



Code of Conduct for Employee

Introduction

1. Integrity, honesty and fairness are the important values of the Physical Fitness Association of Hong Kong, China (hereinafter referred to as the "Association"). This Code sets out the basic code of conduct that all staff of the Association must abide by, as well as the policies on accepting benefits and reporting conflicts of interest that should be followed when handling the affairs of the Association.

Prevention of Bribery

Prevention of Bribery Ordinance

2. According to the Prevention of Bribery Ordinance (Chapter 201), any employee who solicits or accepts any advantage as an inducement or reward for any act or preferential treatment related to the affairs or business of the principal without the permission of the employer or principal (i.e. the General Association) shall be guilty of an offence, and the person who provides the advantage shall also be guilty of an offence.
3. According to the Prevention of Bribery Ordinance, any employee who uses a document containing false information with the intention of defrauding his employer or principal shall also be guilty of an offence.

*[The full text of Section 9 of the Prevention of Bribery Ordinance
and the legal interpretation of "advantage" are attached.]*

Accepting Benefits

4. The Association's policy prohibits staff from soliciting or accepting any benefits in a personal capacity from any person or company that has business dealings with the Association (such as service recipients, suppliers, contractors). However, they may consider accepting (but not soliciting) the following benefits voluntarily given by the donor:
 - a. Promotional or promotional gifts or souvenirs of nominal value only; or
 - b. Gifts given during traditional festivals or special occasions, but the value must not exceed \$500; or
 - c. Discounts or other benefits given by any person or company, and the terms and conditions of use must be the same as those for other general customers; or
 - d. Gifts or souvenirs given to staff members representing the Association in their official capacity.

Except for gifts referred to in paragraph 4(a) and (b), all staff members are prohibited from accepting any benefits offered by their subordinates in a personal capacity.

5. All gifts or souvenirs referred to in paragraph 4 (d) shall be regarded as gifts to the Association and staff may only retain such gifts after approval. The recipients shall report the receipt of gifts to the Association and shall consult the approving officer on how to deal with such gifts in accordance with the relevant procedures. If staff wish to receive any other benefits not referred to in paragraph 4, they shall also apply for approval from the Chairperson of the Executive Committee/his representative in accordance with the procedures.
6. If accepting a gift would affect the staff's objective attitude in handling the affairs of the organization, or cause them to act in a manner that is detrimental to the interests of the Association, or if they believe that the giver has such intentions, or if accepting a gift would be considered as inappropriate, they should refuse the gift.

Provision of Benefits

7. When performing the affairs of the Association, staff shall not directly or indirectly provide benefits through a third party to any director, employee or agent of other companies or institutions, or any public official, in order to influence the decision of that person or company in its business.

Hospitality

8. According to Section 2 of the Prevention of Bribery Ordinance, "hospitality" means the provision of food or drink to be consumed on the spot, and any other entertainment associated with or provided at the same time as such provision. Although entertainment is generally considered an acceptable business and social activity, staff should refuse to accept overly lavish or frequent entertainment from persons with whom the Association has business dealings (such as clients, suppliers or contractors) or subordinates, so as to avoid owing them favours.

Records, Accounts and Other Documents

9. Staff should ensure, to the best of their knowledge, that any records, receipts, accounts or other documents submitted to the Association reflect the events or business transactions recorded therein. If staff deliberately use documents

containing false information to deceive or mislead the Association, they may be in violation of the Prevention of Bribery Ordinance, regardless of whether they obtain any gain or advantage.

Complying with the Laws of Other Jurisdictions

10. If staff conduct business for the Association in other jurisdictions, they must comply with the laws of those jurisdictions, including anti-corruption laws.

Conflict of Interest

11. Staff should try to avoid any conflict of interest (i.e. personal interests conflicting with the interests of the Association) or any situation that could be perceived as a conflict of interest. They should not abuse their position or power in the Association to pursue personal interests. "Private interests" refers to the financial and personal interests of the staff and those associated with them, including their family and relatives, personal friends, clubs and societies to which they belong, and any person to whom they owe a favour or favor. When an actual or potential conflict of interest arises, staff should report it to the Chairperson of the Executive Committee/his representative in accordance with procedures. If they fail to avoid or report a conflict of interest, they may be accused of partiality, abuse of power, or even corruption.
12. Conflicts of interest are not exhaustive. Here are some common examples:
 - a) A staff member involved in procurement has a close relationship with or financial interest in one of the suppliers being considered.
 - b) A staff member responsible for handling hiring or promotion matters is a family member, relative or personal friend of one of the applicants or staff members being considered for promotion.
 - c) A staff member accepts excessive or lavish hospitality from the association's clients, suppliers or contractors.
 - d) A full-time or part-time staff member works part-time for a contractor that he is responsible for supervising.

Use of Association Assets

13. Staff members who are authorized to manage or use the assets of the Association (including funds, property, information and intellectual property, etc.) may only use the assets for the purpose of carrying out the business of the Association. The Association strictly prohibits staff members from using the assets of the Association for unauthorized purposes in order to seek personal

gain.

Information Confidentiality

14. All staff members are prohibited from disclosing any confidential information of the Association to any other person without authorization or misusing any information of the Association. Staff members who are authorized to access or manage such information must always take confidentiality measures to prevent such information from being misused or disclosed without authorization. When using any personal data, special care must be taken to ensure compliance with the provisions of the Personal Data (Privacy) Ordinance (Chapter 486) and the Association's Personal Data Privacy Policy.

Part-time Job Outside

15. Full-time employees who wish to take up part-time work outside the Association, whether it is a permanent position or a consultancy, must apply for written approval in advance. The approving officer should consider whether the work will constitute a conflict of interest with the applicant's position in the Association. Details shall be handled in accordance with the relevant policies of the Association.

Relationships with Suppliers, Contractors and Service Recipients

Gambling activities

16. Employees should avoid frequent gambling activities (such as playing mahjong) with people with whom they have business dealings. If you participate in gambling games with service objects, suppliers or business partners in social occasions, you should first determine whether it is appropriate. If the stakes are too high, you should withdraw.

Loans

17. Employees may not accept loans from, or be assisted in obtaining loans by, any person or organization that has business dealings with the Association. However, there are no restrictions on borrowing from licensed banks or financial institutions.

Code of Conduct

18. All staff of the Association, whether in Hong Kong or elsewhere, are responsible for understanding and abiding by the contents of the Code of Conduct.
19. Any staff member who violates the Code of Conduct will be subject to

disciplinary action, and in serious cases, may be terminated from his/her position. If the Federation suspects that the violation involves corruption or other criminal offenses, it will report to the Independent Commission Against Corruption or relevant law enforcement agencies.

20. If you have any questions about this Code, you should consult the Chairperson.

Appendix

Extracts from the Prevention of Bribery Ordinance (Cap. 201, Laws of Hong Kong)

Section 9 - Corrupt transaction with agents

- (1) Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his –
 - (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
 - (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, offers any advantage to any agent as an inducement to or reward for or otherwise on account of the agent's –
 - (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
 - (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,shall be guilty of an offence.
- (3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document –
 - (a) in respect of which the principal is interested; and
 - (b) which contains any statement which is false or erroneous or defective in any material particular; and
 - (c) which to his knowledge is intended to mislead the principal,shall be guilty of an offence.

- (4) If an agent solicits or accepts an advantage with the permission of his principal, being permission which complies with subsection (5), neither he nor the person who offered the advantage shall be guilty of an offence under subsection (1) or (2).
- (5) For the purposes of subsection (4) permission shall -
 - (a) be given before the advantage is offered, solicited or accepted; or
 - (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,and for such permission to be effective for the purposes of subsection (4), the principal shall, before giving such permission, have regard to the circumstances in which it is sought.

Definition of an Advantage (Section 2)

"Advantage" means :

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

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

Definition of Entertainment (Section 2)

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

Section 19 – Custom not to be a defence

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



僱員紀律守則

引言

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

預防賄賂

《防止賄賂條例》

2. 根據《防止賄賂條例》（第 201 章），任何職員未經僱主或主事人（即 總會）許可，索取或收受任何利益，作為他作出任何與主事人的事務或業務 有關的作為，或優待的誘因或報酬，即屬違法，而提供利益者亦會觸犯法例。
3. 根據《防止賄賂條例》，若任何職員行使載有虛假資料的文件，意圖欺 騙其僱主或主事人，亦屬違法。

[《防止賄賂條例》第 9 條全文及有關「利益」的法律釋義見附件。]

接受利益

4. 總會的政策禁止職員以私人身分向任何與總會有業務往來的人士或公司（如服務對象、供應商、承辦商）索取或收受任何利益。不過，他們可考慮接受（但不准索取）下列由饋贈人自願送贈的利益：
 - 甲、只具象徵價值的宣傳或推廣禮品或紀念品；或
 - 乙、傳統節日或特別場合中的饋贈，惟價值不得超過 500 元；或
 - 丙、任何人士或公司給予的折扣或其他優惠，而使用條款及條件須同樣適用於其他一般顧客；或
 - 丁、職員代表總會以公職身分獲贈的禮物或紀念品。除第 4（甲）及（乙）段所指的饋贈外，所有職員均不得以私人身分接受由下 屬提供的任何利益。
5. 所有在第 4（丁）段所指的禮物或紀念品，應當視作給予總會的饋贈，職員只可在獲批准後保留該等禮物。獲饋贈者應向總會報告接受禮物一事，並須按有關程序，徵詢核准人員註如何處理這些獲贈禮物。如職員希望收取其他任何不屬於第 4 段所指的利益，他們亦應按程序，向執行委員會主席/其代表申請批准。
6. 如接受禮物會影響職員處理機構事務的客觀態度，或導致他們作出有損總會利益的行為，或他們相信饋贈者確有該等意圖，或接受禮物會被視為處事不

當，他們便應予以拒絕。

提供利益

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

款待

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

記錄、帳目及其他文件

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

遵守其他司法管轄區的法例

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

利益衝突

11. 職員應盡量避免任何利益衝突（即私人利益與總會的利益有所衝突）或會被視為有利益衝突的情況。他們不得濫用其在總會的職位或權力，以謀取私人利益。「私人利益」泛指職員本身及與他相關的人士，包括其家人及親屬、私交友好、所屬會社及社團和他欠下恩惠或人情的任何人士的財務和個人利益。在實際或潛在的利益衝突情況出現時，職員應按程序向執行委員會主席/其代表申報。若他們沒有避免或申報利益衝突，可能會被指偏私、濫權，甚至貪污。
12. 利益衝突情況不能盡錄，以下是一些常見的利益衝突例子：
 - 甲、參與採購工作的職員與其中一間被考慮的供應商有密切關係或擁有該公司的財務利益。
 - 乙、負責處理聘用或晉升事宜的職員是其中一名應徵者或獲考慮晉升的職員的家屬、親戚或私交友好。

- 丙、一名職員接受總會的服務對象、供應商或承辦商過於頻密或奢華的款待。
- 丁、一名全職或兼職職員在一間他負責監管的承辦商裡兼職。

使用總會資產

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

資料保密

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

外間兼職

15. 全職僱員如欲兼任總會以外的工作，不論是固定職務或屬顧問性質，均須事先申請書面批准。核准人員應考慮該項工作會否對申請人在總會的職務構成利益衝突。詳情按總會相關政策辦理。

與供應商、承包商及服務對象的關係

賭博活動

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

貸款

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

遵守紀律守則

18. 總會的所有職員，不論在香港或其他地方執行總會事務，均有責任瞭解及遵守紀律守則的內容。
19. 任何職員違反紀律守則，均會受到紀律處分，嚴重者更可能被終止職務。如總會懷疑該違規事項涉及貪污或其他刑事罪行，將會向廉政公署或有關執法機構舉報。
20. 如對本守則有任何疑問，應向主席請示。

附件

《防止賄賂條例》 (香港法例第201章) 節錄

第9條 - 代理人的貪污交易

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

(5) 就第(4)款而言，該許可 —

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

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

利益的定義（第2條）

「利益」指：

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

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

款待的定義（第2條）

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

第19條 - 習慣不能作為免責辯護

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