principles on “Acceptance of advantages and donations by schools and their staff”, which is subject to review and update by EDB from time to time and can be accessed at the EDB Homepage via the following path:*

***EDB Homepage (www.edb.gov.hk) > School Administration and Management > Financial Management > Notes to School Finance > References on Acceptance of Advantages and Donations by Schools and Their Staff]***

*[Sample letter and notice to inform suppliers/contractors and parents of the school’s policy on acceptance of advantages are at **Annexes 3 and 4** respectively.]*

9. Even if the offeror does not have any official dealings with the School, a staff member should decline an offer of advantage if the acceptance could affect his objectivity in conducting the School’s business, induce him to act against the School’s interest or place him under an improper obligation, or where he believes the offeror

has such an intention, or the acceptance will likely lead to the perception or allegation of impropriety or conflict of interest. Staff should ensure that the acceptance of any advantages can stand up to public scrutiny and will not bring the School into disrepute.

### ***Gifts/Souvenirs Presented to Staff in Their Official Capacity***

10. A gift/souvenir presented to a staff member in his official capacity is deemed as an offer to the School (e.g. a gift/souvenir presented to a staff member who represents the School to participate in an event or to officiate at a ceremony). In principle, staff should as far as possible decline to accept advantages offered/presented to them by virtue of their official position. Where this cannot be done due to protocol reasons or the need to avoid causing offence or embarrassment or inconvenience (such as a gift/souvenir offered/presented to a staff member when attending a ceremonial occasion in his official capacity), he/she should report the acceptance to the School and follow the guidelines set out at **Annex 2 and Form A** for the disposal of the gifts/souvenirs received. Such permission should be applied for within [ ] working days after acceptance of the gift/souvenir.

### ***Acceptance of Entertainment***

11. As defined in section 2 of the POBO, “entertainment” means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with or provided at the same time as the provision of food or drink.

12. Staff should not accept lavish, unreasonably generous, or frequent entertainment, or indeed any entertainment which is likely to give rise to any perceived or actual conflict of interest, put the staff in an obligatory position in the discharge of their duties, compromise their impartiality or judgement, or bring them or the School into disrepute bearing in mind public perception. When offered entertainment, a staff member should consider whether the entertainment offered could be regarded as:

- (a) excessive – taking into account its value, substance, frequency and nature;
- (b) inappropriate – taking into account the relationship between the staff and the offeror (e.g. the offeror is bidding for the School’s contract); or
- (c) undesirable – taking into account the character or reputation of the host or known attendees.

*[Schools may insert additional guidelines on acceptance of entertainment and the reporting requirements.]*

## Offering of Advantages

13. Staff are prohibited from offering advantages to any director or staff of any organisation, for the purpose of influencing such person or organisation in any dealings, or any public official<sup>3</sup> when conducting the business of the School<sup>4</sup>.

14. Staff should as far as possible refrain from offering souvenirs to others during the conduct of official activities. However, if it is unavoidable due to operational, protocol or other reasons, the number of souvenirs to be offered should be kept to a minimum and the exchange of souvenirs should be made from organisation to organisation. Souvenir items should not be lavish or extravagant and souvenirs inscribed with the School's logo or name are preferred.

## Managing Conflict of Interest

15. Managing conflict of interest is important to good governance. If not properly managed, it could give rise to criticism of favouritism, abuse of authority or even allegation of corruption, and undermine the integrity of staff, their decisions and eventually the reputation of the School.

### *Conflict of Interest*

16. A conflict of interest situation arises when the "private interests" of a staff member compete or conflict with the interests of the school or the official duties of the staff member. Private interests include financial and other interests of the staff member himself, and those of his connections including family and other relations, personal friends, associations, clubs and societies to which he belongs to, and any person to whom he owes a favour or to whom he may be obligated in any way. Use of official position and use of official information are some common areas in which conflict of interest may arise between official duties and private interests of a staff member. Some common examples of conflict of interest situations are set out in Annex 5 but they are by no means exhaustive.

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<sup>3</sup> Examples of public officials include officers of the Education Bureau, Social Welfare Department, Equal Opportunities Commission, Hong Kong Examinations and Assessment Authority, etc.

<sup>4</sup> Offer of advantages to public officials under the circumstances specified in Sections 4 or 8 of the POBO may constitute an offence.



### ***Avoidance and Declaration of Conflict of Interest***

17. A fundamental integrity requirement is that all staff should avoid situations which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest.

18. There are circumstances in which a tie of kinship or friendship, or some other association or loyalty which does not give rise to a financial interest, can influence the judgement of a staff member in discharging his official duties, or may reasonably be perceived as having such an influence. As such, a staff member's duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.

19. When a situation involving a conflict of interest cannot be avoided, staff should as soon as possible use **Form B in Annex 5** to make full disclosure of all relevant interests which conflict, may conflict or may be seen to conflict with their official duties.

### ***Handling of Declared Conflict of Interest***

20. For staff members who have made a declaration, the Management Committee/IMC or designated authority will then decide on the appropriate course of action to be taken to mitigate the conflict, such as releasing the staff member from his involvement in the task or permitting the staff member to continue undertaking the work (Part B of **Form B in Annex 5**). All declarations and mitigation actions taken should be properly recorded. If staff have doubts concerning the handling of conflict of interest situations, they should consult the Management Committee/IMC.

### ***Misuse of Official Position***

21. Staff should act impartially. They should not use their official position for personal gains or according preferential treatment to organisations or persons with whom they have connections. Moreover, they should not use or permit the use of their official position or title in a manner that is intended to coerce or induce another person to provide any benefit for themselves or their relations, friends or associates, or that could reasonably be construed to imply that the School sanctions or endorses their personal activities.

## **Confidentiality of Information**

22. Staff should not disclose any classified or proprietary information of the School without authorisation or misuse any information of the School (e.g. using the information for personal gains or the benefit of others).

23. Staff who have access to or are in control of such information (e.g. personal data, questions for admission tests, tender/quotation information) should at all times ensure its security and prevent any abuse, unauthorised disclosure or misuse of the information. Staff should not openly discuss any personal data or information about students (e.g. their performance) or their families (e.g. family particulars) in the presence of other unrelated parties.

24. Staff should continue to observe their duty of confidentiality after they have resigned/retired from the School. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

## **Records, Accounts and Other Documents**

25. Staff should ensure, to the best of their knowledge, that any records, receipts, accounts or other documents they submit to the School, give a true representation of the events or transactions reported in the documents.

26. Intentional use of documents containing false information to deceive or mislead the School, regardless of whether or not the staff may obtain any gain or advantage, may constitute an offence under section 9(3) of the POBO.

## **Use of School's Resources and Information**

27. Staff should ensure that the School's funds are used in a prudent and responsible manner to safeguard the School's interests. They should only approve funds for any project/activity/expenditure items which fall within the ambit of the funds and can achieve the purpose of the funds.

28. Staff in charge of or having access to any information not made available to the public, assets of the School, including funds, property, information, and intellectual

28. Staff in charge of or having access to any information not made available to the public, assets of the School, including funds, property, information, and intellectual property should use them solely for the purpose of conducting the School's business. They should make the best use of the School's assets and resources in terms of money, property, goods or services economically and diligently. Any misappropriation of the School's properties or unauthorised disclosure of proprietary information of the School for personal use or personal gain is strictly prohibited, and may amount to a criminal offence.

## Outside Duties

29. A staff member should avoid any outside activity which may interfere with the performance of his duties, distract his attention from the duties or give rise to conflict of interest. If a full-time staff member wishes to take up outside duties, either on a regular, part-time or ad hoc basis, he should obtain the prior written approval of the Management Committee/IMC or designated authority. Part-time staff member should register his other employment or service with the School. The Management Committee/IMC or designated authority will consider whether the outside duties would pose a perceived or actual conflict of interest with the staff member's duties in the School.

*[Aided schools should refer to and comply with the relevant guidelines in the Codes of Aid and School Administration Guide when handling outside duties of school staff, which can be accessed at the EDB Homepage via the following paths:*

***EDB Homepage ([www.edb.gov.hk](http://www.edb.gov.hk)) > School Administration and Management > Regulations > Code of Aid***

***EDB Homepage ([www.edb.gov.hk](http://www.edb.gov.hk)) > School Administration and Management > Regulations > School Administration Guide***

## Loans

30. Staff should not accept a loan from or through the assistance of parents, persons or organisations having official dealings with the School; or use a subordinate or a junior officer as a guarantor for a loan or a hire purchase agreement; or act as a guarantor for a

## **Indebtedness**

31. Staff should avoid putting themselves into a position where their financial burden, in particular debts, may have become unmanageable or may bring the School into disrepute. Where a staff member's indebtedness results in impairment of his work performance or increased financial vulnerability, the School will follow up as appropriate, including imposing administrative action.

## **Gambling**

32. Staff should avoid engaging in gambling of any kind with parents and persons having official dealings with the School.

## **Managing Relationship with Parents**

33. The School's core values, policy on acceptance of advantages and entertainment, and management of conflict of interest will be communicated clearly and timely (e.g. at the beginning of a school year and during festival seasons) in writing (e.g. school notice) to parents and reiterated on suitable occasions (e.g. teacher and parent meetings). Staff should impress on parents that their voluntary services are enlisted out of their free will and passion for serving the students. The service should in no way be perceived or taken that the School would reciprocate with preferential treatment to their children or that it would constitute an edge for their children over other students in any aspects. There should not be pressure created for parents to feel obligated to provide voluntary services to the School.

## **Compliance**

34. Staff should understand and comply with this Code when performing duties and work for the School. Those who are in breach of this Code could be subject to disciplinary action, including termination of appointment. Staff should also report any irregularities observed in the course of their duties to [the Management Committee/IMC or designated authority, as appropriate]. All such reports should be treated in the strictest confidence.

*[Aided schools should refer to and comply with relevant guidelines in the School Administration Guide when considering disciplinary action against staff with misconduct.]*

35. In case of suspected corruption or other criminal offences, a report should be made to the ICAC or the appropriate law enforcement agencies.

## **Review**

36. This Code is subject to review and revision from time to time by the School.

## **Enquiry**

37. Any enquiries, comments or suggestions in relation to this Code may be referred to the Management Committee/IMC or the designated authority, as appropriate.

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

### **Section 9 – Corrupt transactions 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.

## Section 2 – Interpretation

### **“Advantage” means:**

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e),

but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), particulars of which are included in an election return in accordance with that Ordinance.

**“Entertainment” means:**

the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provisions.



## **Guidelines for Handling Gifts/Souvenirs Given to Staff in their Official Capacity**

All gifts/souvenirs received by staff in their official capacity should be forwarded to the *[Management Committee/Incorporated Management Committee or designated authority, as appropriate]* for disposal in the following manner:

- (a) If the gift/souvenir is of perishable nature (e.g. food, drink), it may be shared among staff and students.
- (b) If the gift/souvenir is a useful item (e.g. stationery, office items), it may be kept for use by the School.
- (c) If the gift/souvenir is suitable for display (e.g. a painting, vase, trophy), it may be displayed at appropriate locations of the School.
- (d) If the gift/souvenir is of low value, it may be donated as a prize in functions organised by the School.
- (e) If the gift/souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient presented on special occasions (e.g. staff retirement, graduation), it may be retained by the recipient.
- (f) If the gift/souvenir is of low value and distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc., it may be retained by the recipient.
- (g) Any gift/souvenir of high value should be returned to the offeror.

## Report on Advantages Received

[The school may consider specifying the timeframe for reporting acceptance of advantages (e.g. within \_\_ working days after such acceptance).]

### Part A: To be completed by recipient

To: (Management Committee/Incorporated Management Committee (IMC)(for Principal)/Supervisor/Principal (for staff)\*)

Description of Offeror:

Name & Title: \_\_\_\_\_

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

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

Occasion on which the Advantage was/is to be received: \_\_\_\_\_

Description & (assessed) value of the Advantage: \_\_\_\_\_

#### Suggested Method of Disposal:

- ☐ To be Retained by the Recipient
- ☐ To be Retained for Use/Display in the Office
- ☐ To be Shared among Staff and Students
- ☐ To be Reserved as Lucky Draw Prize at School/Staff Functions
- ☐ To be Returned to Offeror
- ☐ Others (please specify):

#### Remark

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name of Recipient)

(Date)

### Part B: To be completed by Management Committee/IMC/Supervisor/Principal\*

To: (Name of Recipient)

The recommended method of disposal is **approved /not approved\***.

The advantage concerned should be disposed of by way of :

\_\_\_\_\_

\_\_\_\_\_  
(Chairperson (or the Management Committee/IMC/  
Supervisor/Principal\*))

Date

\* Please delete as appropriate.

## **Sample Letter to Suppliers/Contractors regarding Policy on Acceptance of Advantages by School Managers/Staff**

(Date)

Dear Sir/Madam,

### **Policy on Acceptance of Advantages by School Managers/Staff**

I am pleased to inform you that our School has a clear policy on the solicitation and acceptance of advantages by Managers/staff in their official dealings.

It is a must that we have to maintain a team of clean and honest School Managers/staff at all times. Therefore, it is our policy that no Managers/staff shall solicit or accept gifts, money or any other form of advantages in their course of duty respectively without the special permission of the *[Management Committee/Incorporated Management Committee or designated authority, as appropriate]*.

All our Managers/staff are committed to this policy and are fully aware that any breach of the policy will result in disciplinary action. Where the situation warrants, the case will even be reported to the Independent Commission Against Corruption for further action.

As a major stakeholder, we earnestly request your support to our commitment of managing our School in a fair and just way. Should any member of our Managers/staff approach you for an advantage, please let me know immediately.

Thank you for your cooperation.

Yours sincerely,

Head of School

## **Sample Notice to Parents regarding Policy on Acceptance of Advantages by School Managers/Staff**

(Date)

Dear Parents,

### **Policy on Acceptance of Advantages by School Managers/Staff**

I am pleased to inform you that our School has a policy on the solicitation and acceptance of advantages by Managers/staff in their official dealings.

In order to maintain a high moral standard of our Managers/staff and to set a good example to our students, it is our policy that no Managers/staff in our School should solicit or accept gifts, money or any other form of advantages in the course of their duty. Although we understand that offering advantages by parents is a gesture of goodwill, the acceptance of which, however, may turn it into a common practice. This may in turn cause speculations by outsiders and bring disrepute or embarrassment to the School and its Managers/staff as well as the parents. May I therefore appeal to you to refrain from offering advantages to our Managers/staff and join hands with us in managing our School in a fair and just way. Should any member of our Managers/staff approach you for an advantage, please let me know immediately.

Thank you for your cooperation.

Yours sincerely,

Head of School

## **Examples of Conflict of Interest Situations**

### ***Procurement***

- (a) A staff member has a financial interest in or is closely related with a company which is a supplier of goods or contractor of service (e.g. maintenance contractor, education materials supplier) to the school.
- (b) A staff member evaluates and selects a supplier/contractor from a number of bidders, and he, his spouse, family member, relative or personal friend, has a financial interest in one of the bidders, e.g. a bidder is operated by his spouse.
- (c) A staff member who is responsible for contract administration solicits services from contractors of the school for his personal interests (e.g. request the contractor to provide renovation service for his or his relative's home).

### ***Staff Recruitment***

- (d) A Principal appoints his relative or friend to take up a post in the school without following the established recruitment procedures.
- (e) A staff member interviews and recruits his relative or friend applying for a job in the school.

### ***Student Admission/Assessment***

- (e) A staff member interviews and recommends admission of a student who is his or his close friend's child or relative.
- (f) A staff member influences the admission interview result or performance assessment of a student who is his or his close friend's child or relative.

### ***Confidentiality of Information***

- (h) A staff member leaks confidential information relating to the school's operations (e.g. questions set for admission interview, maintenance plans) to favour his friends or relatives.

### **Others**

- (i) A staff member enters into business relationship with parents, or performs outside work for parents or students (e.g. private tuition), or takes up part-time jobs for contractors of the school.
- (ii) A staff member leases or sells his property to the school.

*[The school may include more conflict of interest examples.]*

## Declaration of Conflict of Interest by Staff

### Part A – Declaration *(To be completed by Declaring Principal/Staff Member\*)*

To : (Management Committee/Incorporated Management Committee (IMC)/Supervisor/Principal\*)

I would like to report the following existing/perceived\* 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 our School (e.g. supplier)</b>
<b>Brief description of my duties which involved the persons/companies (e.g. handling of quotation/tender exercise, processing student admission)</b>

\_\_\_\_\_  
(Name of Declaring Principal/Staff Member\*)  
(Date)

### Part B – Approval *To be completed by Management Committee/IMC/ Supervisor/Principal\*)*

To : (Declaring Principal/Staff Member\*)

(a) 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, and you must uphold the School's interest without being influenced by your private interest.
- ☐ Others# (please specify): \_\_\_\_\_

(b) The justification(s) for the measure(s) as described in Part B(a) above is/are:

\_\_\_\_\_

\_\_\_\_\_  
(Chairperson (or the Management Committee/IMC)/Supervisor/Principal\*)  
(Date)

\* Please delete as appropriate.

# Examples of other measures: (i) relinquish the personal/private interest (e.g. divest of the investment involved); (ii) continue to handle the work but an independent officer would be assigned to participate in, oversee or review part or all of the decision-making process

## Introduction

This Code sets out the basic standard of conduct expected of all executive committee members (members) of the Parent-Teacher Association (PTA) and the policies on acceptance of advantage and conflict of interest in connection with the members' official duties.

## Prevention of Bribery Ordinance (Cap. 201)

2. Under Section 9 of the Prevention of Bribery Ordinance (the Ordinance), any agent who, without the permission of his employer or principal, 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 may also commit an offence. The term "advantage" is defined in the Ordinance and includes money, gift, loan, fee, reward, employment, contract, service and favour. The term "agent" includes the executive committee members of the PTA, and the "principal" refers to the PTA itself.

3. It is also an offence under the Ordinance for any agent to use any document containing false information with the intent to deceive his employer or principal.

## Acceptance of Advantages

4. It is the PTA's policy that members should not solicit or accept any advantage from any persons or companies having business dealings with the PTA (e.g. suppliers, contractors). However, members are allowed to accept (but not solicit) the following advantages when offered on a voluntary basis:

- (a) advertising or promotional gifts of a nominal value;
- (b) gifts given on festive or special occasions subject to a maximum limit of \$XXX in value;
- (c) discounts or other special offers from any person or company, on terms and conditions applicable to other customers; or
- (d) gifts or souvenirs of a nominal value presented to the member acting on behalf of the PTA in official functions.



If a member wishes to accept any other advantage not listed in paragraph 4, he should seek permission in writing from the PTA.

5. A member should decline an offer of advantage if the acceptance could affect his objectivity in conducting the PTA's business or induce him to act against the PTA's interest, or where he believes the offeror has such an intention, or acceptance will likely lead to perception or allegations of impropriety.

## **Offering of Advantages**

6. Members should not offer advantage 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 PTA.

## **Entertainment**

7. 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 of any other entertainment provided at the same time. Although entertainment is an acceptable form of business and social behaviour, a member must not accept lavish or frequent entertainment from persons with whom the PTA has business dealings (e.g. suppliers or contractors) to avoid placing himself/herself in a position of obligation to the offeror.

## **Conflict of Interest**

8. Members should avoid any conflict of interest situation (i.e. situation where their private interest conflicts with the interest of the PTA) or the perception of such conflicts. Private interest includes both financial and personal interests of the 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 an actual or potential conflict of interest arises (e.g. a member having interest in a company which has business dealings with the PTA), the member should make a declaration to the PTA in writing. Failure in doing so may give rise to criticism of favouritism, abuse of authority or even allegation of corruption.

## **Use of PTA Assets**

9. Members should use the assets of the PTA solely for the purpose of conducting the PTA's business. Unauthorised use of the PTA's assets to make personal gain is strictly prohibited.

## **Records, Accounts and Other Documents**

10. Members should ensure, to the best of their knowledge, that any records, accounts or other documents they submit to the PTA truly represent the events or transactions reported in the documents. Intentional use of documents containing false information to deceive or mislead the PTA, regardless of whether the member may obtain any gain or advantage, may constitute any offence under the Ordinance.

## **Confidentiality of Information**

11. Members should not disclose any classified information of the PTA without authorisation or misuse any information of the PTA. Those who have access to or in control of such information should at all times ensure its security and prevent any abuse, unauthorised 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 PTA's data privacy policy.

## **Misuse of Official Capacity**

12. A member should not misuse his official capacity to benefit himself, his relations or any other persons with whom he has personal or social ties, or render favour to any person or organisation.

## **Compliance with the Code**

13. It is the personal responsibility of every member of the PTA to understand and comply with the Code. Any member who is in breach of the Code will be subject to disciplinary action, including termination of service. In cases of suspected corruption or criminal offences, a report will be made to the ICAC or the appropriate law enforcement authorities.

# SAMPLE FORM FOR DECLARATION OF INTEREST

*(For specific duties such as procurement and recruitment)*

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

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

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

<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 our school (e.g. supplier, job applicant)</b>
<b>Brief description of my duties which involved the persons/companies (e.g. handling of tender or recruitment exercise)</b>

(Date)

\_\_\_\_\_  
(Name of Declaring Staff)

(Title/Department)

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

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

### Acknowledgement of Declaration

The information contained in your declaration form of    (Date)    is noted. It has been decided that :-

- ☐ You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- ☐ You may continue to handle the work as described in Part A, provided that there is no change in the information declared above, and you must uphold the Company's interest without being influenced by your private interest.
- ☐ Others (please specify) : \_\_\_\_\_

(Date)

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

(Title/Department)

\* Please delete as appropriate

# PURCHASE REQUISITION

PR No. \_\_\_\_\_

**PART A**

Requesting Staff : \_\_\_\_\_

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

☐ CASH PURCHASE☐ PURCHASE ORDER (please ✓ as applicable)

Item#	Qty	Description/Specification	Code	Purpose	Est. Price
TOTAL:					

Item#	Budget	Budget Provision (HK\$)	Accumulated Expenses (HK\$)	Balance Available (HK\$)	Justifications (if budget not available)

Deliver to:	Delivery date:
-------------	----------------

Requested by : \_\_\_\_\_ Signature : \_\_\_\_\_ Date : \_\_\_\_\_

Endorsed / Not Endorsed (please delete as applicable)

Reason(s) if not endorsed : \_\_\_\_\_

Endorsing officer : \_\_\_\_\_ Signature : \_\_\_\_\_ Date : \_\_\_\_\_

## PART B

### Quotations Invited:

Supplier	Date Received	Contact Person & phone no. (if verbal)	Compliant (Y/N)	Price HK\$	Special Conditions / Remarks

Quotations attached ☐ not attached ☐ (please ✓ as applicable)

Recommended supplier/contractor :

Reason(s) if lowest bid not selected :

Recommended by : \_\_\_\_\_ Signature : \_\_\_\_\_ Date : \_\_\_\_\_

Approved / Not Approved (please delete as applicable)

Reason(s) if not approved :

Approving officer : \_\_\_\_\_ Signature : \_\_\_\_\_ Date : \_\_\_\_\_

---

## PART C

P.O. No.: \_\_\_\_\_

Accounting Staff: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PETTY CASH REPLENISHMENT FORM**

PCRF No. \_\_\_\_\_

Date	PCV No.	Payee	Office Supplies HK\$	Transportation HK\$	Others HK\$	Total HK\$
Total Expenditures						

PV No.:

Checked by: \_\_\_\_\_  
( ) (Date)Approved by: \_\_\_\_\_  
( ) (Date)

### Offering Gratuities

- (1) The tenderer shall not, and shall procure that his employees, agents and sub-contractors shall not, offer, solicit or accept an advantage as defined in the Prevention of Bribery Ordinance, Cap 201 in connection with the tendering and execution of this contract.
- (2) Failure to so procure or any act of offering, soliciting or accepting advantage referred to in (1) above committed by the tenderer or by an employee, agent or sub-contractor of the tenderer shall, without affecting the tenderer's liability for such failure and act, result in his tender being invalidated.

*Note: The above clause is meant for sample only. Users of this Best Practice Checklist should consult their own legal advisor in drawing up tender notices or contract documents.*

## SAMPLE ANTI-COLLUSION CLAUSE

### Anti-collusion

- (1) The tenderer shall not communicate to any person other than the [***name of employer***] (hereafter referred to as the Employer) the amount of any tender, adjust the amount of any tender by arrangement with any other person, make any arrangement with any other person about whether or not he or that other person should or should not tender or otherwise collude with any other person in any manner whatsoever in the tendering process until the tenderer is notified by the Employer of the outcome of the tender exercise. Any breach of or non-compliance with this sub-clause by the tenderer shall, without affecting the tenderer's liability for such breach or non-compliance, invalidate his tender.
- (2) Sub-clause (1) of this Clause shall have no application to the tenderer's communications in strict confidence with his own insurers or brokers to obtain an insurance quotation for computation of tender price and communications in strict confidence with his consultants / sub-contractors to solicit their assistance in preparation of tender submission.
- (3) The tenderer shall submit to the Employer a duly signed letter in the form set out in Annex. The letter shall be signed by a person authorised to sign the contract on the tenderer's behalf.

***Note: The above clauses are meant for samples only. Users of this Best Practice Checklist should consult their own legal advisor in drawing up tender notices or contract documents.***



## Declaration on Compliance with the Anti-Collusion Requirements

To: **[Name of Employer]**

Dear Sir/Madam,

### Contract No. [     ] Confirmation Letter for Compliance with Probity and Anti-Collusion Clauses in Tender

[I/We]<sup>1</sup>, **[name of the tenderer]**<sup>2</sup> of **[address of the tenderer]**<sup>2</sup> refer to [my/our]<sup>1</sup> tender for the above Contract.

[I/We] 1 confirm that as at the time of submission of this letter and other than the Excepted Communications referred to in the last paragraph of this letter [I/we]<sup>1</sup> had not communicated to any person other than the **[name of the employer]** (hereinafter referred to as the Employer) the amount of any tender, adjusted the amount of any tender by arrangement with any other person, made any arrangement with any other person about whether or not [I/we]<sup>1</sup> or that other person should tender or otherwise colluded with any other person in any manner whatsoever and undertake that at any time thereafter in the tendering process for the above Contract until the tenderer is notified by the Employer of the outcome of the tender exercise and other than the Excepted Communications referred to in the last paragraph of this letter [I/we]<sup>1</sup> will not communicate to any person other than the Employer the amount of any tender, adjust the amount of any tender by arrangement with any other person, make any arrangement with any other person about whether or not [I/we]<sup>1</sup> or that other person should tender or otherwise collude with any other person in any manner whatsoever.

In this letter, the expression “Excepted Communications” means [my/our]<sup>1</sup> communications in strict confidence with [my/our]<sup>1</sup> own insurers or brokers to obtain an insurance quotation for computation of tender price and communications in strict confidence with [my/our]<sup>1</sup> consultants or sub-contractors to solicit their assistance in preparation of tender submission.

---

(Signed for and on behalf of the tenderer)

---

1. Delete as appropriate

2. Where the tenderer comprises two or more persons or companies acting in partnership, joint venture or otherwise, this part in square brackets should be expanded to include the respective names and addresses of such persons or as the case may be companies.

3. Where the tenderer comprises two or more persons or companies acting in partnership, joint venture or otherwise, all such persons or as the case may be companies must sign. The signatory for each of such persons or companies shall be a person authorized to sign the contract on behalf of that person or as the case may be company.

## **Ethical Commitment**

### ***Information not to be Divulged***

- (A) The Contractor shall not use or divulge, except for the purpose of the Contract, any information provided by [name of the employer] (hereafter referred to as the Employer) in the Contract or in any subsequent correspondence or documentation. Any disclosure to any person or agent or sub-contractor for the purpose of the Contract shall be in strict confidence and shall be on a "need to know" basis and extend only so far as may be necessary for the purpose of this Contract. The Contractor shall take all necessary measures (including by way of a code of conduct or contractual provisions where appropriate) to ensure that information is not divulged for purposes other than that of this Contract by such person, agent or sub-contractor. The Contractor shall indemnify and keep indemnified the Employer against all loss, liabilities, damages, costs, legal costs, professional and other expenses of any nature whatsoever the Employer may suffer, sustain or incur, whether direct or consequential, arising out of or in connection with any breach of the aforesaid non-disclosure provision by the Contractor or his employees, agents or sub-contractors.

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

- (B) The Contractor shall prohibit his employees, agents, and sub-contractors who are involved in this Contract from offering, soliciting or accepting any advantage as defined in the Prevention of Bribery Ordinance, Cap 201 when conducting business in connection with this Contract.

### ***Declaration of Interest***

- (C) The Contractor shall require his employees, agents and sub-contractors who are involved in this Contract to declare in writing to the Contractor any conflict or potential conflict between their personal/financial interests and their duties in connection with this Contract. In the event that such conflict or potential conflict is disclosed in a declaration, the Contractor shall forthwith take such reasonable measures as are necessary to mitigate as far as possible or remove the conflict or potential conflict so disclosed.

- (D) The Contractor shall prohibit his employees who are involved in this Contract from engaging in any work or employment other than in the performance of this Contract, with or without remuneration, which could create or potentially give rise to a conflict between their personal/financial interests and their duties in connection with this Contract. The Contractor shall also require their sub-contractors and agents to impose similar restriction on their employees by way of a contractual provision.
- (E) The Contractor shall take all necessary measures (including by way of a code of conduct or contractual provisions and where appropriate) to ensure that his employees, agents and sub-contractors are aware of the prohibitions in this clause.

### ***Contractor's Declaration***

- (F) The Contractor shall also submit a signed declaration in a form (Annex) prescribed or approved by the Employer to confirm compliance with the provisions on ethical commitment as stated in the aforesaid sub-clauses (A), (B), (C), (D) and (E). If the Contractor fails to submit the declaration as required, the Employer shall be entitled to withhold payment until such declaration is submitted and the Contractor shall not be entitled to interest. To demonstrate compliance with the aforesaid sub-clauses (A), (B), (C), (D) and (E) on confidentiality, prevention of bribery, and declaration of interest, the contractor and their sub-contractors employed for the performance of duties under this Contract are required to deposit with the Employer a code of conduct issued to their staff.

***Note: The above clause is meant for sample only. Users of this Best Practice Checklist should consult their own legal advisor in drawing up tender notices or contract documents.***

To: [***Employer's Name***]

Contract No.: \_\_\_\_\_

Title: \_\_\_\_\_

**Declaration by Contractor  
on compliance with the ethical commitments requirements**

In accordance with the Ethical Commitment clauses of the Contract, we confirm that we have complied with the following provisions and have ensured that our directors, employees, sub-contractors, agents are aware of the following provisions:

- (a) Prohibiting our directors, employees, agents and sub-contractors who are involved in this Contract from offering, soliciting or accepting any advantage as defined in section 2 of the Prevention of Bribery Ordinance, Cap 201 when conducting business in connection with this Contract;
- (b) Requiring our directors, employees, agents and sub-contractors who are involved in this Contract to declare in writing to us any conflict or potential conflict between their personal/financial interests and their duties in connection with this Contract. In the event that a conflict or potential conflict is disclosed, we will take such reasonable measures as are necessary to mitigate as far as possible or remove the conflict or potential conflict so disclosed;
- (c) Prohibiting our directors and employees who are involved in this Contract from engaging in any work or employment other than in the performance of this Contract, with or without remuneration, which could create or potentially give rise to a conflict between their personal/financial interests and their duties in connection with this Contract and requiring our sub-contractors to do the same;
- (d) Taking all measures as necessary to protect any confidential/privileged information or data entrusted to us by or on behalf of the Employer from being divulged to a third party other than those allowed in this Contract.

(Name of the Contractor) \_\_\_\_\_

(Name of the Signatory) \_\_\_\_\_

(Position of the Signatory) \_\_\_\_\_

(Date) \_\_\_\_\_

# SAMPLE INTERVIEW ASSESSMENT FORM FOR RECRUITMENT OF TEACHING STAFF

Name of candidate :

Date and time of interview:

Aspect of assessment	Score
1. Common sense (10%)	
2. Interpersonal skills (10%)	
3. Communication skills (10%)	
4. Motivation (10%)	
5. Self-confidence (10%)	
6. Supervisory ability (10%)	
7. Work knowledge (10%)	
8. Special skills (10%)	
9. Integrity (10%)	
10. Language proficiency (10%)	
<b>Total score (100%):</b>	

**Additional Remarks:**

**Recommendation:**

☐

Suitable for appointment

☐

Not suitable for appointment

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(Signature & Name of Assessment Panel Member)

# SAMPLE PERFORMANCE APPRAISAL FORM

## Part 1 Personal Particulars

Name of Appraisee	
Staff Number (if any)	
Post	
Section	
Date of Employment	
Period under Review	

## Part 2 Record of Assessment/Review

	Appraisee	Appraising Officer	Appraising Officer's Supervisor (Counter-signing Officer)
Name			
Signature			
Post			
Date			

### Part 3 Performance Assessment

	Rating ( ✓ )				
Attendance	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )
Job knowledge and skills	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )
Quality of work	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )
Initiative and motivation	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )
Team work	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )
General conduct	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )
Discipline	5 (   )	4 (   )	3 (   )	2 (   )	1 (   )

### Part 4 Overall Performance Rating

Substantially exceeds job requirements	Exceeds job requirements	Meets job requirements	Partially meets job requirements	Does not meet most job requirements
5 (   )	4 (   )	3 (   )	2 (   )	1 (   )

Please indicate whether the appraisee has taken up any special task or obtained any award/commendation (to be filled by the appraising officer)

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Overall comments on performance (to be filled by appraising officer and/or counter-signing officer)

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### Assessment Guidelines

Assessment Areas	Rating ( ✓ )
1. Attendance	<p>5 = No late and absence record, willing to replace contingent duty</p> <p>4 = No late and absence record</p> <p>3 = Less than 3 times of lateness or absence record</p> <p>2 = 3 times of lateness or absence record</p> <p>1 = More than 3 times of lateness or absence record</p>
2. Job knowledge and skills	<p>5 = Substantially exceeds job requirements</p> <p>4 = Exceeds job requirements</p> <p>3 = Meets job requirements</p> <p>2 = Partially meets job requirements</p> <p>1 = Does not meet most job requirements</p>
3. Quality of work	
4. Initiative and motivation	
5. Team work	
6. General conduct	
7. Discipline	<p>5 = No disciplinary record, always follow supervisor's working instructions</p> <p>4 = No disciplinary record</p> <p>3 = Less than 3 times of disciplinary record</p> <p>2 = 3 times of disciplinary record</p> <p>1 = More than 3 times of disciplinary record</p>



# SAMPLE INTERVIEW ASSESSMENT FORM FOR PROMOTION OF SERVING TEACHERS

Name of candidate:

Date and time of interview:

Aspect of assessment	Score
1. Professional ability in assuming a management role (10%)	
2. Enthusiasm in promoting new initiatives (10%)	
3. Work knowledge (10%)	
4. Supervisory skills and leadership qualities (10%)	
5. Readiness to accept responsibility (10%)	
6. Ability to organise (10%)	
7. Commitment to students (10%)	
8. Relation with parents (10%)	
9. Staff relations (10%)	
10. Integrity (10%)	
<b>Total score (100%):</b>	

**Additional Remarks:**

**Recommendation:**

☐

Suitable for promotion

☐

Not suitable for promotion

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(Signature & Name of Assessment Panel Member)

# SAMPLE INTERVIEW ASSESSMENT FORM FOR ADMISSION OF STUDENTS

Name of applicant:

Date and time of interview:

Aspect of assessment	Score
1. Academic results (40%)	
2. Extra-curricular activities (10%)	
3. Conduct (10%)	
4. Performance at interview (35%): <div>Attitude and manner (10%)</div> <div>Communication skills (10%)</div> <div>English speaking skills (10%)</div> <div>Putonghua speaking skills (5%)</div>	
5. Recommendation by principal of current school (5%)	
<b>Total score (100%):</b>	

**Additional Remarks:**

**Recommendation:**

- ☐ Suitable for admission
- ☐ Not suitable for admission

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(Signature & Name of Assessment Panel Member)



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