



防貪諮詢服務  
Corruption Prevention  
Advisory Service

# INTEGRITY AND CORRUPTION PREVENTION GUIDE FOR NATIONAL SPORTS ASSOCIATIONS





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## FOREWORD

With years of relentless effort and unwavering determination, Hong Kong's journey in the sporting world has made significant strides and athletes have achieved remarkable success in recent events, including the Tokyo 2020 Olympic Games and the Hangzhou 19th Asian Games in 2023, which have propelled us into a new era of sports excellence. These achievements have solidified Hong Kong's position as a competitive force in the sporting world.

As we continue to strive for greater heights, the Government has made significant financial commitment to promote and support sports development at both local and international levels. The public also holds high expectation on the development of the sports sector and the proper use of the Government funds by the National Sports Associations (NSAs). NSAs as representatives of Hong Kong in their respective sports, are responsible for making decisions of substantial public interest, such as athlete selection to represent Hong Kong in international competitions, national umpires nominations, etc.

Recognising the important role of NSAs, the Corruption Prevention Department (CPD) of the Independent Commission Against Corruption (ICAC) has been, over the years, working with the Government to assist NSAs to enhance their governance and internal control, such as building effective anti-corruption systems, and organising workshops to enhance corruption prevention capabilities of their associated personnel. Our goal is to cultivate a corruption-free culture and uphold the high integrity standards of the sports sector.

While appreciating the importance of the autonomy of individual associations, this Corruption Prevention Guide (the Guide) is an initiative of the CPD to help NSAs strengthen their governance with a view to contributing to the long-term sports development. The Guide provides guidance on the principles and standards of good governance and internal control, with emphasis on managing conflict of interest, issuing Code of Conduct and applying technology within the sports sector, helping NSAs protect their core functions from corruption and malpractice. NSAs are advised to adapt the best practices to suit their organisation structure, resource capability, and operational needs. The Corruption Prevention Advisory Service of the CPD stands ready to provide tailor-made advice on request.

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## HOW TO USE THIS GUIDE

For quick and easy reference, users will find the following icons throughout this Guide which lead them to the following information –



### **Case Studies**

hypothetical case scenarios in perspective



### **Major Corruption Risks**

major corruption risks and malpractice



### **Pointers**

cross references to other parts of the Guide



### **Use of Technology**

examples of measures where technology may be adopted to reduce corruption risk

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## ELECTRONIC VERSION OF THE GUIDE



[https://cpas.icac.hk/EN/Info/Lib\\_List?cate\\_id=3&id=2947](https://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=2947)

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## FROM THE EDITORIAL BOARD

Descriptions and explanation of legal requirements under the Prevention of Bribery Ordinance (Cap. 201) and other relevant ordinances/laws in this publication are necessarily general and abbreviated for ease of understanding. Users of this publication are advised to refer to the original text of the relevant ordinances/laws 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 publication.

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Throughout this publication, the male pronoun is used to cover references to both the male and female genders. No gender preference is intended.

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June 2024

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# ABBREVIATIONS

|      |                                           |
|------|-------------------------------------------|
| AI   | Artificial Intelligence                   |
| CPD  | Corruption Prevention Department          |
| ICAC | Independent Commission Against Corruption |
| NSA  | National Sports Association               |
| POBO | Prevention of Bribery Ordinance           |



# 1 INTEGRITY MANAGEMENT

- 1.1 EXECUTIVE BOARD
- 1.2 FUNCTIONAL COMMITTEES
- 1.3 CONDUCT OF BOARD AND GENERAL MEETINGS
- 1.4 TRANSPARENCY AND ACCOUNTABILITY
- 1.5 CODE OF CONDUCT
- 1.6 HANDLING REPORTS OF CORRUPTION AND VIOLATION
- 1.7 INTEGRITY AWARENESS BUILDING AND ENTRENCHMENT





# 1 INTEGRITY MANAGEMENT

Good governance is the cornerstone of sports achievement and integrity is the crux of governance. The role of a National Sports Association (NSA) is not solely about facilitating sporting excellence; it also involves setting the standard of behaviour for all associated parties - from Board members and staff to athletes, coaches, and umpires. As such, NSAs should establish and adhere to principles of good board governance and set standard of behaviour by stipulating clearly the ethical boundaries and expected behaviours within an NSA, including its Board members, staff members and other related parties such as athletes, coaches and umpires. This chapter aims to provide guidance to NSAs on enhancing their accountability and integrity management, in particular the management of conflict of interest, so as to meet the rising public expectations of an ethical culture within the sports sector.

## Major Corruption Risks



- Manipulation in the functioning of the Board and committees resulting from absence of a sound governance structure, unclear roles and responsibilities, opaque decision-making process, etc.
- Unfair appointment of members of the Board and committees based on personal relationship/preference.
- Misuse of official position in the Board and committees for personal gains.
- Tolerance of corrupt practices or misconduct (e.g. acceptance of bribery, unauthorised solicitation of sponsorship, failure to declare a conflict of interest) of Board members, staff members and other related parties due to a lack of ethical culture and integrity awareness, unfamiliarity of legal requirements, etc.
- Biased treatment or connivance at inappropriate behaviours due to poor management of conflict of interest by the NSA.

## Common Inadequacies



- ✗ Inactive participation of the members of the Board and committees in carrying out the responsibilities of the Board and committees.
- ✗ Lack of transparency in nomination and appointment of members of the Board and committees.
- ✗ Unclear roles and responsibilities between the Board, the Secretariat and each committee, resulting in ineffective management of the NSA's operation.
- ✗ Absence of proper documentation of the discussion and decisions of the Board and committees to ensure accountability.
- ✗ Inadequate oversight of the functional committees by the Board (e.g. no requirements on submission of periodic reports or regular meetings).
- ✗ Insufficient guidance on integrity management for compliance by the Board members, staff members and other related parties.
- ✗ Failure to properly manage conflict of interests declared by a Board member, committee member, staff member or other related parties.

## BOARD GOVERNANCE

The Board<sup>1</sup> plays a pivotal role in leading the organisation and ensuring the operations of the NSA meet the highest level of integrity. Below are the best practices for upholding the board governance in an NSA.

### 1.1 EXECUTIVE BOARD

- Incorporate in the NSA governing documents (e.g. Memorandum and Articles of Association) and the terms of reference of the Board the key elements of the board governance, including the Board composition, election or appointment and tenure of Board members, disqualification of directors, Board proceedings, Board's accountability to members for the proper running of the NSA, processes through which the NSA will achieve its stated objectives, including strategic planning, performance monitoring, and regular reporting, and integrity requirements, etc.

<sup>1</sup> In this Guide, the term "Board" means the governing body of an NSA. In some NSAs, it may be referred to as "Council", "Executive Committee" or "Management Committee", etc.

- Lay down the mission of the NSA, including a statement of commitment to ethical practices and strict compliance with laid down policies and procedures in the conduct of all businesses and activities of the NSA.
- Establish a clear segregation of roles and responsibilities between the Board and the Secretariat, with the Board focusing on setting strategic direction and policy-making, and the Secretariat focusing on implementing these policies and managing the daily operations of the NSA.
- Appoint different persons to be the Board Chairman and the Executive Director<sup>2</sup>.
- Formulate and publicise a comprehensive policy on the Board composition, including –
  - the mechanism for ensuring effective leadership renewal and rejuvenation;
  - the number of Board members, being commensurate with the scale of the NSA; and
  - the mix of the Board membership, having regard to the various expertise required for effective governance and fair representation for the interests of major stakeholders, etc.

### 1.1.1 NOMINATION AND ELECTION OF BOARD MEMBERS

- Establish and publicise a mechanism for nominating Board members, including eligibility for being nominated to election and re-election, nomination authority, and nomination procedures, etc.
- Verify the eligibility of nominators and nominees upon receipt of nominations.
- Formulate a fair and transparent election mechanism, including –
  - engaging an independent person as the observer of the entire election process;
  - stating the requirements, if any, for a nominated candidate to be successfully elected or re-elected, e.g. minimum percentage of votes in favour;
  - laying down the eligibility and voting rights of voters for the election;
  - specifying the deadline for casting of votes, after which no further votes may be cast; and
  - conducting timely vote counting in an open manner.
- Put in place measures to guard against tampering with ballots. Verify the eligibility of voters and proxies before casting of votes.
- Set out a mechanism for filling unforeseen vacancies (e.g. termination of office) in the Board, covering the factors for consideration (e.g. circumstances under which a vacancy may be filled), methods (e.g. appointment, by-election), approving authority and announcement of results.

<sup>2</sup> Or the highest paid staff member of the Secretariat.

## 1.2 FUNCTIONAL COMMITTEES

- Establish committees to oversee major functions in the NSA including the athlete Selection Committee (📖 **Chapter 2.2**), the Finance Committee (📖 **Chapter 4.3.1**), and the Audit Committee (📖 **Chapter 4.6**).
- Lay down the terms of reference (e.g. formulating the athlete selection policies, overseeing internal and external auditing activities), membership composition (e.g. the number and proportion of the co-opt members<sup>3</sup>), specific requirements of a particular committee if any (e.g. finance or accounting background for the Finance Committee), and nomination or appointment procedures.
- Lay down the channels by which an eligible Board member may express his interest of participation in and any restriction on the maximum number of functional committees a Board member may be appointed as a member.
- Require periodic reporting on the committees' discussions to the Board.

## 1.3 CONDUCT OF BOARD AND GENERAL MEETINGS

- Lay down the rules and procedures for convening a Board or General Meeting, including the frequency of meetings, minimum notification period, and issue of agenda and discussion papers before meetings, etc.
- Stipulate the rules of proceedings at meetings of the Board and functional committees, including the quorum of a meeting, and resolution mechanism (e.g. by simple majority rule or other specified percentage of support), etc.
- Specify a minimum attendance rate required of members at the Board and functional committee meetings.
- Timely and accurately record in minutes the discussion, including any dissenting views, and the resolutions passed.

## 1.4 TRANSPARENCY AND ACCOUNTABILITY

- Make available on its website the NSA's governance structure and operations, including the governing document, mechanism for the election of Board members and any restrictions on re-elections, major financial information including financial statements, athlete selection policy and mechanism, etc.

<sup>3</sup>

*Some NSAs engage non-Board members who have expertise in particular areas, such as finance, sports medicine, etc. to sit in various functional committees to offer advice. Such persons are generally termed as "co-opt members".*

- Periodically update the publicised information, e.g. once every quarter or six months.
- State on its website the commitment to anti-bribery, anti-corruption and compliance with integrity-related policies and good governance practices.
- Conduct self-evaluation of the level of compliance with integrity-related policies and good governance practices, provide justifications for not being able to comply with the good practices and alternative measures adopted, if any, to address the concerns.

## STANDARD OF BEHAVIOUR

For NSAs to achieve effective integrity management, it is essential to establish a Code of Conduct setting the standard of behaviour required of its Board members and staff, and ensure their compliance with the Code. Furthermore, NSAs should also issue Codes of Conduct tailored for other related parties such as athletes, coaches and umpires to set out not only the performance but also the highest integrity standard expected of them.

### 1.5 CODE OF CONDUCT

- A Code of Conduct should include –
  - a statement which demonstrates an NSA’s commitment to integrity and ethical culture, as well as “zero tolerance” towards corruption, manipulation of competitions and other malpractice;
  - guidelines governing acceptance of advantage and entertainment, and the relevant provisions under the Prevention of Bribery Ordinance (POBO, Cap. 201) (an extract of the Ordinance is at 📄 **Appendix 1**. Full text of the Ordinance can be found in the Hong Kong e-Legislation<sup>4</sup> of the Department of Justice);
  - guidelines on declaration and handling of conflict of interest;
  - guidelines governing acceptance of sponsorship; and
  - rules on the use and protection of confidential or privileged information.
- To suit the needs of individuals of different roles in NSAs, samples of Codes of Conduct are at 📄 **Appendix 2** for NSAs’ adoption –

|                     |                    |
|---------------------|--------------------|
| Board Members       | <b>Appendix 2a</b> |
| Staff Members       | <b>Appendix 2b</b> |
| Registered Athletes | <b>Appendix 2c</b> |
| Registered Coaches  | <b>Appendix 2d</b> |
| Registered Umpires  | <b>Appendix 2e</b> |

<sup>4</sup> Website: <https://www.elegislation.gov.hk/hk/cap201>

- NSAs' affiliated members, in particular those with office-bearers and staff, should also adhere to essential probity provisions of the above NSAs' Codes of Conduct or other probity guidelines. They may develop relevant Codes of Conduct for different individuals with reference to the above sample codes.
- NSA should put in place a mechanism to ensure that any breach of the Code may result in disciplinary actions, including termination of appointment, suspension or deregistration of membership or qualification, and cessation of subsidy payment.

### 1.5.1 SOLICITATION, ACCEPTANCE AND OFFER OF ADVANTAGES

- The Code should clearly prohibit the solicitation, acceptance and offer of advantages for a corrupt purpose and require compliance with the POBO.
- Where acceptance of advantages may be allowed in certain specific scenarios, the Code should set out the circumstances/conditions (e.g. token gifts presented in officiating ceremony) and restrictions for acceptance of advantages (e.g. allowable limit of the value of gift), and the procedures and authorities for approval.

### 1.5.2 ACCEPTANCE OF ENTERTAINMENT

- Entertainment is a neutral social activity, but extravagant or frequent entertainment may have or be seen to have a sweetening effect which may lead to loss of objectivity or even corrupt behaviour, and should be avoided in principle.
- Where acceptance of entertainment is considered appropriate taking into account a basket of factors (e.g. value, frequency, relationship with and reputation of the host), the Code should set out clearly the handling procedures including the designated authority for seeking prior approval or subsequent reporting of those offers where approval cannot be obtained beforehand.

### 1.5.3 MANAGEMENT OF CONFLICT OF INTEREST

- A conflict of interest situation arises when the "private interests" of a Board member, functional committee member or staff member or other related parties compete or conflict with the interests of the NSA or one's official duties. "Private interests" include any financial or other personal interests of a Board member, functional committee member, staff member, or related parties (i.e. athletes, coaches and umpires) concerned, family members or other relations, personal friends, clubs and associations to which one belongs, any other groups of people with whom one has personal or social ties, or any person to whom one owes a favour or is obligated in any way.

# EXAMPLES OF CONFLICT OF INTEREST



## SCENARIO 1



In the course of selecting athletes for admission to the Hong Kong Representative Team, Susan, a member of the Selection Committee became aware that her niece's husband, Tom, was among the pool of promising athletes. Susan considered Tom as a distant family member as they seldom had direct contact. Therefore, Susan did not declare to the Committee her relationship with Tom.

### *Case Analysis –*

Susan played a direct role in admitting athletes to the Hong Kong Representative Team. Although Susan had a distant relationship with Tom, there existed a perceived conflict of interest. The conflict may give rise to the allegation or perception of favouritism over Tom (e.g. giving Tom a higher than justified rating for qualitative selection criteria such as discipline and attitude).



## SCENARIO 2

Peter, being a registered referee, accepted the NSA Referee Committee's appointment to officiate as a referee for a match. Upon reporting duty, he recognised that Jason, a former student he coached last year, was one of the players of the participating teams. He did not declare the relationship to the NSA and continued with his adjudicating duty.



### *Case Analysis –*

It is the referee's responsibility to enforce the rules and regulations and uphold integrity and fairness of the match. Peter's relationship with Jason may conflict with the interests of NSA or his adjudicating duties. Such conflict may raise concern on Peter's impartiality and objectivity throughout the match.



## SCENARIO 3

Ben, a procurement staff, was responsible for leading the procurement exercise for sports equipment. Knowing that Mary, his close friend, ran a company supplying sports equipment, Ben called and invited Mary to submit a quotation. Eventually, Mary's bid was unsuccessful.

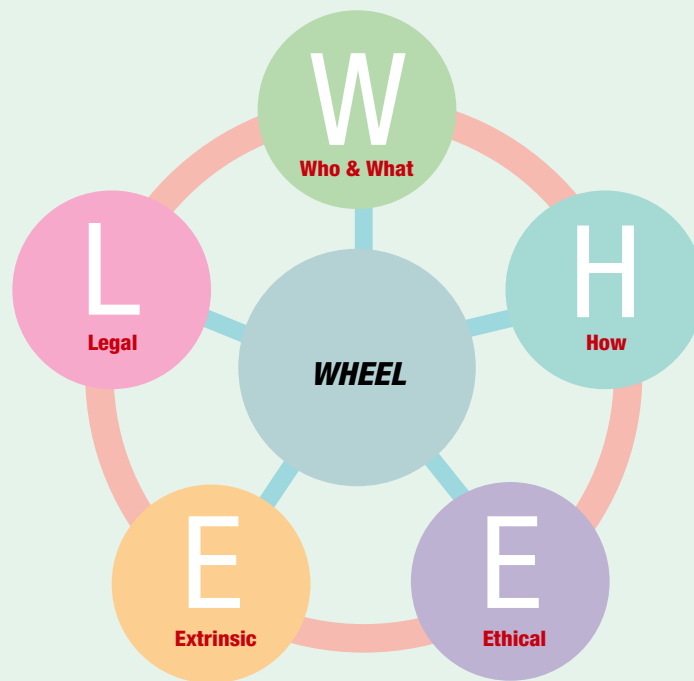


### ***Case Analysis –***

Ben played a critical role in selecting supplier of sports equipment. His close relationship with Mary, a supplier being considered by the NSA, constituted an actual conflict of interest. Despite Mary's unsuccessful bidding, the conflict may give rise to the allegation of misusing his official position to favour Mary when inviting bidders.

## MECHANISM TO MANAGE CONFLICT OF INTEREST

- To properly manage a conflict of interest situation, NSAs should adopt a “three-step mechanism” –
  - **Avoid** – All parties should remain alert to and avoid any actual, potential or perceived conflict of interest situation;
  - **Declare** – If the conflict is unavoidable, the party concerned should report it to the designated approving authority once he becomes aware of the conflict; and
  - **Mitigate** – The designated approving authority, after assessing the impact of the conflict and the risk of impropriety, should take appropriate mitigating measure as early as possible.
- All parties should be reminded the declaration requirements periodically (e.g. by circulation of reminders) and where necessary (e.g. before any discussion and/or resolution on a sensitive issue such as athlete selection).
- The mitigating measures to be taken would depend on the circumstances of individual cases, and the level of mitigation should be commensurate with the severity of the conflict, the interest involved and other’s perception. NSAs should consider adopting the following mitigating measures –
  - **Record** – Where the risk in a conflict of interest situation is indirect, remote or insignificant, and the occurrence of such a situation is infrequent, it may be sufficient to take note of the conflict only.
  - **Restrict** – Where a conflict is not likely to arise frequently and the person concerned can be effectively separated from the part of activity or process in which the conflict arises, it may be suitable to restrict his involvement in the task in which he has a conflict (e.g. withdrawing from discussion on a specific issue, abstaining from voting on the decisions) and access to the related information.
  - **Recruit** – Where it is impractical to restrict the person’s involvement, an independent party may be recruited to participate in, oversee, or review part or all of the decision-making process if appropriate (e.g. engaging expert in the selection of highly specialised items).
  - **Redeploy** – Where it is inappropriate to allow the person who has declared a conflict of interest to handle a specific matter, it may be suitable to relieve his duty which may then be taken up by another person through redeployment. For serious conflict of interest cases with a high likelihood of relapse, it may be suitable to post out the staff member to avoid negative perception.
  - **Relinquish** – Where a person’s commitment to his duty outweighs his attachment to his private interest, and adopting other mitigating measures is not appropriate or possible, he may be asked to relinquish his personal or private interests (e.g. divesting the investments, ceasing to be a member of a club/association).
- To help analyse and select the most appropriate measures to mitigate the declared conflict of interest, a WHEEL model which contains a list of questions may provide a useful reference.



## WHEEL MODEL

- **Who & What** – Who are the parties concerned and what is the matter about?
  - **How** – How serious is the conflict of interest?
  - **Ethical** – How will other persons perceive the chosen mitigating measure?
  - **Extrinsic** – Any past similar cases for reference?
  - **Legal** – Does the result of the chosen action comply with the legal and administrative requirements?
- ▣ Proper documentation of the declaration, the rationale for the decisions made and the course of mitigating measure taken should be maintained. A sample form for making the declaration, recording the decision made and the mitigating measure taken is at 📄 **Appendix 3** for reference.
  - ▣ It would be helpful to designate an office / a member of appropriate rank to keep the precedent cases in managing declared conflict of interest so as to enhance consistency and facilitate sound decisions in managing declared conflict in future.

### 1.5.4 ACCEPTANCE OF SPONSORSHIP

- ▣ Sponsorship refers to passage, accommodation, or other fees, etc. which is offered by persons or other organisations for official purposes such as attending local/overseas conferences, competitions, conventions and product trial activities. The approval of acceptance of sponsorship should be vested with the Board of the NSA, and the Code should set out the considering factors of acceptance.

### 1.5.5 USE OF CONFIDENTIAL INFORMATION

- Confidential or privileged information (e.g. personal particulars of athletes, training modules) should not be disclosed without authorisation or misused for personal gain or the benefit of others. The Code should require any person who has access to or in control of such information to ensure its security and prevent any abuse, unauthorised disclosure or misuse of the information.

## CULTIVATING ETHICAL CULTURE

To foster an ethical culture, the Board should demonstrate zero-tolerance of corruption or other misconduct, with the message and related procedures clearly communicated to all stakeholders concerned. Continuous efforts are to be put to advocate and sustain the spirit of integrity.

### 1.6 HANDLING REPORTS OF CORRUPTION AND VIOLATION

- Make known its anti-corruption policy and provide suitable channels for reporting corruption and violations of the policy.
- Require all personnel to report promptly any corruption to the ICAC or through the reporting channels provided as appropriate.
- Provide assurance of confidentiality, prompt handling and non-retaliation to staff members or related parties who make a report in good faith.
- Reiterate the zero-tolerance policy towards any corrupt behaviour detected, which will result in reporting to the relevant law enforcement agency and disciplinary action.

### 1.7 INTEGRITY AWARENESS BUILDING AND ENTRENCHMENT

- Regularly conduct capacity building sessions for Board members, staff members and other related parties to familiarise them with the code and sustain their vigilance on integrity.
- Review the integrity management strategy from time to time to tie in with the changes in the legal framework, as well as the social and organisational environment.

# 2 SELECTION OF ATHLETES

- 2.1 FUNDAMENTAL PRINCIPLES IN ATHLETE SELECTION
- 2.2 SELECTION COMMITTEE
- 2.3 SELECTION POLICY
- 2.4 SELECTION PROCEDURES
- 2.5 APPEAL MECHANISM





# 2 SELECTION OF ATHLETES

Among the various core functions unique to NSAs, the selection of athletes to represent Hong Kong in international competitions is of paramount importance in the eyes of both athletes and the public. Athlete selection is a crucial process that extends beyond the enrolment in international competitions for the respective sport or participation in multi-sport events such as the Olympic Games or the Asian Games. It is a dynamic process that also encompasses the selection of athletes for admission to the national, junior or regional squads. During this phase, a pool of promising athletes is identified, from which the NSA carefully selects individuals for admission to the Hong Kong, China Delegation in competitive events. NSAs should always adhere to fundamental principles such as equal opportunities and fair competition in athlete selection. The establishment of a Selection Committee to implement selection policies, and a transparent appeal mechanism are essential to maintain fairness and impartiality in the process. This Chapter highlights the major corruption risks, common inadequacies and the corresponding control measures in the selection of athletes for both admission to national, junior, or regional squads and international competitions.

## Major Corruption Risks



- 🚫 Favouritism in the selection of athletes based on personal relationship/preference rather than pre-determined selection criteria.
- 🚫 Acceptance of advantages as a reward for the selection of ineligible athletes.
- 🚫 Conflict of interest between members of the Selection Committee / appeal panel and athletes.
- 🚫 Bias in handling appeals or making inconsistent decisions in similar scenarios.

## Common Inadequacies



- ✗ Lack of an open, fair and transparent mechanism in the selection of athletes.
- ✗ Lack of transparency or delay in the dissemination of selection criteria, procedures, appeal mechanism or other important information.
- ✗ Unclear or vague selection criteria without objective yardstick/benchmark for assessment, allowing room for manipulation.
- ✗ Allowing selection of athletes based on criteria that are not laid down.
- ✗ Absence of proper documentation of the discussion and decisions of the Selection Committee and appeal panel.
- ✗ No requirement for members of the Selection Committee / appeal panel to declare conflict of interest.
- ✗ Inadequate segregation of duties in handling appeals (e.g. all or most of the appeal panel members are involved in the original selection exercise).

## 2.1 FUNDAMENTAL PRINCIPLES IN ATHLETE SELECTION

- Promulgate the core values of equal opportunities and fair competition in athlete selection.
- Allow athletes fair and full opportunity to display their worthiness for selection and to fulfill the aims of the NSA in the competition.
- Ensure transparency in respect of the information about the selection process, and timeliness in the dissemination of the information.
- Uphold the principle of impartiality in the selection process, including the formulation of a mechanism for declaring conflict of interest and the guidelines for taking appropriate actions on declared conflict.

## 2.2 SELECTION COMMITTEE

- Establish a Selection Committee to implement the selection policy in respect of the formulation of the selection criteria and method in a particular competition, and the selection procedures.
- Ensure a proper appointment mechanism to appoint only those individuals meeting the stipulated requirements to the committee.
- Require Selection Committee members to declare any conflict of interest in relation to the subject selection exercises, and require the Chairman/Secretary to properly manage a declared conflict (📌 **Chapter 1.5.3**)

## 2.3 SELECTION POLICY

- Make a public statement of commitment to ethical practices in athlete selection and compliance with the fundamental principles in athlete selection.
- Formulate the objective(s) or target(s) (collectively referred to as “desired results”) for each and/or each type of event and competition.
- Map out the selection criteria and the selection procedures.
- Assign weighting of each selection criterion to be adopted in each selection exercise, having regard to the desired results.
- Assess the appropriateness of quantitative and qualitative approach to athlete selection in competitions of various nature, e.g. individual sports, team sports, and individual sports with “team element”<sup>5</sup>.
- Define the quantitative standards for objective criteria, such as the minimum world ranking, performance benchmarks, etc., having regard to both the NSA’s desired results in the competition and the criteria and/or benchmarks imposed by the international sports federation concerned.
- Lay down the guiding references for the assessment of athletes’ suitability against subjective criteria, e.g. expert assessment of the athlete’s winning chance having considered his psychological factor, competition results and latest performance, and collective views of coaches in respect of the athlete’s potential and ability.

<sup>5</sup>

*It refers to sports events which though offer only individual medals, require a team of individual athletes committed to the team tactics in the competition.*

- Determine the selection method, e.g. selection trials, and coach assessment, or a combination of methods to afford opportunities to capable athletes to demonstrate their ability to achieve the desired results.
- Document the desired results, selection criteria or standards, mode of selection and appeal process to form a selection policy document.
- Publicise the selection policy and conduct regular reviews to assess whether it has successfully achieved the desired results; and factor in changes of circumstances, such as the Government policy on sports development.
- Set out appropriate channels to collect feedback from stakeholders, such as questionnaires, and open forum inviting interactive discussion, etc. on the selection policy.
- Draw up improvement or enhancement plans for deliberation by the Board, and if endorsed, for incorporation into future selection exercises.

## 2.4 SELECTION PROCEDURES

- Lay down and publicise important information about the selection, including but not limited to –
  - the selection criteria in sufficient details and clarity;
  - the number of places available, mode of selection and corresponding details (e.g. point system calculated on the basis of performance in multiple trials, scoring system based on past performance in various competitions, mere reliance on performance at the selection trial, or direct knock-out in head-to-head competitions);
  - whether the selection is a direct entry to the Hong Kong squad or final list of athletes for enrolment, or is subject to the athletes fulfilling certain conditions in the future, such as fitness assessment, attainment of a performance standard, and/or completion of training, etc; and
  - the appeal mechanism.
- Publicise, where selection trials are to be conducted, the following –
  - the enrolment period, trial date(s) and venue(s);
  - the eligibility requirements for admission to trial events; and
  - the qualifying performance standard for being selected.
- Announce, where the selection is based on past performance, the following –
  - qualification period(s) for performance; and
  - competitions or events recognised for selection.

- Publicise all information related to the selection of athletes to the stakeholders in a timely manner to ensure sufficient time for preparation.
- Ensure proper conduct of the selection and comprehensive documentation of the decision-making process.
- Ensure timely announcement of the selection decision.
- Lay down the procedures for handling changes to selection procedures and criteria, covering the justifications required, approval from appropriate level of authority, and the need for revalidation of the original selection results in case of substantial changes to avoid perception of unfairness to the unsuccessful or potential athletes.

## 2.5 APPEAL MECHANISM

- Determine the overall appeal framework, including the formation of an appeal panel, powers of the appeal panel, and appeal procedures, etc.

### 2.5.1 APPEAL PANEL

- Lay down the composition of the appeal panel and the requirements on its members, e.g. qualification, experience and skills.
- Determine the powers of the appeal panel, e.g. powers to overrule the original selection decision, and/or to order a re-selection exercise.
- Appoint members, including the Chairman, not involving in the original selection to the panel.

### 2.5.2 APPEAL PROCEDURES

- Publicise the details of how an appeal against a selection decision can be initiated, including –
  - acceptable grounds for appeal (e.g. procedural impropriety);
  - reasonable time limit and mode for lodging an appeal (e.g. an appeal shall be made within a specified period following the announcement of the selection results); and
  - fees, if any, for lodging an appeal set at an appropriate level.
- Determine the mode of deliberation by the appeal panel, e.g. paper-based judgement or conduct of hearing.

- Ensure strict compliance with the rules of proceedings, such as sufficient notice about the hearing date and venue to the appellant, hearing procedures (e.g. whether an appellant may make own representation or legal representation may be allowed).
- Make available to the appeal panel dossiers of past appeals, including the content of the appeal as well as the judgement and rationale by the appeal panel.
- Determine the deliberation method, e.g. by a majority decision, or by consensus.
- Notify the appellant and respondent of the outcome and the follow up actions in writing in a timely manner.



## CASE STUDY

1

Betty, a member of the Athlete Selection Committee, attended a colleague's wedding party and encountered an old friend, John. John's son had recently signed up for the selection exercise for Hong Kong representative team.

2

John told Betty that his son had superb skills, yet he did not meet one of the prerequisites (i.e. completing the designated training program). John offered Betty a bottle of high-end wine, suggesting it as a token of appreciation if she could help waive this requirement. Additionally, he requested access to the Athlete Selection Committee's internal scoring guidelines to tailor his son's training for a better chance at selection.



3

Subsequently, during a committee meeting held after the application deadline, Betty proposed to remove the training program prerequisite, arguing that this would enlarge the pool of potential athletes. The meeting agreed and continued to proceed with the screening and selection process.

## ***Case Analysis –***

- Betty's personal connection to John created a conflict of interest, which she failed to disclose. Accepting gifts as an inducement to or reward for influencing the selection process could be perceived as, or lead to, corrupt behaviour.
- By removing a key prerequisite without a valid, justifiable reason after commencement of the selection exercise, the NSA disadvantaged potential candidates who did not apply due to not meeting the original criteria.
- Betty's consideration to share internal scoring guidelines with John is a breach of confidentiality, and could give John's son an unfair advantage.

## ***Lessons Learnt –***

- The selection exercise should be conducted in accordance with the publicised pre-determined selection criteria and procedures, unless there is a justifiable reason for changes, which should be documented and approved by the appropriate authority.
- If substantial changes are made to the selection criteria, a reassessment or a new selection exercise may be necessary to maintain the integrity of the process and avoid the perception of unfairness.
- Internal guidelines and scoring metrics are confidential, and should not be disclosed without proper authorisation to ensure fairness of the selection exercise.



# 3 MANAGEMENT OF COACHES, UMPIRES AND TRAINING COURSES

- 3.1 QUALIFICATION AND REGISTRATION MECHANISM FOR COACHES AND UMPIRES
- 3.2 ASSIGNMENT OF COACHING AND ADJUDICATING DUTIES
- 3.3 UMPIRE NOMINATION FOR INTERNATIONAL QUALIFICATIONS
- 3.4 HANDLING OF COMPLAINTS
- 3.5 ADMINISTRATION OF TRAINING COURSES





# 3 MANAGEMENT OF COACHES, UMPIRES AND TRAINING COURSES

The effective management of coaches and umpires is crucial, given their pivotal roles in the sports field and competitions. NSAs serve as the primary authority responsible for awarding qualifications to coaches and umpires. NSAs also play a key role in organising competitions, and are frequently approached by other organisations, such as schools, seeking assistance in identifying suitable coaches or umpires. This creates numerous opportunities for coaches and umpires to earn fees and gain valuable experience.

The integrity of the qualification and registration mechanism, along with the equitable assignment of coaching or adjudicating duties, has great importance in upholding the professionalism of coaches and umpires. Furthermore, NSAs are entrusted with nominating umpires for international qualifications and administering various training courses for sports personnel and athletes, which are critical in shaping their career paths. This Chapter lists out the major corruption risks, common inadequacies, and the recommended measures in managing coaches and umpires and in administering training courses.

## 3.1 QUALIFICATION AND REGISTRATION MECHANISM FOR COACHES AND UMPIRES

### Major Corruption Risks



- 🌱 Award of qualifications to unqualified persons (e.g. not submitting required information, unverifiable documents, persons with history of serious misconduct).
- 🌱 Acceptance of bribe to expedite the processing of applications or tamper with the database of coaches/umpires for unscrupulous purpose.
- 🌱 Misrepresentation by an unqualified person, or a person with expired qualifications, as a qualified coach/umpire.

## Common Inadequacies



- ✗ Inadequate guidelines on the practices and procedures for award of qualifications, including receipt of applications for registration, vetting process, approving authority and renewal conditions.
- ✗ Inadequate checks against the applicants' qualifications (e.g. failing to verify the authenticity of certificates) to ensure eligibility requirements are met.
- ✗ Lack of supervisory checks before awarding or refusing to award qualifications to ensure applications are properly processed.
- ✗ Lack of laid down timeframe for the notification of application results, or such timeframe not being publicised for applicants' information.
- ✗ Failure or delay in updating the database of coaches/umpires.

### 3.1.1 QUALIFICATION

- ▣ Formulate the qualification framework for coaches and umpires and its structure, including the number of levels, features of each level, path to qualification and promotion, continuous development, and validity duration, etc.
- ▣ Organise training courses commensurate with the qualification framework to enable interested and eligible persons to attain the relevant qualifications.
- ▣ Where qualifications attained in non-NSA organisations can be converted to qualifications to be awarded by NSAs, maintain a list of recognised external qualifications and/or non-NSA organisations.

### 3.1.2 REGISTRATION AND RENEWAL

- ▣ Determine and publicise the essential information for registration and renewal of qualification, covering –
  - registration – registration period, validity duration of the registration, registration fee and fee-waiver arrangement, registration requirements (e.g. holder of certain certificates or qualifications), documents required, timeframe for the notification of results, etc;

- renewal – renewal period, renewal fee and fee-waiver arrangement, renewal conditions (e.g. the minimum coaching hours, minimum training hours in recognised courses, and proper conduct), and documents required, etc;
  - undertaking by applicants to abide by NSA's Code of Conduct for coaches and umpires. The sample Codes for coaches and umpires are provided in  **Appendices 2d and 2e** respectively; and
  - time pledge for processing registration and renewal applications.
- ▣ Require applicants to declare that information provided is true and correct, and documents submitted are genuine.
  - ▣ Lay down the internal workflow for processing of applications and relevant approving authorities.
  - ▣ Vet the applications by randomly verifying the authenticity of information and documents submitted (e.g. attendance records of training courses, practical hours attained).
  - ▣ Where the applicants fulfill the qualification requirements by holding relevant qualifications awarded by or attending training courses organised by non-NSA organisations, ensure these external qualifications and non-NSA organisations are recognised by the NSAs.
  - ▣ Check against the records for any substantiated complaints, if proper conduct or equivalent is a prerequisite for renewal.
  - ▣ Conduct random supervisory checks on the application results.

### 3.1.3 DATABASE OF REGISTERED COACHES AND UMPIRES

- ▣ Maintain a database of registered coaches and umpires and publicise the lists on the NSAs' website.
- ▣ Put in place security controls on the database to avoid tampering of the registration information.
- ▣ Update the database in a timely manner.



#### *Use of Technology*

NSAs may consider digitalising the process for handling applications for registration and renewal of qualifications by introducing a platform or system to enable receipt of online applications, issue of acknowledgement notifications, notification of application results and monitoring of application progress. The application results on the platform or system may be linked and synchronised with the database of registered coaches and umpires to minimise manual processing, thus reducing the risk of manipulation.

## 3.2 ASSIGNMENT OF COACHING AND ADJUDICATING DUTIES

### Major Corruption Risks



- Assignment of coaching or adjudicating duties to unqualified or underperformed coaches or umpires.
- Bias in assignment of coaching or adjudicating duties to the same coach or umpire consecutively without justifications.
- Manipulation in formulating remuneration packages for particular coaches and umpires, e.g. remuneration partially deducted as referral fees, delayed payment.
- Favoritism towards a playing athlete in the adjudicating duties carried out by the assigned umpire in a competition owing to close friendship.

### Common Inadequacies



- ✗ Absence of clear method for assigning duties to coaches and umpires (e.g. open invitation, internal mapping).
- ✗ Lack of transparency in the assignment procedures (e.g. invitation not publicised to all eligible persons, absence of witnesses during balloting, basis and results of internal mapping not disclosed).
- ✗ Unclear terms of engagement with coaches and umpires (e.g. period of engagement, rate of payment, payment schedules).
- ✗ No requirement for staff members responsible for assigning coaching/adjudicating duties or nominated umpires to declare conflict of interest.

- Determine and publicise the policy in assigning duties to coaches and umpires, e.g. open invitation for indication of interest, and mapping exercise by NSAs to match service requirements with the qualification and preference of coaches and umpires.
- Notify the applicants of the duty assignment results in a timely manner.
- Require staff members who participate in the assignment process to declare any conflict of interest in relation to the subject coaching and adjudicating duties, and require the supervisor to properly manage a declared conflict (➡ **Chapter 1.5.3**).
- Set out all applicable terms and conditions of services, including remuneration package, payment arrangement, scope of service, in written form to avoid dispute and manipulation.
- Require the nominated umpires to confirm absence of conflict of interest before the performance of adjudicating duties.

### 3.2.1 OPEN INVITATION APPROACH

- Ensure all eligible persons are notified of the service request, requirements, invitation period and duty assignment mechanism. In case of more than one person indicating interest in the same service, the assignment should be arranged in an open and accountable manner, e.g. decision by ballot, and/or assignment on a fair share basis.
- Allow reasonable time for indication of interest.
- Lay down the control measures in the procedures for assigning duties (e.g. the procedures and authority for compilation and approval of the duty roster, the requirement of conducting the balloting by at least two staff members).
- Properly record the duty assignment process, in particular for those service requests with more than one eligible person showing an interest.

### 3.2.2 INTERNAL MAPPING EXERCISE

- Ensure that the database on the availability and/or preference of coaches and umpires is complete and up-to-date, say by a periodic information updating exercise.
- Conduct random supervisory checks on the mapping results.
- Properly record the mapping process and final duty assignments.

## 3.3 UMPIRE NOMINATION FOR INTERNATIONAL QUALIFICATIONS

### Major Corruption Risks



- ✱ Favouritism in nominating umpires for international qualifications basing on personal relationship rather than the appropriateness and suitability of umpires.
- ✱ Nomination of ineligible candidates for international qualifications with corrupt intent.
- ✱ Conflict of interest with umpires under consideration for nomination for international qualification.

### Common Inadequacies



- ✗ Lack of a fair mechanism or inadequate guidelines on the procedures for nomination of umpires for international qualifications.
- ✗ Inadequate checks against the umpires' qualifications (e.g. failing to verify the validity period of the umpire's qualification) to ensure that eligibility requirements for nomination for international qualifications are met.
- ✗ Lack of transparency in the nomination process (e.g. invitation exercise, assessment aspects, nomination results, appeal mechanism not publicised).

- Lay down and make known to all eligible umpires the nomination procedures (e.g. open application, assessment interview) and factors to be taken into account (e.g. years of adjudicating experience, and events recognisable for counting experience) in the nomination exercise.
- Publicise any upcoming nomination exercise and information of particular relevance to eligible umpires in advance, such as application period, qualifying period for experience-counting, interview date(s), date of announcing results, etc. to allow sufficient time for eligible umpires to prepare and apply.

- Appoint a panel to conduct nomination. Document the decision-making process and results.
- Announce the nomination results as well as appeal process as pledged.

## 3.4 HANDLING OF COMPLAINTS

### Major Corruption Risks



- ✱ Concealment of complaints received and selective follow-up of complaints by compromised staff members to harbour coaches or umpires with close personal relationship.
- ✱ Prolonged handling of complaints due to absence of time limit, rendering the complainant or the alleged to resort to bribery to expedite the processing.
- ✱ Offer of advantages by unscrupulous coaches or umpires under investigations in exchange for minimal disciplinary actions or pre-mature case closure.
- ✱ Inconsistent disciplinary actions against similar misbehaviour found in complaints.

### Common Inadequacies



- ✗ Absence of a mechanism for handling of complaints, including receipt of complaint, conduct of investigation, form of disciplinary action, case closure.
- ✗ Absence of an internal time limit for conducting investigation or taking of follow-up actions.
- ✗ Not maintaining proper records and documentation (e.g. complaint register, inquiries conducted, follow-up actions recommended and taken) for each complaint case.
- ✗ Inadequate supervision over processing of complaints.

- Establish procedures for processing complaints against coaches and umpires, including –
  - time pledge for key steps, e.g. initiating investigation proceedings, and reporting to senior management or the Board;
  - mode of investigation, e.g. conduct of hearing or interview, written representation by the alleged, or collection of information from other stakeholders;
  - guidelines for disciplinary actions against substantiated complaints;
  - authority to conclude a complaint case, including confirmation of the investigation outcome and disciplinary action; and
  - appeal mechanism against investigation outcome and/or disciplinary action.
- Make a statement of commitment to handle complaints and reports of misdeeds in strict confidence. Reassure the protection of persons filing the complaints/reports in good faith from retaliation.
- Publicise the channels for lodging complaints and time pledges for handling complaints and acknowledging receipt of the complaints.
- Make known to coaches and umpires the complaint handling procedures, including disciplinary actions, and their rights in the process (e.g. making a representation, and appeal against investigation outcome and disciplinary action).
- Maintain a complaint register to facilitate management oversight and require officers to report prolonged cases to senior management for monitoring.
- Appoint senior officers to monitor the process of complaint investigation.
- Document the investigation details to ensure efficient retrieval of information for subsequent referencing in the registration renewal exercises.
- Notify the complainant and the alleged of the outcome within the specified time frame.

## 3.5 ADMINISTRATION OF TRAINING COURSES

Throughout the years, NSAs have spared no effort in promoting sports and nurturing local athletes by organising training courses for players and those who wish to coach players or work as adjudicating officials. Given the personal enhancements that training courses could bring to participants and the significant impact on their career development, there is usually keen competition for admission to these courses. NSAs should safeguard fairness in the administration of training courses to ensure prospective persons have equal opportunities to be groomed. Very often, the successful completion of courses hinges on the qualitative performance assessment (e.g. attitude during training sessions, potential for development) and a minimum attendance rate, NSAs shall make every effort to advocate objectivity and impartiality in the assessment and certification process.

## Major Corruption Risks



- ✱ Admission of unqualified applicants, e.g. those failing to pass the entry test or not having the required qualifications.
- ✱ Favouritism in admission to courses based on personal relationship/preference rather than pre-determined admission criteria and process.
- ✱ Manipulation in entry tests due to absence of adjudicating officials.
- ✱ Conflict of interest between the staff members responsible for admission and the applicants.
- ✱ Falsification of participants' attendance records for fulfilling the registration/qualification requirements or the eligibility requirements for receiving grants/subsidies.
- ✱ Biased performance assessment to favour participants with a view to meeting the registration/qualification requirements or the eligibility requirements for receiving grants/subsidies.

## Common Inadequacies



- ✗ Lack of a fair mechanism or inadequate guidelines on the procedures for admission of applicants to training courses.
- ✗ Lack of transparency or delayed dissemination of information on training courses, e.g. admission criteria, application period.
- ✗ Insufficient publicity of the training courses, resulting in less or even no competition in admission.
- ✗ Absence of or inconsistent admission criteria.
- ✗ Entry test not properly administered and conducted (e.g. absence of adjudicating officials to ensure fairness, eligible applicants are not notified of the same details of the test).
- ✗ Not keeping proper attendance and training records to facilitate verification and performance assessment.
- ✗ Inadequate checks against the participants' attendance and training records before awarding qualifications to coaches and umpires or making a recommendation to authorities granting subsidies to athletes.

### 3.5.1 ENROLMENT OF PARTICIPANTS

- Publicise –
  - enrolment details of courses, including the enrolment period and channels, eligibility requirements, fees, and admission mechanism (e.g. by entry test, recommendation by registered coaches, ballot, first come-first-served) etc; and
  - time pledge for announcing enrolment results.
- Disallow the acceptance of late applications unless under special circumstances approved by the senior management.
- Use a designated email account with access control in receiving application forms where electronic means is accepted; where paper form is accepted, date-stamp the forms upon receipt.
- Check the eligibility of applicants and subject screened-out applications to random supervisory review.
- If admission to courses is determined by entry test, –
  - set out and publicise details such as date, venue and passing threshold, etc;
  - require an appropriate person, e.g. a registered umpire, to officiate the test process; and
  - document the test results of each applicant.
- If admission to courses is determined by ballot, –
  - ensure all eligible applicants are placed in the ballot pool;
  - require a team of at least two persons, preferably including one office-bearer or senior NSA staff, to conduct the ballot, and engage an independent person to witness the balloting process; and
  - document the balloting process, say by video-recording, and results.
- If admission to courses is on a first-come-first-served basis, register the date and time of receipt of all applications for allocation of places and require justifications and approval for allocations made out of turn.
- Announce the list of successful applicants in a timely manner.

### 3.5.2 DELIVERY OF TRAINING COURSES

- Source suitable persons (e.g. registered coaches) for delivering the training courses, taking into consideration the proficiency of participants, intended course outcome, etc ( Chapter 3.2).

- Maintain proper attendance and training records of participants to enable verification and performance assessment (📄 **Chapter 3.5.3**).
- Arrange procurement of goods (e.g. sports equipment) and services (e.g. renting of venues, engagement of part-time coaching assistants) necessary for the delivery of training courses in accordance with established policies and procedures (📄 **Chapter 4.4**).

### 3.5.3 PERFORMANCE ASSESSMENT AND CERTIFICATION

- Lay down clear procedures for certifying the participants' attendance and assessing their performance for the purpose of applying for registration/qualification or various grants/subsidies.
- In assessing performance of participants, devise standard templates incorporating all assessment aspects as well as the corresponding marking standards.
- Require assessors to maintain objectivity in assessing the participants' performance and document the assessment results in the standard templates.
- Ensure proper and accurate attendance records (e.g. conducting random reconciliation between attendance records and on-site headcounts) if attendance rate is one of the assessment considerations.
- Where completion of the course is subject to assessment, ensure the tests are properly administered and conducted according to laid down procedures with pre-determined criteria.
- Keep unused certificates in a secure manner to prevent unauthorised issue.
- Conduct random checks on the factual accuracy of information (e.g. number of qualified training hours) submitted by the athletes and coaches in the applications for Government subsidies before endorsing the applications.



#### *Use of Technology*

To prevent unauthorised issue of certificates and facilitate authenticity check of certificates presented, NSAs may consider issuing electronic certificates with digital signature of the NSA.



## CASE STUDY

- 1 Under an athlete support scheme, athletes achieving at least 80% attendance rate in the required training are eligible for receiving a monthly subsidy of \$15,000. Jane, a full-time athlete, was unable to fulfill the training attendance requirement because she had taken up a part-time job to sustain her living style.



- 2 David, Jane's coach, noted Jane's financial situation and was aware that the NSA usually endorses subsidy requests without verification. He suggested that Jane could conceal her training shortfall and signed off on her application, which falsely represented her attendance record, for the NSA's endorsement. The subsidy was granted to Jane based on this incorrect information.

- 3 Furthermore, it was proposed that Jane and David could share the subsidy between them.

### Case Analysis –

- The absence of a robust verification mechanism by NSA allowed Jane and David to manipulate the facts in the subsidy application. This resulted in the awarding of subsidy despite non-fulfillment of the specified criteria, undermining the integrity of the support scheme.
- By facilitating the submission of falsified records, David, a registered coach of the NSA, failed to uphold the ethical standards and integrity required in his position.
- Also, by submitting falsified training attendance records to NSA, Jane and David may breach Section 9(3) of POBO. Additionally, their conspiracy to defraud is contrary to common law, which could result in severe legal consequences.

## ***Lessons Learnt –***

- NSA must implement robust verification processes for subsidy applications to prevent exploitation of the system.
- There is an evident need for well-defined Codes of Conduct for coaches and athletes. These Codes would outline acceptable behaviours and the ethical responsibilities of all parties involved. Coaches and athletes should be held accountable for maintaining the accuracy and honesty of their submissions to uphold the fairness of the support scheme.
- Clear guidelines and repercussions for fraudulent actions should be communicated to deter similar incidents and preserve the integrity of the sport and its supporting programs.



# 4 ADMINISTRATION OF NSAs

- 4.1 ADMINISTRATION OF MEMBERSHIP
- 4.2 HANDLING OF DONATIONS
- 4.3 FINANCIAL MANAGEMENT
- 4.4 PROCUREMENT
- 4.5 STAFF ADMINISTRATION
- 4.6 INTERNAL AUDIT





# 4 ADMINISTRATION OF NSAs

The administration of NSA involves several critical aspects, each presenting its unique set of challenges. From membership administration which forms the core of NSAs' work, to the handling of donations and general administrative tasks such as financial management, procurement, staff administration, all these areas are inherently prone to corruption or other malpractice. NSAs should proactively implement suitable controls and conduct independent reviews, such as internal audits, to prevent and detect improprieties. This Chapter aims to highlight common risks and inadequacies in these administration aspects while listing the recommended measures that NSAs should adopt to the extent possible.

## 4.1 ADMINISTRATION OF MEMBERSHIP

An NSA membership mainly comprises affiliate clubs and individual members. While generally only affiliate club members have voting rights in important corporate issues, such as election of the Board, membership is sometimes a mandatory requirement for individual athletes to be selected to the Hong Kong squad and thereafter for the international competitions. The admission, suspension and termination of an NSA membership thus bear much significance.

### Major Corruption Risks



- Undue discretion by individual staff in membership admission, renewal, suspension or termination of memberships due to lax supervisory control.
- Connivance at violations of members' obligations by allowing the members concerned to retain their membership.

## Common Inadequacies



- ✗ Lack of an open channel for membership admission.
- ✗ No laid down admission criteria, procedures and processing timeframe.
- ✗ Inadequate vetting on the information submitted by applicants, or lack of supervisory checks on the recommendation for membership admission.
- ✗ Lack of an established system to take follow up actions against members' violations of obligations towards NSAs.

### 4.1.1 ADMISSION OF MEMBERSHIP

- Determine and publicise the modes of admission for various membership categories (e.g. open application, nomination by incumbent members).
- Lay down the admission procedures, including –
  - application or nomination period;
  - document or information required;
  - channels for submission of applications or nominations;
  - decision-making process, e.g. paper vetting, observation period, and panel deliberation; and
  - means for settlement of membership fee.
- Publicise the admission requirements for various membership categories (e.g. age of individual members, minimum number of individual members in an applicant club, observation period, and fees).
- Establish and publicise the time pledge for processing applications for membership admission.
- Lay down and publicise the assessment procedures, including areas subject to evaluation, standards required for each evaluation area, whether an applicant club is subject to an observation period before granting membership, etc.
- Vet the applications by randomly verifying the authenticity of information and documents submitted (e.g. attendance records for prescribed course, achievement in competitions).

- Notify applicants of the outcome of their admission applications and review mechanism, if any, in a timely manner.
- Stipulate the rights and obligations of various categories of membership, such as rights to attend and vote at general meetings, rights to enrol in the club-based leagues, and obligation to comply with membership rules.

### 4.1.2 MEMBERSHIP SUSPENSION AND TERMINATION

- Lay down the circumstances under which a membership may be suspended or terminated (e.g. violation of guidelines<sup>6</sup>), the authority for making these decisions and the channel for appeal.
- Make known to the members concerned the procedures for suspending and terminating membership (e.g. notifying members in detail of the breach of membership rules and rights to make representation, and conducting panel hearing).
- Notify the members concerned of the panel decision (e.g. membership suspension for a specified period of time, termination for a period of time, or subject to close monitoring) in a timely manner.

## 4.2 HANDLING OF DONATIONS

### Major Corruption Risks



- Acceptance of donations as a reward for assisting or facilitating the donors' business dealings with NSAs (e.g. in assignment of coaching duties and selection of athletes).
- Misappropriation of donations received.
- Manipulation in the disbursement of donations (e.g. not disbursing the donations as intended or for the NSA's benefit).

<sup>6</sup> Including the Guidelines on Handling the Playing of the National Anthem and Raising of the Regional Flag for Hong Kong Athletes and Teams Engaging in International Sports Events.

## Common Inadequacies



- ✗ Lack of guidelines for handling of donations, including the invitation, processing and receipt processes.
  - ✗ Lack of transparency in invitation of donations (e.g. parties to be invited, intended use of the donation).
  - ✗ Insufficient security and access control of donations (both money and in-kind ones).
  - ✗ Lack of segregation of duties of staff members responsible for assigning coaching duties and selecting athletes and for handling donations, which could potentially result in conflicting interests.
- 
- ▣ Lay down guidelines for handling of donations, including the invitation, processing, receipt and disbursement processes.
  - ▣ The acceptance of donations should not –
    - be attached with conditions;
    - place NSA in an obligatory position to the donor or any related party and give, or be perceived to give, the donor or any related party an unfair edge over others in business dealings with NSA;
    - give rise to a conflict of interest or perceived conflict of interest; and
    - have an adverse impact on the objectives or image of NSA.
  - ▣ Segregate the duties of handling of donations and daily NSA operations, such as assignment of coaching duties, selection of athletes, procurement, with a view to eliminating room for preferential treatment or manipulation.
  - ▣ Designate staff members at the appropriate level to handle donations.
  - ▣ Not to solicit donations individually from persons with business dealings with the NSAs, e.g. registered coaches, athletes, contractors, etc, to avoid conflicting interests.
  - ▣ Publicly invite donations and publicise the details (e.g. channels for receipt, intended use of the donation) to enhance transparency.
  - ▣ Maintain a register of all donations, showing the donors' names, dates of receipt, types of donations with descriptions, amounts / estimated value of donations, etc., to enable traceability.

- Ensure that donations, either in money or in kind, are kept securely with restricted access under the custody of designated staff members to prevent misappropriation.
- For donations in money, –
  - issue receipts to the donors and publicise the donors' names and their amounts of donations in the NSAs' publications as appropriate;
  - deposit in the NSAs' designated bank account by a designated staff member under the supervisor's supervision; and
  - subject the disbursement to the approval and monitoring of the relevant authorities (📌 **Chapter 4.3.4**).
- For donations in kind, distribute or dispose of them in accordance with laid down policy and procedures in an open and fair manner.



## CASE STUDY

Timmy, a procurement staff, was responsible for the procurement exercise for maintenance service for sports equipment. Sally, a very supportive figure to NSA, expressed to Timmy her interest in bidding the maintenance service contract. She suggested that her history of generous donations to and close tie with the NSA should entitle her to preferential treatment in the bidding process. Additionally, Sally hinted that her winning the contract would ensure continuous financial support for the NSA's future endeavours.



### *Case Analysis –*

- The integrity of the procurement process requires that contracts be awarded strictly based on objective, transparent, pre-established criteria and established procurement procedures. Personal relationships or external factors such as previous donations should not influence the decision (📄 **Chapter 4.4**).
- Accepting donations with the condition of future favours compromises the NSA's integrity. Therefore, donations should never place NSA in a position where it feels obliged to reciprocate, especially in matters of procurement.

### *Lessons Learnt –*

- NSA must reinforce its procurement policies to all staff, emphasising adherence to the established guidelines without exception.
- All decisions should be documented and made transparent, where appropriate, to ensure accountability and to maintain trust in the procurement process.

## **4.3 FINANCIAL MANAGEMENT**

The major source of funding of an NSA includes Government subventions, donations, commercial sponsorships, membership fees and members' contributions. NSAs receiving Government subventions should adhere to the respective subvention agreements and commit to proper financial management, ensuring that these funds are used appropriately and effectively. Even in cases where public money is not involved, prudent management of funds remains a cornerstone of an NSA's successful operation. Effective management of funds is crucial to the development and reputation of the NSA concerned and the sports it promotes. Mismanagement or misuse of funds can have detrimental effects on the credibility and future prospects of NSA.

## Major Corruption Risks



- ✿ Misappropriation of funds due to lax supervision in income collection or payment processing.
- ✿ Manipulation of financial records to conceal illicit activities due to inadequate segregation of duties.
- ✿ Undue delay or acceleration of payments to suppliers.

## Common Inadequacies



- ✗ Unclear financial management policies, procedures or guidelines, or no regular review on them with obsolete procedures referred.
- ✗ Absence of budgeting mechanism in place to facilitate proper financial management.
- ✗ Inadequate segregation of duties in financial management processes, such as a single staff member responsible for collection of fees/charges, payment of expenses, and bookkeeping.
- ✗ No requirement to check the supporting documents (e.g. suppliers' invoices) when processing payment requests.
- ✗ Lack of periodic financial reporting to facilitate the Board's oversight.

### 4.3.1 POLICIES, PROCEDURES AND GUIDELINES

- ▣ Establish a Finance Committee to oversee the financial planning, management and reporting matters.
- ▣ Lay down clear policies and procedures for financial management, and require strict compliance by the staff concerned.
- ▣ Specify the criteria and procedures for reimbursement of expenses to ensure such expenses are justified and reasonable.
- ▣ Appoint independent staff to conduct random checks and internal audits (📖 **Chapter 4.6**) to ensure compliance with the financial management procedures.

## 4.3.2 BUDGETING

- Produce at the beginning of each financial year a programme of activities and the budget for approval by the Finance Committee (or the Board).
- Include in the budget an estimate of incomes (e.g. Government subvention, fees and charges collected) and expenditures (e.g. staff expenses, expenditures on purchase of fixed assets).
- Designate an approving authority at the senior level to consider any variation of the approved budget and require reporting to the Board of any major changes.
- Issue guidelines on attending overseas trips or competitions which may incur substantial expenditure, specifying –
  - the level of authority for approving overseas trips or competitions;
  - the allowable expenditure (e.g. hotel rates, air fares and subsistence allowances);
  - the class of transport (e.g. first, business or economy class), rates of hotel accommodation, subsistence allowances, etc. for Board members, staff members at different posts/ranks and athletes; and
  - the reimbursement procedures and the types of supporting documents required.

## 4.3.3 INCOME COLLECTION

- Subject the levels of fees for different membership types or charges for different activities to prior approval by the senior executive or the Finance Committee (or the Board).
- Bookkeep and record details of all income collected, including membership fees, personal donations, corporate sponsorship, revenue from training courses, to ensure traceability and facilitate audits.
- Segregate the duties of collection of fees or charges, checking of bank statements for reconciliation, and bookkeeping as far as practicable.
- Require staff members to issue serially pre-numbered receipts that accurately reflect details of transactions, including the description, amount received and payment method (e.g. by cash), to keep copies of receipts issued for a specified period to facilitate supervisory or audit checks (📄 **Chapter 4.6**).
- Require staff members to bank in all cash and cheques received daily or at the earliest opportunity to minimise risks of embezzlement.

- ▣ Assign supervisors or independent staff to periodically check the deposit slips and bank statements against the records of the cash register.
- ▣ Arrange regular verification of the accounting records (e.g. fees/charges received) against the supporting documents (e.g. receipts).

#### 4.3.4 PAYMENT PROCEDURES

- ▣ Set different authorisation levels for approving payments or signing of cheques and the corresponding financial limits.
- ▣ Specify the payment methods (e.g. by cash, cheque, bank transfer) based on the amounts of transactions.
- ▣ Specify the documents required to support claims for payment.
- ▣ Ensure proper security controls in the payment process (e.g. to keep blank cheque books or payment receipts, and official chops in a secure place, restrict users' access to the accounting information in computer system).
- ▣ Set an internal timeframe for processing payments and ensure that the payment claims are proceeded within the internal timeframe or according to the timeframe specified in the contract.
- ▣ Set appropriate controls on cheque payments (e.g. require signatories to verify the cheques against invoices (i.e. payee and amount) before signing, prohibit signatories to sign blank cheques in advance).
- ▣ Ensure that all payments to be made must –
  - be supported by relevant documents, such as invoices from suppliers providing details of the goods and services received and the amount to be paid;
  - contain certification by a responsible staff member;
  - be checked and confirmed by the responsible staff member as to the accuracy of every payment detail; and
  - be authorised by appropriate authority.
- ▣ Keep payment records and all supporting documents (e.g. purchase orders, invoices and delivery notes) in an orderly manner to facilitate supervisory checks and audits (📖 Chapter 4.6).

### 4.3.5 FINANCIAL REPORTING

- Require NSA's management to conduct periodic financial reporting to the Board or its Finance Committee.
- Review the financial reports to –
  - ascertain the reasonableness of incomes and expenditures (e.g. expenses on purchases at high cost as compared with market rates), and the reasons for any significant deviation from the budget or the previous year's account; and
  - identify any significant changes in the balance sheet as compared with that of the previous year and require the management to give reasons.

## 4.4 PROCUREMENT

Procurement of goods and services is an essential daily routine in any organisation, including NSAs. This process is more prone to malpractice in NSAs due to the need for purchasing highly professional products or equipment which is technical in nature or even tailor-made for particular athletes.

### Major Corruption Risks



- Manipulation of the procurement processes to favour colluded suppliers due to lack of supervision or inadequate segregation of duties.
- Inconsistent practices in the procurement processes due to unclear policies/guidelines or inadequate training for staff, giving rise to the risk of favouritism.
- Leakage of privileged procurement information to potential bidders due to insufficient access control.
- Drawing up tailor-made, biased or overly-restrictive specifications, or using vague or unclear evaluation criteria to favour colluded suppliers.
- Conflict of interest with prospective bidders.
- Lax supervision on goods or services delivery due to acceptance of bribes.

## Common Inadequacies



- ✗ Unclear procurement policies or guidelines, or absence of regular reviews on the policies or guidelines with obsolete procedures referred.
- ✗ Inadequate segregation of duties in procurement processes (e.g. a single staff member responsible for the sourcing of suppliers, evaluation of bids, receipt of goods ordered).
- ✗ Privileged information (e.g. internal scoring guidelines for tender exercises) is accessible to staff members who are not involved in the procurement functions.
- ✗ Lack of a mechanism or expertise to identify tailor-made, biased or overly restrictive specifications, especially for goods or services that are highly specialised or technical in nature (e.g. sport equipment).
- ✗ No requirement for declaring conflict of interest with bidders.
- ✗ Lack of or inadequate checking on the goods or services received before certification of acceptance and payment.

### 4.4.1 BASIC REQUIREMENTS

- Issue to the staff members concerned procurement guidelines which should –
  - include a policy statement that all procurements should be conducted in an open, fair, and competitive manner with good value for money;
  - specify the procurement methods (e.g. open tenders, quotations, petty cash purchases), the approving authorities and the procedures for purchases of different values; and
  - provide for any exemptions to the procurement guidelines, require approval by a higher authority with justifications provided.
- Segregate the duties in critical procurement processes as far as practicable (e.g. segregate duties of sourcing suppliers, evaluating bids, accepting goods or services, certifying payments).
- Restrict access to procurement information to authorised staff members on a need-to-know basis.
- Build in the processes effective supervisory checks to ensure the laid down procedures are followed and the procurement decisions are made properly.

- Require staff members who participate in higher value procurement (e.g. tender) to declare if they have or do not have any conflict of interest in relation to the subject procurement exercises, and require the supervisor to properly manage any declared conflict of interest (📍 **Chapter 1.5.3**).
- Maintain proper documentation of the procurement process, including decisions and justifications.
- Produce periodic management information or exception reports on trends of procurement and any irregularities (e.g. split orders or overbudget purchases) for the management's review.

## 4.4.2 SUPPLIERS LIST MANAGEMENT

- Compile a list of suppliers for frequently required goods or services by category.
- Lay down and publicise the criteria and procedures for admission to and removal from the list.
- Ensure the listed suppliers are given a fair chance to bid (e.g. invitation to bid by rotation) and select a sufficient number of suppliers from the list in addition to any nominations from users for invitation of bids.
- Establish a performance management system, taking into account users' feedback and take disciplinary actions in case of poor performance (e.g. issue of warning letters, suspension from bidding for a stipulated period).
- Review and update the approved list regularly with a view to removing any inactive suppliers or those with persistent adverse performance records.

## 4.4.3 PURCHASE REQUISITIONS

- Require the procurement staff or users to provide in the purchase requisition form the necessary details of purchase (e.g. specifications and quantities of the goods or services required, purpose or justifications for the purchase, the date of delivery, the name of the requesting person), and seek endorsement of the designated authority.
- Ensure that the specifications are not overly restrictive to favour any particular supplier.
- Require the procurement staff to provide the justification for deviations from laid down guidelines (e.g. purchase from a sole supplier), and seek approval from a higher authority.

## 4.4.4 TENDER PROCEDURES

- Adopt open tendering for high-value procurement as far as practicable, with tender invited openly through NSA's website or newspaper.
- Source suppliers following the steps in the listing system mentioned above (📖 **Chapter 4.4.2**).
- Set out in the tender invitation –
  - a detailed description of the performance requirements or service standards;
  - the evaluation criteria and their relative weightings in broad terms, and the overall price to technical ratio, if a two-envelope approach is adopted;
  - the contract terms and conditions;
  - the deadline for submission of tender proposals; and
  - the submission method (e.g. electronic submission via computer system).
- Take measures to ensure the security of the tender proposals received (e.g. prohibit access to proposals in electronic system before the submission deadline).
- Assign a tender opening team (comprising at least two persons) to retrieve the proposals shortly after the submission deadline.
- Appoint an assessment panel (comprising staff members from the user department, the procurement department and specialist/technical department as appropriate) to evaluate the proposals.
- Recommend the lowest conforming bid (in the case of price-only evaluation), or the bid with the highest combined score (in case a marking scheme is adopted for evaluation of both price and non-price factors) for approval by a designated authority, or otherwise provide justifications for approval by a higher authority.

## 4.4.5 QUOTATION PROCEDURES

- Invite the required number of suppliers on the approved list to bid following the steps in the listing system mentioned above (📖 **Chapter 4.4.2**).
- Provide the bidders with a detailed description of the goods or services required.
- Advise the bidders of the deadline for submission of quotations.
- Receive quotations via a designated fax machine kept in a secure place, or a designated email account with suitable security features (e.g. password control).
- Keep a record of the date, the name of the bidder, the offered price, and the name of the responsible staff member, if verbal quotations are accepted.

- Select the lowest conforming bid for approval by a designated authority, otherwise provide justifications for approval by a higher authority.
- Devise a mechanism to deter and detect bogus quotations (e.g. random checks with the invited bidders).

#### 4.4.6 PETTY CASH PURCHASES

- Lay down procedures for petty cash purchases and handling petty cash fund, as well as the authorities for approving petty cash transactions.
- Require claimants to justify their purchases and submit original receipts to support the claims.
- Require the supervisor to certify the necessity of the purchases and scrutinise the reasonableness of rates adopted or amounts claimed before approving the claims.
- Require the petty cash holder to vet the claim forms and supporting documents before making payments, sign the claim forms, and stamp “Paid” on the receipts to prevent their re-use for claims.
- Require the claimant to acknowledge the receipt of petty cash payments.
- Require the petty cash holder to keep the petty cash fund locked, and attach all claim forms and supporting receipts when seeking replenishment.
- Require proper documentation of all petty cash purchases made.
- Conduct random supervisory checks on physical petty cash held and regular reconciliation of the petty cash account.

#### 4.4.7 RECEIPT OF GOODS AND SERVICES

- Require the receiving staff, preferably someone not involved in selecting the supplier, to ensure full compliance with the contract specifications by checking the quantity, specifications and quality of goods/services received.
- Arrange testing of the goods (e.g. sports equipment) by competent staff before acceptance.
- Require the users to certify acceptance of goods or services within a specified timeframe upon receipt of the goods or delivery of services.
- Handle defective goods or short delivery in accordance with established procedures (e.g. requesting the supplier or service provider to make good the shortfall immediately).



## CASE STUDY



A sports equipment company was an exclusive distribution agent for training devices of a specific brand produced overseas. The company owner offered bribes to the procurement staff of NSA in return for specifying in the tender document some unique features of a particular model of his exclusive brand in the upcoming procurement exercise for training devices. As no other bidders could meet the specifications, this effectively eliminated competition, allowing only his company to submit a qualifying bid.

### Case Analysis –

- To ensure fairness in tender procedures, the specifications should specify only the required functions and standards, but not be tailored or overly restrictive to give undue advantage to any particular supplier or exclude potential competitors.
- The act of offering bribes by the sports equipment company owner and any acceptance by NSA procurement staff would be in direct violation of Section 9 of POBO.

### Lessons Learnt –

- For procurement of specialised sports equipment, particularly high-value ones, NSAs should establish a panel to review tender documents to ensure they are written with broad and inclusive specifications, thus promoting fair competition.

- ✓ For more corruption prevention safeguards, NSAs are advised to make reference to Chapter 3 and Chapter 4 of the Corruption Prevention Guide on Procurement for Public Bodies publicised by the ICAC, which introduces in detail the procurement and contract administration processes.



[https://cpas.icac.hk/EN/Info/Lib\\_List?cate\\_id=3&id=2826](https://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=2826)

## 4.5 STAFF ADMINISTRATION

### Major Corruption Risks



- ✖ Favouritism in staff recruitment due to lack of supervision or inadequate segregation of duties.
- ✖ Conflict of interest with potential candidates under consideration.
- ✖ Leakage of interview/assessment content for staff recruitment.
- ✖ Inconsistent practices in the determination of remuneration package.

### Common Inadequacies



- ✖ Unclear staff administration policies or guidelines, or lack of regular reviews on the policies or guidelines with obsolete procedures referred.
- ✖ Inadequate segregation of duties in staff recruitment (e.g. a single staff member responsible for screening applications, interviewing applicants and recommending/approving the appointment).
- ✖ No requirement for declaring conflict of interest with candidates during staff recruitment.
- ✖ Absence of transparent recruitment process (e.g. job openings are not publicly advertised, or there is no established mechanism for potential candidates to apply for job opportunities).
- ✖ Lack of criteria, established salary scale or reference range for determining the remuneration package of an appointee.
- ✖ Insufficient access control to sensitive information such as interview/assessment content for staff recruitment.

## 4.5.1 BASIC REQUIREMENTS

- Establish an equitable and transparent staff administration system, and lay down policies and guidelines to ensure consistency in practices and to prevent allegation of favouritism or manipulation.
- Segregate the duties in critical staff recruitment processes as far as practicable (e.g. vetting/screening of applications, interviewing applicants, recommending appointees, determining remuneration packages of the appointees).
- Build in the process effective supervisory checks to ensure the laid down procedures are followed and the decisions related to staff administration are made properly.
- Maintain proper documentation in the process related to staff administration, including decisions and justifications.
- Set out all applicable terms and conditions of services in the employment contract, including remuneration package, staff benefits, duration of employment, etc.
- Do not allow verbal or informal agreement on critical terms and conditions of services e.g. unofficial payment arrangement.
- Restrict access to recruitment information to authorised staff members on a need-to-know basis.

## 4.5.2 STAFF RECRUITMENT

- Lay down the policy for filling vacancies (e.g. open recruitment, internal promotion, or headhunting), and subject the choice of recruitment method to the approval of the Board (for senior executives) or the management (for other posts).
- Publicise open recruitment exercises such as through announcement in corporate website and newspaper advertisement as far as practicable.
- Set out the minimum requirements on qualifications and experience, and pre-determine the selection criteria.
- Require staff members who participate in the recruitment process (e.g. those involved in vetting/screening applications) to declare any conflict of interest in relation to the subject recruitment exercises, and require the supervisor to properly manage any declared conflict of interest (👉 **Chapter 1.5.3**).
- Set out the level of authority for approving the assessment criteria and the appointment.

### 4.5.3 DETERMINATION OF REMUNERATION

- Establish a salary scale and the associated fringe benefits for each rank of staff.
- Lay down the criteria and approval authority for determining the remuneration package of an appointee (e.g. the Board for senior executives), taking into account his/her qualification, work experience, and expertise as well as the market rate.
- Specify the method and criteria for calculating pay adjustment and performance bonus, if applicable.
- Require any deviations from the remuneration policy or special remuneration packages to be approved by the Board or the senior management.
- Prohibit Board members or senior executives from participating in the process of discussion or decision-making for their own remuneration packages.

## 4.6 INTERNAL AUDIT

- Establish an Audit Committee to oversee all auditing activities.
- Put in place an internal audit function, which reports directly to the Audit Committee or the Board, to conduct regular reviews on NSAs' key business and independently evaluate the effectiveness of risk management, control and governance process.
- Ensure that the internal audit function is independent from operation under audit and sufficiently staffed by staff of appropriate qualification and training, and has unfettered access to all records, assets, personnel and premises.
- Give due consideration to the opinions and findings of the internal audit function and take timely actions in response to its recommendations/findings.

# 5 APPLICATION OF TECHNOLOGY

5.1 CONTROL ENVIRONMENT

5.2 TECHNOLOGIES IN ADJUDICATING SPORTS MATCHES

5.3 TECHNOLOGIES IN DETECTING AND DETERRING MALPRACTICES





# 5 APPLICATION OF TECHNOLOGY

The rapid advancement of technology has brought significant changes to the sports arena. From video review system and automated judging system to data analytics, technology has been instrumental in improving the objectivity, accuracy, and speed of decision-making in sports. Gambling on matches, regardless of legality, is not uncommon as it may bring monetary returns to the gamblers if the results of matches are favourable to their bets. This could be a catalyst for corrupt conducts by athletes and adjudicating officials. In respect of this, technology may serve as a potent tool in detecting anomalies and suspicious activities and combating match-fixing and other malpractices. Given the evident benefits, it is essential for NSAs to actively explore the application of technologies in their daily operations and in sports matches.

This Chapter highlights major corruption risks, identifies common inadequacies, and explores digitalised corruption prevention tools related to the control environment and the adjudication of sports matches.

## Major Corruption Risks



- Manipulation of the results of competition through bribery or other means with a view to facilitating gambling activities (e.g. inducing athletes or adjudicating officials not to perform based on merits to achieve pre-determined results.)
- Undue advantage given to specific team/athlete in the adjudicating process (e.g. scoring, judging) due to insufficient controls on use of technologies.
- Corruption or other malpractice in applying technologies and electronic equipment in sports matches being covered up due to absence of effective reporting and monitoring mechanism.

## Common Inadequacies



- ✗ Heavy reliance on manual process that is prone to human errors and inefficient, and involves individual judgement.
- ✗ Lack of clear policies, procedures or guidelines on applications of technologies in adjudicating matches.
- ✗ Inadequate accountability and traceability of adjudicating process (e.g. absence of audit trails and backup).
- ✗ Misuse of technologies and electronic equipment due to absence of guidelines and insufficient training.

## 5.1 CONTROL ENVIRONMENT

### 5.1.1 POLICIES AND PROCEDURES

- ▣ Lay down and promulgate clear guidelines and instructions, covering operation of the systems, staff member's roles and responsibilities, access control, information security, etc.
- ▣ If systems or electronic equipment are used during competitions, selection of athletes, management of coaches and adjudicating officials or other processes, ensure the corresponding rules, regulations, guidelines and instructions are reviewed and updated accordingly.
- ▣ Develop contingency plan in case the systems or electronic equipment do not operate as intended to avoid discretion or discrepancy in handling.

### 5.1.2 INFORMATION SECURITY

- ▣ Adopt clear classification of information and appropriate security measures for different classifications to minimise the risk of unauthorised access or disclosure (e.g. restrict access to video footage on a need-to-know principle to avoid tampering).
- ▣ Apply proper encryption to protect sensitive data from unauthorised access.

- Restrict the access to the systems and applications to designated staff members on a need-to-know basis using unique login accounts and passwords.
- Build in audit trail function for tracking access and changes to data, and regularly review the audit logs to detect any abuse of the systems (e.g. unauthorised access or tampering of video footage).
- Regularly review usage of individual user accounts to identify any irregularities or inactive user accounts warranting deactivation.
- Establish retention policy for data captured and maintained by the systems with a view to ensuring traceability.
- Backup data and video footage (e.g. to cloud data centre) on a regular basis to prevent data loss.

### 5.1.3 TRAININGS

- Provide mandatory training on the operation of the systems and use of electronic equipment to adjudicating officials and designated staff members.
- For critical and complicated systems, only qualified/certified persons are authorised to operate them.

## 5.2 TECHNOLOGIES IN ADJUDICATING SPORTS MATCHES

- Video-record all matches as far as practicable to enable traceability and facilitate objective and impartial adjudication.
- Consistently apply video review, electronic scoring equipment or automated judging system for all matches in the same league/tournament. Where it is impracticable, establish a mechanism or set out criteria for determining which match in the same league/tournament to apply such equipment or system.
- Conduct trial run prior to the matches to ensure proper functioning.

### 5.2.1 VIDEO REVIEW

#### 5.2.1.1 *Functions*

- Record high-definition videos during the match, which may be used by officials to review the action (e.g. with functions of slow motion, zooming for close-ups) for

decision-making or to arbitrate the dispute/appeal.

- The recording should include date and time to ensure traceability.
- Examples of video review systems include Video Assistant Referee, Hawk-eye, Instant Review System.

### **5.2.1.2 Control Measures**

- Appoint at least one video referee, with relevant qualification/certification, to oversee the operation of the system with a view to ensuring proper functioning and reliability.
- Before the match, determine the types of cameras (e.g. drone camera), locations and range of coverage, etc.
- Operate the video review system from the designated video review room where only the video referee and authorised staff members have access to.
- Ensure that the cameras are located in secure and unobstructed locations and positions at the venue to achieve pre-determined coverage.
- Put in place security controls on cameras, hard disk, monitors, video players and other associated equipment to avoid tampering.
- Set out clear procedures for initiating replay of video footage during the match, covering but not limited to the applicable scenarios, time limit, proposition methods and channels, maximum number of requests by each athlete/team in each match, communications with adjudicating officials and athletes, etc.
- Ensure the laid down applicable scenarios could effectively prevent abuse of video replay aiming at maliciously delaying or disrupting the normal course of the match.
- Lay down the authority for decision-making, e.g. video referee or event referee.
- Maintain sufficient documentation on the decisions made subsequent to video replay.
- Establish a mechanism for logging and cataloguing the video footage to facilitate, among others, data retrieval and analysis and post-match evaluation.
- Take proper and timely follow up actions based on results of post-match evaluation, e.g. taking appropriate actions to suspend athletes with misconduct from competing, and revoke the registration of an umpire for not adjudicating in good faith, arranging refresher courses for umpires who are unfamiliar with the rules of games.

## 5.2.2 ELECTRONIC SCORING EQUIPMENT

### 5.2.2.1 Functions

- ▣ Count score or measure time by sensors embedded in equipment which enhances accuracy and efficiency in scoring and measuring and minimises human errors.
- ▣ Examples of electronic scoring and measuring equipment include electronic scoring device and light sensors for fencing, sensing socks for taekwondo, aquatic timing system for swimming, snickometer for cricket, electronic distance measurement device for athletic field event, etc.

### 5.2.2.2 Control Measures

- ▣ Lay down the specifications and standards of qualified electronic scoring equipment to be used during the match.
- ▣ Maintain and publicise a list of electronic equipment as well as a list of manufacturers of electronic equipment accepted by the NSA.
- ▣ Establish a mechanism for checking whether the electronic scoring equipment to be used during the match meets the laid down specifications and standards.
- ▣ Lay down guidelines on the calibration and sensitivity of the electronic scoring equipment to prevent manipulation or altering of the equipment setting.
- ▣ For equipment requiring network to operate, ensure stable and steady network and signalling prior to the match.

## 5.2.3 AUTOMATED JUDGING SYSTEM

### 5.2.3.1 Functions

- ▣ Automate the scoring and judging process with the aid of advanced motion capture and recognition technology to minimise bias and subjectivity.
- ▣ Examples of automated judging system include artificial intelligence(AI)-assisted Judging Support System for artistic gymnastic and freestyle skiing.

### 5.2.3.2 Control Measures

- ▣ Ensure the criteria of scoring and judging (e.g. body movements for artistic gymnastic) are comprehensively and accurately input or programmed in the judging system.

- Lay down procedures and guidelines on modification of setting on scoring and judging in the system, covering criteria, submission of requests, implementation steps, approving authority, test steps, etc.
- Adopt adequate controls on access to and modification of parameters in the system, for example, multi-factor authentication, security token, etc.
- Put in place security controls on the system and associated equipment, e.g. 3D motion sensors, to avoid tampering.
- Illustrate how the system operates and disclose the scoring and judging basis to stakeholders with a view to enhancing transparency.
- Where the match result is based on the combined score rated by the automated judging system and adjudicating officials, pre-determine the respective contribution ratio.
- Conduct random review on the scores rated by the automated judging system based on pre-set standard procedures.
- Subject the system to periodic independent reviews or audit checks to ensure reliability and integrity.

## 5.3 TECHNOLOGIES IN DETECTING AND DETERRING MALPRACTICES

Apart from assisting the adjudicating duties in matches, NSAs may leverage on technology in detecting and deterring malpractices (e.g. match-fixing) in sports matches. Examples include –

- Engage an independent sports technology company to monitor sports matches on a real-time basis with a view to detecting match-fixing, fraud and doping and protecting integrity of sports competition. Such monitoring may cover in-play betting status in both legal and illegal markets (i.e. odds and betting pools), discussions in social media platforms and news.
- Apply AI in scrutinising game footage and analysing athletes' performance to detect and uncover dubious patterns and match-fixing.
- Use advanced equipment in detecting the use of unauthorised equipment (e.g. radio jammer, metallic wrist wrap) or presence of object (e.g. unauthorised personnel entering the sports ground) aiming to maliciously interfere the match.

- Leverage AI tools in selection of athletes with statistics and 3D visuals (e.g. field goal percentage for basketball, launch angle for baseball, trajectories for gymnastics, injury history) by tracking, analysing and predicting athletes' performance and decision-making process. This helps reduce the risk of manipulation in the selection process.
- Digitalise the ticket selling process to prevent unauthorised withholding of tickets and ticket scalping.

# APPENDICES

# EXTRACT OF 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 4 – Bribery

1. Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –
  - (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
  - (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or
  - (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,shall be guilty of an offence.
3. If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

### Section 8 – Bribery of public servants by persons having dealings with public bodies

1. Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
2. Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

## 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.

## Section 19 – Custom not to be a defence

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

# SAMPLE CODE OF CONDUCT FOR BOARD MEMBERS

## Ethical Commitment

1. [Name of NSA] (hereafter referred to as the Association) regards honesty, integrity and fair play as our core values that must be upheld by all Board members<sup>1</sup> of the Association at all times. The Association adopts a zero-tolerance policy against corruption, manipulation of competitions and other malpractice. This Code sets out the basic standard of conduct expected of all Board members, including the Association's policy on acceptance of advantage and handling of conflict of interest when dealing with the Association's business.

*[The Association may wish to include other core values relevant to its duties and business.]*

## Prevention of Bribery

2. The Association prohibits all forms of bribery and corruption. All Board members are prohibited from soliciting, accepting or offering any bribe in conducting the Association's business or affairs. In conducting all business or affairs of the Association, they must comply with the Prevention of Bribery Ordinance (Cap. 201) (POBO)<sup>2</sup> of Hong Kong.

*[The relevant sections of the POBO are detailed at **Annex 1**.]*

## Solicitation and Acceptance of Advantages<sup>3</sup>

3. The Association prohibits Board members from soliciting or accepting any advantage from any persons or companies having official dealings with the Association (e.g. coaches, umpires, athletes, suppliers, contractors), and from staff members to whom the Board may have an influence<sup>4</sup>, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis –

**(a)** advertising or promotional gifts or souvenirs of a nominal value;

<sup>1</sup> "Board members" means members of the Association's governing body which may be referred to as "Executive Board", "Executive Committee", "Management Committee", "Council", etc. in some NSAs.

*[The Association should also ensure that members of the functional committees under its governing body are covered by this Code of Conduct or a separate Code tailor-made for them.]*

<sup>2</sup> Full text of the POBO is available at <https://www.elegislation.gov.hk/hk/cap201>.

<sup>3</sup> "Advantage" means almost anything which is of value, except entertainment (see footnote 7), including any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

<sup>4</sup> For example, staff members whose appointment, performance, remuneration and contract renewal are subject to the Board's decisions, or who request for favour from Board members on matters related to the Association for himself or others.

- (b) gifts given on festive or special occasions<sup>5</sup>, subject to a maximum limit of \$\_\_\_\_\_ <sup>6</sup> in value; and/or
  - (c) 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.
4. Gifts or souvenirs described in paragraph 3(a) that are presented to Board members by virtue of their official positions or in official functions are deemed as offers to the Association. The Board member concerned should take it back to the Association and follow guidelines set out in **Annex 2** for the disposal of gifts or souvenirs received. If a Board member wishes to accept from any persons or companies having official dealings with the Association, or from staff members to whom the Board may have an influence any other advantages not listed in paragraph 3, he should seek the permission from [the approving authority]. In case of doubt, the Board member should refer the matter to [insert an appropriate unit / officer] for advice and instruction.
  5. Even if the offeror does not have any official dealings with the Association, a Board member should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Association's business, induce him to act against the Association's interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. Board members should ensure that the acceptance of any advantages can stand up to public scrutiny and will not bring the Association into disrepute.

## Acceptance of Sponsorship

6. Sponsorship (which may comprise passage, accommodation, or other fees) is a form of advantage. Board members may be offered sponsorship in their official capacity by persons or other organisations for official purposes such as attending local/overseas conferences, conventions, competitions and product trial activities. Such sponsorship should be regarded as sponsorship offered to the Association and referred to the Association for consideration of acceptance, based on operational need, and assignment of the Board member or staff member to attend the sponsored activity, based on suitability. The general criteria for considering whether or not to accept the sponsorship offer in their official capacity are suggested at **Annex 3**.
7. A Board member may be offered sponsorship due to his personal expertise or professional membership. Though not representing the Association, care should be taken when such a sponsorship is offered by a party having business dealings with the Association and the Board member's duty is directly related to, or could potentially or seen to be influenced by, the content or result of the sponsorship. In accepting such sponsorship, Board members should ensure that their conduct and activities would not bring them or the Association into disrepute or lead to any actual or perceived conflict of interest.

<sup>5</sup> Associations can decide if they would provide a blanket permission, or require Board members to apply for special permission in each case. Special permission is recommended from a control perspective as the Association can consider the circumstances before its decision to grant the permission.

<sup>6</sup> The Association can set the appropriate maximum limit of the value of the gifts allowable to be accepted after taking into account its operational needs. Yet, a modest amount should be set as the maximum limit to prevent Board members from falling prey to corruption.

### Offer of Advantages

8. Board members are prohibited from offering advantages to any director, staff member or agent of another company or organisation, or any public official, for the purpose of influencing such person in any dealing, whether directly or indirectly through a third party, when conducting the Association's business.
9. Board members should as far as possible refrain from bestowing gifts/souvenirs to others during the conduct of official activities. Where it is necessary or unavoidable due to operational, protocol or other reasons, the gifts/souvenirs to be bestowed should not be lavish or extravagant, and be kept to a minimum in quantity and the exchange of gifts/souvenirs should be made from organisation to organisation.

### Acceptance of Entertainment

10. Board members should not accept lavish, or unreasonably generous or frequent entertainment<sup>7</sup> from any person having official dealings with the Association. When offered entertainment, a Board member should consider whether the entertainment offered could be regarded as –
  - excessive – taking into account its value, substance, frequency and nature;
  - inappropriate – taking into account the relationship between the Board member and the offeror (e.g. the offeror is bidding for the Association's contract); or
  - undesirable – taking into account the character or reputation of the host or known attendees.

### Gambling and Manipulation of Competition

11. Board members should not engage in frequent or excessive gambling of any kind, or any games of chance involving high stakes. Board members should not bet or facilitate the making of a bet or have any interest in a bet on any competition to which they may have an influence or where they may have insider information.
12. Board members should not manipulate or attempt to manipulate the result of any competition, such as inducing or encouraging any athlete or officials not to perform on their merits in any competition.

### Managing Conflict of Interest

13. A conflict of interest situation arises when the "private interests" of a Board member compete or conflict with the interests of the Association or the official duties of the Board member. Private interests include financial and other interests of the Board member himself, and those of his connections including family and other relations, personal friends, the clubs and societies to

<sup>7</sup> 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.

which he belongs, any other groups of people with whom he has personal or social ties, and any person to whom he owes a favour or to whom he may be obligated in any way. Some common examples of conflict of interest are provided at [Annex 4](#).

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

14. A fundamental integrity requirement is that all Board members should avoid situations which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest. A Board member's duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.
15. When a situation involving a conflict of interest cannot be avoided, Board members 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. The declaration guidelines are provided at [Annex 5](#). Any declarations made and the related decisions should be recorded in meeting minutes or using a declaration form (sample at [Annex 6](#)) where practicable. If Board members have doubts concerning the handling of conflict of interest situation, they should immediately consult the Chairman/Secretary.

### ***Managing Declared Conflict of Interest***

16. Upon receipt of a report on conflict of interest situation, the Chairman or the Board should, as soon as practical, decide on the appropriate course of action to be taken such as to relieve the Board member of his involvement in the task, and give clear direction/instruction to the Board member concerned. The declaration and the decision/action should be properly recorded. The Chairman or the Board should ensure the Board members' compliance with the instruction so as to effectively remove/mitigate the conflict of interest.
17. In deciding on the course of action to be taken, the Chairman or the Board should take into account the seriousness of the conflict and public perception. Mitigating measures which the Chairman or the Board can consider adopting are at [Annex 7](#).
18. As a matter of principle, Board members should avoid entering into any business contract (e.g. for the supply of goods or services) with the Association in their personal capacity to prevent the public perception of Board members using their capacity to obtain financial gains from the Association. Where this is unavoidable, Board members should adhere to the guidelines on managing possible conflict of interest in bidding for the Association's business contracts as set out at [Annex 8](#).

## **Handling of Donations**

19. Staff should not accept donations which may give rise to a conflict of interest or perceived conflict of interest. When accepting donations for the Association, there should be no unreasonable conditions attached to the donations or conditions which are incompatible with the Association's objectives, or other requirements that may affect the Association's ability to perform its functions fully and impartially.

20. Acceptance of the donation should not place the Association in an obligatory position to the donor or any related party and give, or be perceived to give, the donor or any related party an unfair edge over others in business dealings with the Association or cause embarrassment to the Association or bring it into disrepute.

### Confidentiality of Information

21. Board members should not disclose any classified or proprietary information of the Association without authorisation or misuse any Association's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal data of the Board members, staff members, coaches, umpires and athletes to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the Association's data privacy policy.
22. Board members should continue to observe their duty of confidentiality after they have left the Association. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

### Reporting Suspected Irregularities and Criminal Offences

23. A Board member should report, either directly or through [*insert an appropriate unit / officer in the Association/ the Chairman of the Association*] as appropriate, instances of crime or suspected crime discovered in the course of his work to the appropriate authority or law enforcement agency at the first practicable opportunity. A Board member should avoid making any enquires or taking any action that may hinder or frustrate subsequent investigation by the law enforcement authority concerned. All Board members who receive or have knowledge of such reports should treat the reports in the strictest confidence.

### Compliance

24. Any Board member in breach of the Code will be subject to disciplinary action, including termination of appointment.

### Enquiry

25. Any enquiries, comments or suggestions in relation to this Code may be referred to [*insert an appropriate unit/officer in the Association*].

## 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 4 – Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

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

- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

- (3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

### Section 8 – Bribery of public servants by persons having dealings with public bodies

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

### 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.

### Section 19 – Custom not to be a defence

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

## **Guidelines for Handling Gifts / Souvenirs Given to Board Members in Official Capacity**

All gifts / souvenirs received by Board members in their official capacity should be forwarded to the Secretary for disposal in the following manner –

- If the gift / souvenir is of perishable nature (e.g. food, drink), it may be donated to a charitable organisation or, when this is not practical, shared among staff of the Association on a suitable occasion.
- If the gift / souvenir is a useful item, it may be kept for use by the Association or donated to a charitable organisation.
- If the gift / souvenir is suitable for display (e.g. a painting, vase), it may be displayed at appropriate locations of the Association premises.
- If the gift / souvenir is of low value, it may be donated as a prize in functions organised by the Association.
- If the gift / souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient.
- If the gift / souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.
- Any gift / souvenir of high value should be returned to the offeror as far as possible.

## **Considering Factors for Acceptance of Sponsorship in Official Capacity**

In considering whether or not to accept the sponsorship in their official capacity, the following general criteria are relevant –

- acceptance of the sponsorship will benefit the Association as a whole;
- acceptance of the sponsorship will not bring the Association into any disrepute;
- the sponsorship is not excessive in value or frequency;
- acceptance of the sponsorship will not give rise to any express or implied obligation towards the offeror;
- acceptance of the sponsorship will not give rise to any actual or perceived conflict of interest (e.g. the offeror is a supplier/contractor bidding for the Association's contracts); and
- the sponsor will not be given or be perceived to derive an unfair advantage over other persons or organisations.

## Examples of Conflict of Interest for Board Members

Some examples of conflict of interest are provided below but they are by no means exhaustive –

### Procurement of Products or Services

- A Board member involved in a procurement process has interest in or is closely associated with a company which provides the Association with paid services (e.g. training, consultancy, legal, accounting), or bids for supply of goods or services to the Association.
- The relative of a Board member is the owner of a private venue which is rented by the Association for training.

### Contract Administration

- A Board member accepts frequent or lavish entertainment from the Association's suppliers or contractors.

### Staff Administration

- A Board member gets paid to undertake a staff position and appoints his relatives or friends to take up posts in the Association.
- One of the candidates under consideration in a recruitment or promotion exercise is a family member, a relative or a close personal friend of the Board member responsible for the exercise.
- A Board member soliciting assistance from the Association's staff member in dealing with his own personal matters.

### Others

- A Board member is a committee member of a professional institute in his private capacity. He seeks sponsorship from one of the Association's contractors for an event he hosts for the professional institutes.
- A Board member's company, sponsoring various events of the Association frequently or being a sponsor for an event of the Association, is favoured over other sponsors, e.g. better seats in the event(s).
- An athlete undergoing disciplinary hearing is the son of a business partner of a Board member who sits in the Disciplinary Committee.

# Guidelines on Declaration of Conflict of Interest by Board Members

## General Principles

When a Board member (including the Chairman) of a board or committee has a potential conflict of interest in a matter placed before the committee, he should make full disclosure of his interest. The basic principle to be observed is that Board members' advice, decisions or views should be disinterested and impartial, and it is the responsibility of each Board member to judge and decide if the situation warrants a declaration, and to seek a ruling from the Chairman in case of doubt.

It is impossible to define or describe all the situations that would call for such a declaration, because each individual case differs, and because of the difficulty of catering for unusual and unforeseen circumstances. On the other hand, it is not intended that a Board member should make a declaration of conflict of interest simply because the committee is considering a matter in which he has knowledge or experience.

## Potential Conflict of Interest Situations

The following are potential conflict of interest situations :

1. Pecuniary interests in a matter under consideration by the committee, held either by the Board member or by any close relative of his. Board members are themselves the best judge of who, in the particular circumstances, is a "close relative".
2. A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter under consideration by the Board.
3. Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a Board member's advice to have been influenced by the closeness of the association.
4. A Board member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as a member of a company, advised or represented or has frequent dealings with any person or body connected with a matter under consideration by the Board.
5. Any interest likely to lead an objective observer to believe that the Board member's advice might have been motivated by personal interest rather than a duty to give impartial advice.

## Declaration of Conflict of Interest at Meetings

The following are guidelines governing declaration of conflict of interest at meetings :

1. If a Board member (including the Chairman) has any direct personal or pecuniary interest in any matter under consideration by the Board, he must, as soon as practicable after he has become aware of it, disclose to the Chairman (or the committee) prior to the discussion of the item.
2. The Chairman (or Board) shall decide whether the Board member disclosing a conflict of interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
3. If the Chairman declares a conflict of interest in a matter under consideration, the chairmanship may be temporarily taken over by a Vice-Chairman.
4. When a known direct pecuniary interest exists, the Secretary may withhold circulation of relevant papers to the Board member concerned. Where a Board member is in receipt of a paper for discussion which he knows presents a direct conflict of interest, he should immediately inform the Secretary and return the paper.
5. All cases of declaration of conflict of interest shall be recorded in the minutes of the meeting.

[Name of the Association]

DECLARATION OF CONFLICT OF INTEREST

Part A – Declaration (To be completed by Declaring Board Member)

To: [Approving authority]

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

|                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------|
| Person(s)/organisation(s) with whom/which I have official dealings and/or private interest                                        |
|                                                                                                                                   |
| My relationship with the person(s)/organisation(s) (e.g. relative)                                                                |
|                                                                                                                                   |
| My contact with the person(s)/organisation(s)<br>(Please state the frequency of contact and the usual occasions of contact, etc.) |
|                                                                                                                                   |
| Relationship of the person(s)/organisation(s) with [the Association] (e.g. supplier)                                              |
|                                                                                                                                   |
| Brief description of my duties which involved the person(s)/organisation(s)<br>(e.g. handling of tender exercise)                 |
|                                                                                                                                   |
| File reference, if any, of the mentioned duties                                                                                   |
|                                                                                                                                   |

[Name of Declaring Board Member]

[Date]

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

To: *[Declaring Board Member]*

*Part B(i) – In respect of the declaration in Part A of this form, it has been decided that:*

- ☐ The declaration as described in Part A is noted. You are allowed to continue handling the work as described in Part A, provided that there is no change in the information declared above.
- ☐ You are restricted in the work as described in Part A (e.g. prohibit from handling the specific part/duty that you have conflict, withdraw from discussion on a specific issue/case).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You may continue to handle the work as described in Part A, but an independent Board member would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. task another Board member with the required expertise to provide objective assessment on the matter).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You are relieved of your duty as described in Part A, which will be taken up by another Board member through redeployment.

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ Others (please specify) (e.g. you should not contact the person(s)/organisation(s) concerned until the conflict situation described in Part A no longer exists):

Details : \_\_\_\_\_

\_\_\_\_\_

*Part B(ii) – The justification(s) for the measure(s) as described in Part B(i) above is/are:*

*(Factors of consideration including the materiality of the conflict, link between the conflict and the matter in question, and any possible negative public perception over the conflict/incident.)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In all cases, please be reminded that you should not disclose any privileged/internal information of the subject matter to the person(s)/organisation(s) concerned and should further report if there are changes in circumstances necessitating reporting.

---

[Name of Approving Authority]

[Date]

### **Part C – Keeping of Records** *(To be completed by the Declaring Board Member)*

To: *[Designated Office/Staff Member for keeping the completed declaration form]*

I noted the decision in Part B. The completed form is for your retention please.

---

[Name of Declaring Board Member]

[Date]

\* Potential conflict of interest refers to situation that may be developed into an actual conflict in the future.

## Mitigating Measures for Managing Declared Conflict of Interest

- **Record** – Where the risk in a conflict of interest situation is indirect, remote or insignificant, and the occurrence of such a situation is infrequent, it may be sufficient to take note of the conflict only.
- **Restrict** – Where a conflict is not likely to arise frequently and the Board member can be effectively separated from the part of activity or process in which the conflict arises, it may be suitable to restrict the Board member's involvement in the task in which he has a conflict (e.g. withdrawing from discussion on a specific issue, abstaining from voting on the decisions) and access to the related information.
- **Recruit** – Where it is impractical to restrict a Board member's involvement, an independent Board member/expert may be recruited to participate in, oversee, or review part or all of the decision-making process if appropriate (e.g. engaging expert in the selection of highly specialised items).
- **Redeploy** – Where it is inappropriate to allow the Board member who has declared a conflict of interest to handle a specific matter, it may be suitable to relieve of the Board member's duty which may then be taken up by another Board member through redeployment (e.g. redeploy the Board member to serve another sub-committee).

## **Measures to Manage Possible Conflict of Interest Arising from Board Members Bidding for Contracts of *[Name of the Association]***

- When the need for a contract is discussed, Board members should be asked at the outset to declare whether they or any company associated with them are interested in bidding for the contract.
- Board members who have declared an interest to bid should not take part or be present at any subsequent discussions or meetings concerning the proposed contract, and should be prohibited from access to any information in relation to the contract (other than in the capacity of a bidder).
- Board members who have not declared an interest to bid (and the companies concerned) should not be allowed to bid subsequently.
- When a Board member (or a company associated with him) has expressed an interest to bid, the Association should ascertain whether any information relating to the contract has already come to the possession of the Board member in the course of his duties as a Board member. If so, such information should be made available to other bidders as well to ensure a level playing field.
- If a Board member (or a company associated with him) has put in a bid, care should be taken to ensure that he subsequently has no access to the submitted tender documents which may contain commercially sensitive information.
- Bidder identity should be anonymised before the evaluation of bids if a Board member (or a company associated with him) is one of the bidders.
- If a Board member (or a company associated with him) is successful in bidding for the contract, he should withdraw from all discussions relating to the contract, except when attending in the capacity of a supplier or a service-provider.

# SAMPLE CODE OF CONDUCT FOR STAFF MEMBERS

## Ethical Commitment

1. [Name of NSA] (hereafter referred to as the Association) regards honesty, integrity and fair play as our core values that must be upheld by all staff<sup>1</sup> of the Association at all times. The Association adopts a zero-tolerance policy against corruption, manipulation of competitions and other malpractice. This Code sets out the basic standard of conduct expected of all staff, including the Association's policy on acceptance of advantage and handling of conflict of interest when dealing with the Association's business.

*[The Association may wish to include other core values relevant to its duties and business.]*

## Prevention of Bribery

2. The Association prohibits all forms of bribery and corruption. All staff are prohibited from soliciting, accepting or offering any bribe in conducting the Association's business or affairs. In conducting all business or affairs of the Association, they must comply with the Prevention of Bribery Ordinance (Cap. 201) (POBO)<sup>2</sup> of Hong Kong.

*[The relevant sections of the POBO are detailed at **Annex 1**.]*

## Solicitation and Acceptance of Advantages<sup>3</sup>

3. The Association prohibits staff from soliciting or accepting any advantage from any persons or companies having official dealings with the Association (e.g. suppliers, contractors), and from any subordinates, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis –
  - (a) advertising or promotional gifts or souvenirs of a nominal value;
  - (b) gifts given on festive or special occasions<sup>4</sup>, subject to a maximum limit of \$\_\_\_\_\_ <sup>5</sup> in value; or
  - (c) 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.

<sup>1</sup> "Staff" includes full-time, part-time and temporary staff.

<sup>2</sup> Full text of the POBO is available at <https://www.elegislation.gov.hk/hk/cap201>.

<sup>3</sup> "Advantage" means almost anything which is of value, except entertainment (see footnote 6), including any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

<sup>4</sup> Associations can decide if they would provide a blanket permission, or require staff to apply for special permission in each case. Special permission is recommended from a control perspective as the Association can consider the circumstances before its decision to grant the permission.

<sup>5</sup> The Association can set the appropriate maximum limit of the value of the gifts allowable to be accepted after taking into account its operational needs. Yet, a modest amount should be set as the maximum limit to prevent staff from falling prey to corruption.

4. Gifts or souvenirs described in paragraph 3(a) that are presented to staff by virtue of their official positions or in official functions are deemed as offers to the Association. The staff member concerned should report the acceptance to the Association and seek direction as to how to handle the gifts or souvenirs from *[the approving authority]*. If a staff member wishes to accept from any persons or companies having official dealings with the Association, or from any subordinates any other advantages not listed in paragraph 3, he should seek the permission from *[the approving authority]*. A form (Sample at **Annex 2**) could be used to record and seek approval of the advantages received by staff. In case of doubt, staff should refer the matter to *[insert an appropriate unit / officer]* for advice and instruction.
5. Even if the offeror does not have any official dealings with the Association, a staff member should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Association's business, induce him to act against the Association's interest or place him under an improper obligation, or where he believes the offeror has such an intention, or 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 Association into disrepute.

### Acceptance of Sponsorship

6. Sponsorship (which may comprise passage, accommodation, or other fees) is a form of advantage. Staff may be offered sponsorship in their official capacity by persons or other organisations for official purposes such as attending local/overseas conferences, conventions, competitions and product trial activities. Such sponsorship should be regarded as sponsorship offered to the Association and referred to the Association for consideration of acceptance, based on operational need, and assignment of the Board member or staff to attend the sponsored activity, based on suitability. The general criteria for considering whether or not to accept the sponsorship offer in their official capacity are suggested at **Annex 3**.
7. Staff may be offered sponsorship due to his personal expertise or professional membership. Though not representing the Association, care should be taken when such a sponsorship is offered by a party having business dealings with the Association and the staff's duty is directly related to, or could potentially or seen to be influenced by, the content or result of the sponsorship. In accepting such sponsorship, staff should ensure that their conduct and activities would not bring them or the Association into disrepute or lead to any actual or perceived conflict of interest.

### Offer of Advantages

8. Staff are prohibited from offering advantages to any director, staff member or agent of another company or organisation, or any public official, for the purpose of influencing such person in any dealing, whether directly or indirectly through a third party, when conducting the Association's business.

9. Staff should as far as possible refrain from bestowing gifts/souvenirs to others during the conduct of official activities. Where it is necessary or unavoidable due to operational, protocol or other reasons, the gifts/souvenirs to be bestowed should not be lavish or extravagant, and be kept to a minimum in quantity and the exchange of gifts/souvenirs should be made from organisation to organisation.

## Acceptance of Entertainment

10. Staff should not accept lavish, or unreasonably generous or frequent entertainment<sup>6</sup> from any person having official dealings with the Association. When offered entertainment, staff should consider whether the entertainment offered could be regarded as –
  - excessive – taking into account its value, substance, frequency and nature;
  - inappropriate – taking into account the relationship between the staff and the offeror (e.g. the offeror is bidding for the Association’s contract); or
  - undesirable – taking into account the character or reputation of the host or known attendees.

## Gambling and Manipulation of Competition

11. Staff should not engage in frequent or excessive gambling of any kind, or any games of chance involving high stakes. Staff should not bet or facilitate the making of a bet or have any interest in a bet on any competition to which they may have an influence or where they may have insider information.
12. Staff should not manipulate or attempt to manipulate the result of any competition, such as inducing or encouraging any athlete or officials not to perform on their merits in any competition.

## Managing Conflict of Interest

13. A conflict of interest situation arises when the “private interests” of a staff member compete or conflict with the interests of the Association or the official duties of the staff. Private interests include financial and other interests of the staff himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, any other groups of people with whom he has personal or social ties, and any person to whom he owes a favour or to whom he may be obligated in any way. Some common examples of conflict of interest are provided at [Annex 4](#).

<sup>6</sup> 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.

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

14. 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. 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.
15. When a situation involving a conflict of interest cannot be avoided, staff 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. Any declarations made and the related decisions should be recorded using a declaration form (sample at ***Annex 5***). If staff have doubts concerning the handling of conflict of interest situation, they should immediately consult their supervisors / approving authority.

### ***Managing Declared Conflict of Interest***

16. Upon receipt of a report on conflict of interest situation, the supervisors should, as soon as practical, decide on the appropriate course of action to be taken such as to relieve the staff member of his involvement in the task, ask the staff member to divest himself of certain investment, etc., and give clear direction/instruction to the staff concerned. The declaration and the management decision/action should be properly recorded. The supervisors should ensure the staff's compliance with the instruction so as to effectively remove/mitigate the conflict of interest.
17. In deciding on the course of action to be taken or making a recommendation to their senior officers, the supervisors should take into account the seriousness of the conflict and public perception. Mitigating measures which the supervisors can consider adopting are at ***Annex 6***.

### ***Handling of Donations***

18. Staff should not accept donations which may give rise to a conflict of interest or perceived conflict of interest. When accepting donations for the Association, there should be no unreasonable conditions attached to the donations or conditions which are incompatible with the Association's objectives, or other requirements that may affect the Association's ability to perform its functions fully and impartially.
19. Acceptance of the donation should not place the Association in an obligatory position to the donor or any related party and give, or be perceived to give, the donor or any related party an unfair edge over others in business dealings with the Association or cause embarrassment to the Association or bring it into disrepute.

## Confidentiality of Information

20. Staff should not disclose any classified or proprietary information of the Association without authorisation or misuse any Association's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal data of the Board members, staff, members, coaches, umpires and athletes to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the Association's data privacy policy.
21. Staff should continue to observe their duty of confidentiality after they have left the Association. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

## Reporting Suspected Irregularities and Criminal Offences

22. A staff member should report, either directly or through [*insert an appropriate unit/officer in the Association*] as appropriate, instances of crime or suspected crime discovered in the course of his work to the appropriate authority or law enforcement agency at the first practicable opportunity. A staff member should avoid making any enquires or taking any action that may hinder or frustrate subsequent investigation by the law enforcement authority concerned. All staff members who receive or have knowledge of such reports should treat the reports in the strictest confidence.

## Compliance

23. Any staff member in breach of the Code will be subject to disciplinary action, including termination of appointment.

## Enquiry

24. Any enquiries, comments or suggestions in relation to this Code may be referred to [*insert an appropriate unit/officer in the Association*].

## 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 4 – Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

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

- (a) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

- (3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

### Section 8 – Bribery of public servants by persons having dealings with public bodies

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

### 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.

### Section 19 – Custom not to be a defence

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

[Name of the Association]

## REPORT ON GIFTS / ADVANTAGES RECEIVED

**Part A** (To be completed by Receiving Staff Member)

To: [Approving Authority]

Description of Offeror :

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

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

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

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

\_\_\_\_\_

Description & (assessed) value of the  
Gift/Advantage:

\_\_\_\_\_

**Suggested Method of Disposal :**

**Remarks**

☐ Retain by the Receiving Staff

\_\_\_\_\_

☐ Retain for Display/as a Souvenir in the Office

\_\_\_\_\_

☐ Share among the Office

\_\_\_\_\_

☐ Reserve as Lucky Draw Prize at Staff Functions

\_\_\_\_\_

☐ Donate to a Charitable Organisation

\_\_\_\_\_

☐ Return to Offeror

\_\_\_\_\_

☐ Others (please specify) :

\_\_\_\_\_

Guidelines on disposal method –

- If the gift/souvenir is of perishable nature (e.g. food, drink), it may be donated to a charitable organisation or, when this is not practical, shared among staff of the Association on a suitable occasion.
- If the gift/souvenir is a useful item, it may be kept for use by the Association or donated to a charitable organisation.
- If the gift/souvenir is suitable for display (e.g. a painting, vase), it may be displayed at appropriate locations of the Association premises.
- If the gift/souvenir is of low value, it may be donated as a prize in functions organised by the Association.
- If the gift/souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient.
- If the gift/souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.
- Any gift/souvenir of high value should be returned to the offeror as far as possible.

---

[Name of Receiving Staff Member]

[Title / Department]

[Date]

**Part B** (To be completed by Approving Authority)

To: [Name of Receiving Staff Member]

The recommended method of disposal is **\*approved/not approved**. The gift/advantage concerned should be disposed of by way of –

---

[Name of Approving Authority]

[Title / Department]

[Date]

(\*Delete as appropriate)

## **Considering Factors for Acceptance of Sponsorship in Official Capacity**

In considering whether or not to accept the sponsorship in their official capacity, the following general criteria are relevant –

- acceptance of the sponsorship will benefit the Association as a whole;
- acceptance of the sponsorship will not bring the Association into any disrepute;
- the sponsorship is not excessive in value or frequency;
- acceptance of the sponsorship will not give rise to any express or implied obligation towards the offeror;
- acceptance of the sponsorship will not give rise to any actual or perceived conflict of interest (e.g. the offeror is a supplier/contractor bidding for the Association's contracts); and
- the sponsor will not be given or be perceived to derive an unfair advantage over other persons or organisations.

## Examples of Conflict of Interest for Staff Members

Some common examples of conflict of interest are provided below but they are by no means exhaustive –

### Procurement of Products or Services

- A staff member involved in a procurement process has interest in or is closely associated with a company which provides the Association with paid services (e.g. training, consultancy, legal, accounting), or bids for supply of goods or services to the Association.
- A staff member leases or sells his property to the Association.

### Contract Administration

- A staff member accepts frequent or lavish entertainment from the Association's suppliers or contractors.
- A staff member undertaking part-time work with a contractor whom he is responsible for monitoring.
- A staff member responsible for contract administration solicits quotations from or employs contractors of the Association for renovating his home.

### Staff Administration

- One of the candidates under consideration in a recruitment or promotion exercise is a family member, a relative or a close personal friend of the staff member responsible for the exercise.
- A staff member soliciting assistance from his subordinate staff in dealing with his own personal matters.

### Others

- In distributing/selling tickets of a match/event hosted by the Association, a staff member withholds some tickets for his family member or other relations without permission.

[Name of the Association]

# DECLARATION OF CONFLICT OF INTEREST

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

To: [Approving Authority]

Via: [ \_\_\_\_\_ ]<sup>®</sup>

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

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Person(s)/organisation(s) with whom/which I have official dealings and/or private interest                                     |
|                                                                                                                                |
| My relationship with the person(s)/organisation(s) (e.g. relative)                                                             |
|                                                                                                                                |
| My contact with the person(s)/organisation(s) (Please state the frequency of contact and the usual occasions of contact, etc.) |
|                                                                                                                                |
| Relationship of the person(s)/organisation(s) with [the Association] (e.g. supplier)                                           |
|                                                                                                                                |
| Brief description of my duties which involved the person(s)/organisation(s) (e.g. handling of tender exercise)                 |
|                                                                                                                                |
| File reference, if any, of the mentioned duties                                                                                |
|                                                                                                                                |

\_\_\_\_\_  
[Name of Declaring Officer]

[Title / Department]

[Date]

**Part B – Approval** *(To be completed by Approving Authority)*To: *[Declaring Officer]*

Via: [\_\_\_\_\_]@

*Part B(i) – In respect of the declaration in Part A of this form, it has been decided that:*

- ☐ The declaration as described in Part A is noted. You are allowed to continue handling the work as described in Part A, provided that there is no change in the information declared above.
- ☐ You are restricted in the work as described in Part A (e.g. prohibit from handling the specific part/duty that you have conflict, withdraw from discussion on a specific issue/case).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You may continue to handle the work as described in Part A, but an independent officer would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. task another officer with the required expertise to provide objective assessment on the matter).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You are relieved of your duty as described in Part A, which will be taken up by another officer through redeployment.

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You should relinquish the personal/private interest (e.g. cease to be a member of a club/association, divest the investments until the conflict situation described in Part A no longer exists).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ Others (please specify) (e.g. you should not contact the person(s)/organisation(s) concerned until the conflict situation described in Part A no longer exists):

Details : \_\_\_\_\_

\_\_\_\_\_

*Part B(ii) – The justification(s) for the measure(s) as described in Part B(i) above is/are:*

*(Factors of consideration including the materiality of the conflict, link between the conflict and the matter in question, and any possible negative public perception over the conflict/incident.)*

In all cases, please be reminded that you should not disclose any privileged/internal information of the subject matter to the person(s)/organisation(s) concerned and should further report if there are changes in circumstances necessitating reporting.

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*[Name of Approving Authority]*

*[Title / Department]*

*[Date]*

### **Part C – Keeping of Records** *(To be completed by Declaring Officer)*

To: *[Designated Office/Staff Member for keeping the completed declaration form]*

Via: *[Approving Authority]*

I noted the decision in Part B. The completed form is for your retention please.

---

*[Name of Declaring Officer]*

*[Title / Department]*

*[Date]*

<sup>@</sup> *Subject to the guidelines of the Association, a conflict of interest declaration/decision may be made via the declaring officer's immediate supervisor/supervisors to/from the approving officer. Otherwise, delete the line.*

<sup>\*</sup> *Potential conflict of interest refers to situation that may be developed into an actual conflict in the future.*

## Mitigating Measures for Managing Declared Conflict of Interest

- **Record** – Where the risk in a conflict of interest situation is indirect, remote or insignificant, and the occurrence of such a situation is infrequent, it may be sufficient to take note of the conflict only.
- **Restrict** – Where a conflict is not likely to arise frequently and the staff can be effectively separated from the part of activity or process in which the conflict arises, it may be suitable to restrict the staff's involvement in the task in which he has a conflict (e.g. withdrawing from discussion on a specific issue, abstaining from voting on the decisions) and access to the related information.
- **Recruit** – Where it is impractical to restrict a staff member's involvement, an independent staff member/expert may be recruited to participate in, oversee, or review part or all of the decision-making process if appropriate (e.g. engaging expert in the selection of highly specialised items).
- **Redeploy** – Where it is inappropriate to allow the staff who has declared a conflict of interest to handle a specific matter, it may be suitable to relieve of the staff's duty which may then be taken up by another staff through redeployment. For serious conflict of interest cases with a high likelihood of relapse, it may be suitable to post out the staff to avoid negative public perception.
- **Relinquish** – Where a staff member's commitment to the official duty outweighs his attachment to his private interest, and adopting other mitigating measures are not appropriate or possible, he may be asked to relinquish his personal or private interests (e.g. divesting the investments, ceasing to be a member of a club/association).

# SAMPLE CODE OF CONDUCT FOR REGISTERED ATHLETES

## Ethical Commitment

1. [Name of NSA] ((hereafter referred to as the Association) regards honesty, integrity and fair play as our core values that must be upheld by all registered athletes at all times. The Association adopts a zero-tolerance policy against corruption, manipulation of competitions and other malpractice. This Code sets out the basic standard of conduct expected of all Registered Athletes, including the Association's policy on acceptance of advantage and handling of conflict of interest when dealing with the Association's business.

*[The Association may wish to include other core values relevant to its duties and business.]*

## Prevention of Bribery

2. The Association prohibits all forms of bribery and corruption. All registered athletes are prohibited from soliciting, accepting or offering any bribe in conducting the Association's business or affairs. In conducting all business or affairs of the Association, they must comply with the Prevention of Bribery Ordinance (Cap. 201) (POBO)<sup>1</sup> of Hong Kong.

*[The relevant sections of the POBO are detailed at **Annex 1**.]*

## Solicitation and Acceptance of Advantages<sup>2</sup>

3. The Association prohibits all registered athletes from soliciting or accepting any advantage from any persons or companies having official dealings with the Association (e.g. coaches, umpires, other athletes, suppliers, contractors), and from any person associated with any competitions held by the Association in which the registered athlete may have an influence, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis –

- (a) cash rewards to award-winning athletes or athletes with top results;
- (b) advertising or promotional gifts or souvenirs of a nominal value;
- (c) gifts given on festive or special occasions<sup>3</sup>, subject to a maximum limit of \$\_\_\_\_\_ <sup>4</sup> in value; or

<sup>1</sup> Full text of the POBO is available at <https://www.elegislation.gov.hk/hk/cap201>.

<sup>2</sup> "Advantage" means almost anything which is of value, except entertainment (see footnote 5), including any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

<sup>3</sup> Associations can decide if they would provide a blanket permission, or require registered athletes to apply for special permission in each case. Special permission is recommended from a control perspective as the Association can consider the circumstances before its decision to grant the permission.

<sup>4</sup> The Association can set the appropriate maximum limit of the value of the gifts allowable to be accepted after taking into account its operational needs. Yet, a modest amount should be set as the maximum limit to prevent registered athletes from falling prey to corruption.

- (d) 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.
4. Gifts or souvenirs described in paragraph 3(b) that are presented to registered athletes by virtue of their official positions or in official functions are deemed as offers to the Association. The registered athletes should take it back to the Association and follow guidelines set out in **Annex 2** for the disposal of gifts or souvenirs received. If a registered athlete wishes to accept from any persons or companies having official dealings with the Association, or from any person associated with any competitions held by the Association in which the registered athlete may have an influence any other advantages not listed in paragraph 3, he should seek the permission from [*the approving authority*]. In case of doubt, the registered athlete should refer the matter to [*insert an appropriate unit / officer*] for advice and instruction.
  5. Even if the offeror does not have any official dealings with the Association, a registered athlete should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Association's business, induce him to act against the Association's interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. Registered athletes should ensure that the acceptance of any advantages can stand up to public scrutiny and will not bring the Association into disrepute.

## Acceptance of Sponsorship

6. Sponsorship (which may comprise passage, accommodation, or other fees) is a form of advantage. A registered athlete may be offered sponsorship due to his personal achievement or professional membership. Though not representing the Association, care should be taken when such a sponsorship is offered by a party having business dealings with the Association and the registered athlete's duty is directly related to, or could potentially or seen to be influenced by, the content or result of the sponsorship. In accepting such sponsorship, registered athletes should ensure that their conduct and activities would not bring them or the Association into disrepute or lead to any actual or perceived conflict of interest.

## Offer of Advantages

7. Registered athletes are prohibited from offering advantages to (i) any director, staff member or agent of another company or organisation, or any public official, for the purpose of influencing such person in any dealing, whether directly or indirectly through a third party, when conducting the Association's business; or (ii) to any person (e.g. umpires, coaches, other athletes), for the purpose of inducing such entity to exercise influence in any competition held by the Association.

### Acceptance of Entertainment

8. Registered athletes should not accept lavish, or unreasonably generous or frequent entertainment<sup>5</sup> from any person having official dealings with the Association. When offered entertainment, a registered athlete should consider whether the entertainment offered could be regarded as –
- excessive – taking into account its value, substance, frequency and nature;
  - inappropriate – taking into account the relationship between the registered athlete and the offeror (e.g. the offeror is an athlete of the opposing team); or
  - undesirable – taking into account the character or reputation of the host or known attendees.

### Gambling and Manipulation of Competition

9. Registered athletes should not engage in frequent or excessive gambling of any kind, or any games of chance involving high stakes. Registered athletes should not bet or facilitate the making of a bet or have any interest in a bet on any competition to which they may have an influence.
10. Registered athletes should not manipulate or attempt to manipulate the result of any competition, such as inducing or encouraging any officials or other athletes not to perform on their merits in any competition.

### Managing Conflict of Interest

11. A conflict of interest situation arises when the “private interests” of a registered athlete compete or conflict with the interests of the Association or the official duties of the registered athlete. Private interests include financial and other interests of the registered athlete himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, any other groups of people with whom he has personal or social ties and any person to whom he owes a favour or to whom he may be obligated in any way.

### Avoidance and Declaration of Conflict of Interest

12. A fundamental integrity requirement is that all registered athletes should avoid situations which may compromise (or be seen to compromise) their integrity or lead to conflict of interest. A registered athlete’s duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.
13. When a situation involving a conflict of interest cannot be avoided, registered athlete 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. Any declarations made and the related decisions

<sup>5</sup> 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.

should be recorded using a declaration form (sample at **Annex 3**). If registered athletes have doubts concerning the handling of conflict of interest situation, they should immediately consult the *[insert an appropriate unit / officer]*.

### **Managing Declared Conflict of Interest**

14. Upon receipt of a report on conflict of interest situation, the Association should, as soon as practical, take into account the seriousness of the conflict and public perception and decide on the appropriate course of action to be taken, such as to relieve the registered athlete of his involvement in the task, and give clear direction/instruction to the registered athlete. The declaration and the decision/action should be properly recorded. The Association should ensure the registered athlete's compliance with the instruction so as to effectively remove/mitigate the conflict of interest.

### **Confidentiality of Information**

15. Registered athletes should not disclose any classified or proprietary information of the Association without authorisation or misuse any Association's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal data to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the Association's data privacy policy.

### **Reporting Suspected Irregularities and Criminal Offences**

16. A registered athlete should report, either directly or through *[insert an appropriate unit/officer in the Association]* as appropriate, instances of crime or suspected crime discovered in the course of his engagement to the appropriate authority or law enforcement agency at the first practicable opportunity. A registered athlete should avoid making any enquires or taking any action that may hinder or frustrate subsequent investigation by the law enforcement authority concerned. All registered athletes who receive or have knowledge of such reports should treat the reports in the strictest confidence.

### **Compliance**

17. Any registered athlete in breach of the Code will be subject to disciplinary action, including disqualification from being an eligible athlete and/or cessation of any subsidy payment.

### **Enquiry**

18. Any enquiries, comments or suggestions in relation to this Code may be referred to *[insert an appropriate unit/officer in the Association]*.

## 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 4 – Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

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

- (a) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

- (3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

### Section 8 – Bribery of public servants by persons having dealings with public bodies

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

### 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.

### Section 19 – Custom not to be a defence

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

## **Guidelines for Handling Gifts / Souvenirs Given to Registered Athletes in Official Capacity**

All gifts / souvenirs received by registered athletes in their official capacity should be forwarded to the Association for disposal in the following manner –

- If the gift / souvenir is of perishable nature (e.g. food, drink), it may be donated to a charitable organisation or, when this is not practical, shared within the Association on a suitable occasion.
- If the gift / souvenir is a useful item, it may be kept for use by the Association or donated to a charitable organisation.
- If the gift / souvenir is suitable for display (e.g. a painting, vase), it may be displayed at appropriate locations of the Association premises.
- If the gift / souvenir is of low value, it may be donated as a prize in functions organised by the Association.
- If the gift / souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient.
- If the gift / souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.
- Any gift / souvenir of high value should be returned to the offeror as far as possible.

[Name of the Association]

DECLARATION OF CONFLICT OF INTEREST

Part A – Declaration (To be completed by Declaring Registered Athlete)

To: [Approving Authority]

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

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Person(s)/organisation(s) with whom/which I have official dealings and/or private interest                                     |
|                                                                                                                                |
| My relationship with the person(s)/organisation(s) (e.g. relative)                                                             |
|                                                                                                                                |
| My contact with the person(s)/organisation(s) (Please state the frequency of contact and the usual occasions of contact, etc.) |
|                                                                                                                                |
| Relationship of the person(s)/organisation(s) with [the Association] (e.g. supplier)                                           |
|                                                                                                                                |
| Brief description of my duties which involved the person(s)/organisation(s)                                                    |
|                                                                                                                                |
| File reference, if any, of the mentioned duties                                                                                |
|                                                                                                                                |

[Name of Declaring Registered Athlete]

[Date]

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

To: *[Declaring Registered Athlete]*

*Part B(i) – In respect of the declaration in Part A of this form, it has been decided that:*

- ☐ The declaration as described in Part A is noted. You are allowed to continue handling the work as described in Part A, provided that there is no change in the information declared above.
- ☐ You are restricted from influencing the work as described in Part A (e.g. prohibit from handling the specific part/duty that you have conflict, withdraw from discussion on a specific issue/case).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ Others (please specify) (e.g. you should not contact the person(s)/organisation(s) concerned until the conflict situation described in Part A no longer exists):

Details : \_\_\_\_\_

\_\_\_\_\_

*Part B(ii) – The justification(s) for the measure(s) as described in Part B(i) above is/are:*

*(Factors of consideration including the materiality of the conflict, link between the conflict and the matter in question, and any possible negative public perception over the conflict/incident.)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In all cases, please be reminded that you should not disclose any privileged/internal information of the subject matter to the person(s)/organisation(s) concerned and should further report if there are changes in circumstances necessitating reporting.

\_\_\_\_\_  
*[Name of Approving Authority]*

*[Date]*

**Part C – Keeping of Records** *(To be completed by Declaring Registered Athlete)*

To: *[Designated Office/Staff Member for keeping the completed declaration form]*

I noted the decision in Part B. The completed form is for your retention please.

---

*[Name of Declaring Registered Athlete]*

*[Date]*

\* Potential conflict of interest refers to situation that may be developed into an actual conflict in the future.

# SAMPLE CODE OF CONDUCT FOR REGISTERED COACHES

## Ethical Commitment

1. [Name of NSA] (hereafter referred to as the Association) regards honesty, integrity and fair play as our core values that must be upheld by registered coaches of the Association at all times. The Association adopts a zero-tolerance policy against corruption, manipulation of competitions and other malpractice. This Code sets out the basic standard of conduct expected of all registered coaches, including the Association's policy on acceptance of advantage and handling of conflict of interest when dealing with the Association's business.

*[The Association may wish to include other core values relevant to its duties and business.]*

## Prevention of Bribery

2. The Association prohibits all forms of bribery and corruption. All registered coaches are prohibited from soliciting, accepting or offering any bribe in conducting the Association's business or affairs. In conducting all business or affairs of the Association, they must comply with the Prevention of Bribery Ordinance (Cap. 201) (POBO)<sup>1</sup> of Hong Kong.

*[The relevant sections of the POBO are detailed at **Annex 1**.]*

## Solicitation and Acceptance of Advantages<sup>2</sup>

3. The Association prohibits registered coaches from soliciting or accepting any advantage from any persons or companies having official dealings with the Association (e.g. other coaches, umpires, athletes, suppliers, contractors), and from any person associated with any competitions held by the Association in which the registered coaches may have an influence, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis –

- (a) advertising or promotional gifts or souvenirs of a nominal value;
- (b) gifts given on festive or special occasions<sup>3</sup>, subject to a maximum limit of \$\_\_\_\_\_<sup>4</sup> in value; or

<sup>1</sup> Full text of the POBO is available at <https://www.elegislation.gov.hk/hk/cap201>.

<sup>2</sup> "Advantage" means almost anything which is of value, except entertainment (see footnote 5), including any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

<sup>3</sup> Associations can decide if they would provide a blanket permission, or require registered coaches to apply for special permission in each case. Special permission is recommended from a control perspective as the Association can consider the circumstances before its decision to grant the permission.

<sup>4</sup> The Association can set the appropriate maximum limit of the value of the gifts allowable to be accepted after taking into account its operational needs. Yet, a modest amount should be set as the maximum limit to prevent registered coaches from falling prey to corruption.

- (c) 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.
4. Gifts or souvenirs described in paragraph 3(a) that are presented to registered coaches by virtue of their official positions or in official functions are deemed as offers to the Association. The registered coaches should take it back to the Association and follow guidelines set out in **Annex 2** for the disposal of gifts or souvenirs received. If a registered coach wishes to accept from any persons or companies having official dealings with the Association, or from any person associated with any competitions held by the Association in which the registered coaches may have an influence any other advantages not listed in paragraph 3, he should seek the permission from [*the approving authority*]. In case of doubt, the registered coaches should refer the matter to [*insert an appropriate unit / officer*] for advice and instruction.
  5. Even if the offeror does not have any official dealings with the Association, a registered coach should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Association's business, induce him to act against the Association's interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. Registered coaches should ensure that the acceptance of any advantages can stand up to public scrutiny and will not bring the Association into disrepute.

## Acceptance of Sponsorship

6. Sponsorship (which may comprise passage, accommodation, or other fees) is a form of advantage. A registered coach may be offered sponsorship due to his personal expertise or achievement. Though not representing the Association, care should be taken when such a sponsorship is offered by a party having business dealings with the Association and the registered coach's duty is directly related to, or could potentially or seen to be influenced by, the content or result of the sponsorship. In accepting such sponsorship, registered coaches should ensure that their conduct and activities would not bring them or the Association into disrepute or lead to any actual or perceived conflict of interest.

## Offer of Advantages

7. Registered coaches are prohibited from offering advantages to (i) any director, staff member or agent of another company or organisation, or any public official, for the purpose of influencing such person in any dealing, whether directly or indirectly through a third party, when conducting the Association's business; or (ii) to any person (e.g. umpires, athletes, other coaches), for the purpose of inducing such entity to exercise influence in any competition held by the Association.

### Acceptance of Entertainment

8. Registered coaches should not accept lavish, or unreasonably generous or frequent entertainment<sup>5</sup> from any person having official dealings with the Association. When offered entertainment, a registered coach should consider whether the entertainment offered could be regarded as –
  - excessive – taking into account its value, substance, frequency and nature;
  - inappropriate – taking into account the relationship between the registered coach and the offeror (e.g. the offeror is an athlete who is under consideration for selection to a sports game by the registered coach); or
  - undesirable – taking into account the character or reputation of the host or known attendees.

### Gambling and Manipulation of Competition

9. Registered coaches should not engage in frequent or excessive gambling of any kind, or any games of chance involving high stakes. Registered coaches should not bet or facilitate the making of a bet or have any interest in a bet on any competition to which they may have an influence.
10. Registered coaches should not manipulate or attempt to manipulate the result of any competition, such as inducing or encouraging any athlete or officials not to perform on their merits in any competition.

### Managing Conflict of Interest

11. A conflict of interest situation arises when the “private interests” of a registered coach compete or conflict with the interests of the Association or the official duties of the registered coach. Private interests include financial and other interests of the registered coach himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, any other groups of people with whom he has personal or social ties, and any person to whom he owes a favour or to whom he may be obligated in any way. Some common examples of conflict of interest are provided at **Annex 3**.

### Avoidance and Declaration of Conflict of Interest

12. A fundamental integrity requirement is that all registered coaches should avoid situations which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest. A registered coach’s duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.
13. When a situation involving a conflict of interest cannot be avoided, registered coaches 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. Any declarations made and the related decisions

<sup>5</sup> 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.

should be recorded using a declaration form (sample at **Annex 4**). If registered coaches have doubts concerning the handling of conflict of interest situation, they should immediately consult the *[insert an appropriate unit / officer]*.

### **Managing Declared Conflict of Interest**

14. Upon receipt of a report on conflict of interest situation, the Association should, as soon as practical, take into account the seriousness of the conflict and public perception and decide on the appropriate course of action to be taken, such as to relieve the registered coach of his involvement in the task, and give clear direction/instruction to the registered coach. The declaration and the decision/action should be properly recorded. The Association should ensure the registered coaches' compliance with the instruction so as to effectively remove/mitigate the conflict of interest.

### **Confidentiality of Information**

15. Registered coaches should not disclose any classified or proprietary information of the Association without authorisation or misuse any Association's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal data of athletes to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the Association's data privacy policy.
16. Registered coaches should continue to observe their duty of confidentiality after they have left the Association. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

### **Reporting Suspected Irregularities and Criminal Offences**

17. A registered coach should report, either directly or through *[insert an appropriate unit/officer in the Association]* as appropriate, instances of crime or suspected crime discovered in the course of his work to the appropriate authority or law enforcement agency at the first practicable opportunity. A registered coach should avoid making any enquires or taking any action that may hinder or frustrate subsequent investigation by the law enforcement authority concerned. All registered coaches who receive or have knowledge of such reports should treat the reports in the strictest confidence.

### **Compliance**

18. Any registered coaches in breach of the Code will be subject to disciplinary action, including suspension of the registration of coaches.

### **Enquiry**

19. Any enquiries, comments or suggestions in relation to this Code may be referred to *[insert an appropriate unit/officer in the Association]*.

## 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 4 – Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

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

- (a) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

- (3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

### Section 8 – Bribery of public servants by persons having dealings with public bodies

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

### 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.

### Section 19 – Custom not to be a defence

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

## **Guidelines for Handling Gifts / Souvenirs Given to Registered Coaches in Official Capacity**

All gifts / souvenirs received by registered coaches in their official capacity should be forwarded to the Association for disposal in the following manner –

- If the gift / souvenir is of perishable nature (e.g. food, drink), it may be donated to a charitable organisation or, when this is not practical, shared within the Association on a suitable occasion.
- If the gift / souvenir is a useful item, it may be kept for use by the Association or donated to a charitable organisation.
- If the gift / souvenir is suitable for display (e.g. a painting, vase), it may be displayed at appropriate locations of the Association premises.
- If the gift / souvenir is of low value, it may be donated as a prize in functions organised by the Association.
- If the gift / souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient.
- If the gift / souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.
- Any gift / souvenir of high value should be returned to the offeror as far as possible.

## Examples of Conflict of Interest for Registered Coaches

Some examples of conflict of interest are provided below but they are by no means exhaustive –

### *Procurement of Products or Services*

- A registered coach recommends the procurement unit of the Association to buy the sports products from a sports company which the registered coach is the owner.
- The relative of a registered coach is the owner of a private venue which is rented by the Association for training.

### *Contract Administration*

- A registered coach accepts frequent or lavish entertainment from the Association's suppliers or contractors.

### *Others*

- A registered coach arbitrarily picks an athlete with personal connection to complete a relay roster position when the Association's policy is to conduct an objective assessment to pick the team.

[Name of the Association]

# DECLARATION OF CONFLICT OF INTEREST

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

To: [Approving Authority]

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

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Person(s)/organisation(s) with whom/which I have official dealings and/or private interest                                     |
|                                                                                                                                |
| My relationship with the person(s)/organisation(s) (e.g. relative)                                                             |
|                                                                                                                                |
| My contact with the person(s)/organisation(s) (Please state the frequency of contact and the usual occasions of contact, etc.) |
|                                                                                                                                |
| Relationship of the person(s)/organisation(s) with [the Association] (e.g. supplier)                                           |
|                                                                                                                                |
| Brief description of my duties which involved the person(s)/organisation(s)                                                    |
|                                                                                                                                |
| File reference, if any, of the mentioned duties                                                                                |
|                                                                                                                                |

---

[Name of Declaring Registered Coach]

[Date]

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

To: *[Declaring Registered Coach]*

*Part B(i) – In respect of the declaration in Part A of this form, it has been decided that:*

- ☐ The declaration as described in Part A is noted. You are allowed to continue handling the work as described in Part A, provided that there is no change in the information declared above.
- ☐ You are restricted in the work as described in Part A (e.g. prohibit from handling the specific part/duty that you have conflict, withdraw from discussion on a specific issue/case).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You may continue to handle the work as described in Part A, but an independent coach/expert would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. task another registered coach with the required expertise to provide objective assessment on the matter).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You are relieved of your duty as described in Part A, which will be taken up by another registered coach through redeployment.

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ Others (please specify) (e.g. you should not contact the person(s)/organisation(s) concerned until the conflict situation described in Part A no longer exists):

Details : \_\_\_\_\_

\_\_\_\_\_

*Part B(ii) – The justification(s) for the measure(s) as described in Part B(i) above is/are:*

*(Factors of consideration including the materiality of the conflict, link between the conflict and the matter in question, and any possible negative public perception over the conflict/incident.)*

---

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In all cases, please be reminded that you should not disclose any privileged/internal information of the subject matter to the person(s)/organisation(s) concerned and should further report if there are changes in circumstances necessitating reporting.

---

*[Name of Approving Authority]*

*[Date]*

### **Part C – Keeping of Records** *(To be completed by Declaring Registered Coach)*

To: *[Designated Office/Staff Member for keeping the completed declaration form]*

I noted the decision in Part B. The completed form is for your retention please.

---

*[Name of Declaring Registered Coach]*

*[Date]*

\* Potential conflict of interest refers to situation that may be developed into an actual conflict in the future.

# SAMPLE CODE OF CONDUCT FOR REGISTERED UMPIRES

## Ethical Commitment

1. [Name of NSA] (hereafter referred to as the Association) regards honesty, integrity and fair play as our core values that must be upheld by registered umpires of the Association at all times. The Association adopts a zero-tolerance policy against corruption, manipulation of competitions and other malpractice. This Code sets out the basic standard of conduct expected of all registered umpires, including the Association's policy on acceptance of advantage and handling of conflict of interest when dealing with the Association's business.

*[The Association may wish to include other core values relevant to its duties and business.]*

## Prevention of Bribery

2. The Association prohibits all forms of bribery and corruption. All registered umpires are prohibited from soliciting, accepting or offering any bribe in conducting the Association's business or affairs. In conducting all business or affairs of the Association, they must comply with the Prevention of Bribery Ordinance (Cap. 201) (POBO)<sup>1</sup> of Hong Kong.

*[The relevant sections of the POBO are detailed at **Annex 1**.]*

## Solicitation and Acceptance of Advantages<sup>2</sup>

3. The Association prohibits registered umpires from soliciting or accepting any advantage from any persons or companies having official dealings with the Association (e.g. coaches, other umpires, athletes, suppliers, contractors), and from any person associated with any competitions held by the Association in which the registered umpires may have an influence, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis –
  - (a) advertising or promotional gifts or souvenirs of a nominal value;
  - (b) gifts given on festive or special occasions<sup>3</sup>, subject to a maximum limit of \$\_\_\_\_\_ <sup>4</sup> in value; or

<sup>1</sup> Full text of the POBO is available at <https://www.elegislation.gov.hk/hk/cap201>.

<sup>2</sup> "Advantage" means almost anything which is of value, except entertainment (see footnote 5), including any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

<sup>3</sup> Associations can decide if they would provide a blanket permission, or require registered umpires to apply for special permission in each case. Special permission is recommended from a control perspective as the Association can consider the circumstances before its decision to grant the permission.

<sup>4</sup> The Association can set the appropriate maximum limit of the value of the gifts allowable to be accepted after taking into account its operational needs. Yet, a modest amount should be set as the maximum limit to prevent registered umpires from falling prey to corruption.

- (c) 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.
- 4. Gifts or souvenirs described in paragraph 3(a) that are presented to registered umpires by virtue of their official positions or in official functions are deemed as offers to the Association. The registered umpires concerned should take it back to the Association and follow guidelines set out in **Annex 2** for the disposal of gifts or souvenirs received. If a registered umpire wishes to accept from any persons or companies having official dealings with the Association, or from any person associated with any competitions held by the Association in which the registered umpires may have an influence any other advantages not listed in paragraph 3, he should seek the permission from [*the approving authority*]. In case of doubt, the registered umpires should refer the matter to [*insert an appropriate unit / officer*] for advice and instruction.
- 5. Even if the offeror does not have any official dealings with the Association, a registered umpire should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Association's business, induce him to act against the Association's interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. Registered umpires should ensure that the acceptance of any advantages can stand up to public scrutiny and will not bring the Association into disrepute.

### Acceptance of Sponsorship

- 6. Sponsorship (which may comprise passage, accommodation, or other fees) is a form of advantage. A registered umpire may be offered sponsorship due to his personal expertise or achievement. Though not representing the Association, care should be taken when such a sponsorship is offered by a party having business dealings with the Association and the registered umpire's duty is directly related to, or could potentially or seen to be influenced by, the content or result of the sponsorship. In accepting such sponsorship, registered umpires should ensure that their conduct and activities would not bring them or the Association into disrepute or lead to any actual or perceived conflict of interest.

### Offer of Advantages

- 7. Registered umpires are prohibited from offering advantages to (i) any director, staff member or agent of another company or organisation, or any public official, for the purpose of influencing such person in any dealing, whether directly or indirectly through a third party, when conducting the Association's business; or (ii) to any person (e.g. athletes, coaches, other umpires) for the purpose of inducing such entity to exercise influence in any competition held by the Association.

## Acceptance of Entertainment

8. Registered umpires should not accept lavish, or unreasonably generous or frequent entertainment<sup>5</sup> from any person having official dealings with the Association. When offered entertainment, a registered umpire should consider whether the entertainment offered could be regarded as –
- excessive – taking into account its value, substance, frequency and nature;
  - inappropriate – taking into account the relationship between the registered umpire and the offeror (e.g. the offeror is an athlete who will play in an upcoming competition which the registered umpire will adjudicate); or
  - undesirable – taking into account the character or reputation of the host or known attendees.

## Gambling and Manipulation of Competition

9. Registered umpires should not engage in frequent or excessive gambling of any kind, or any games of chance involving high stakes. Registered umpires should not bet or facilitate the making of a bet or have any interest in a bet on any competition to which they may have an influence.
10. Registered umpires should not manipulate or attempt to manipulate the result of any competition, such as inducing or encouraging any athlete or officials not to perform on their merits in any competition.

## Managing Conflict of Interest

11. A conflict of interest situation arises when the “private interests” of a registered umpire compete or conflict with the interests of the Association or the official duties of the registered umpire. Private interests include financial and other interests of the registered umpire himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, any other groups of people with whom he has personal or social ties, and any person to whom he owes a favour or to whom he may be obligated in any way. Some common examples of conflict of interest are provided at **Annex 3**.

## Avoidance and Declaration of Conflict of Interest

12. A fundamental integrity requirement is that all registered umpires should avoid situations which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest. A registered umpire’s duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.
13. When a situation involving a conflict of interest cannot be avoided, registered umpires should as soon as possible make full disclosure of all relevant interests which conflict, may conflict or may

<sup>5</sup> 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.

be seen to conflict with their official duties. Any declarations made and the related decisions should be recorded using a declaration form (sample at **Annex 4**). If registered umpires have doubts concerning the handling of conflict of interest situation, they should immediately consult the *[insert an appropriate unit / officer]*.

### Managing Declared Conflict of Interest

14. Upon receipt of a report on conflict of interest situation, the Association should, as soon as practical, take into account the seriousness of the conflict and public perception and decide on the appropriate course of action to be taken, such as to relieve the registered umpire of his involvement in the task, and give clear direction/instruction to the registered umpire. The declaration and the decision/action should be properly recorded. The Association should ensure the registered umpires' compliance with the instruction so as to effectively remove/mitigate the conflict of interest.

### Confidentiality of Information

15. Registered umpire should not disclose any classified or proprietary information of the Association without authorisation or misuse any Association's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal data to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and the Association's data privacy policy.
16. Registered umpires should continue to observe their duty of confidentiality after they have left the Association. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

### Reporting Suspected Irregularities and Criminal Offences

17. A registered umpire should report, either directly or through *[insert an appropriate unit/officer in the Association]* as appropriate, instances of crime or suspected crime discovered in the course of his work to the appropriate authority or law enforcement agency at the first practicable opportunity. A registered umpire should avoid making any enquires or taking any action that may hinder or frustrate subsequent investigation by the law enforcement authority concerned. All registered umpires who receive or have knowledge of such reports should treat the reports in the strictest confidence.

### Compliance

18. Any registered umpires in breach of the Code will be subject to disciplinary action, including suspension of the registration of umpires.

### Enquiry

19. Any enquiries, comments or suggestions in relation to this Code may be referred to *[insert an appropriate unit/officer in the Association]*.

# 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 4 – Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's –

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

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

- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

- (3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

### Section 8 – Bribery of public servants by persons having dealings with public bodies

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

### 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.

### Section 19 – Custom not to be a defence

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

## **Guidelines for Handling Gifts / Souvenirs Given to Registered Umpires in Official Capacity**

All gifts / souvenirs received by registered umpires in their official capacity should be forwarded to the Association for disposal in the following manner –

- If the gift / souvenir is of perishable nature (e.g. food, drink), it may be donated to a charitable organisation or, when this is not practical, shared within the Association on a suitable occasion.
- If the gift / souvenir is a useful item, it may be kept for use by the Association or donated to a charitable organisation.
- If the gift / souvenir is suitable for display (e.g. a painting, vase), it may be displayed at appropriate locations of the Association premises.
- If the gift / souvenir is of low value, it may be donated as a prize in functions organised by the Association.
- If the gift / souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient.
- If the gift / souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.
- Any gift / souvenir of high value should be returned to the offeror as far as possible.

## **Examples of Conflict of Interest for Registered Umpires**

Some examples of conflict of interest are provided below but they are by no means exhaustive –

### ***Procurement of Products or Services***

- The relative of a registered umpire selected for adjudicating in an upcoming competition is the owner of a private venue which is rented by the Association for training.

### ***Contract Administration***

- A registered umpire accepts frequent or lavish entertainment from the Association's suppliers or contractors.

### ***Others***

- An athlete undergoing disciplinary hearing is the son of a close friend of a registered umpire who sits in the Disciplinary Committee.
- A registered umpire adjudicates in a game that his nephew plays.

[Name of the Association]

DECLARATION OF CONFLICT OF INTEREST

Part A – Declaration (To be completed by Declaring Registered Umpire)

To: [Approving Authority]

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

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Person(s)/organisation(s) with whom/which I have official dealings and/or private interest                                     |
|                                                                                                                                |
| My relationship with the person(s)/organisation(s) (e.g. relative)                                                             |
|                                                                                                                                |
| My contact with the person(s)/organisation(s) (Please state the frequency of contact and the usual occasions of contact, etc.) |
|                                                                                                                                |
| Relationship of the person(s)/organisation(s) with [the Association] (e.g. supplier)                                           |
|                                                                                                                                |
| Brief description of my duties which involved the person(s)/organisation(s)                                                    |
|                                                                                                                                |
| File reference, if any, of the mentioned duties                                                                                |
|                                                                                                                                |

[Name of Declaring Registered Umpire]

[Date]

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

To: *[Declaring Registered Umpire]*

*Part B(i) – In respect of the declaration in Part A of this form, it has been decided that:*

- ☐ The declaration as described in Part A is noted. You are allowed to continue handling the work as described in Part A, provided that there is no change in the information declared above.
- ☐ You are restricted in the work as described in Part A (e.g. prohibit from handling the specific part/duty that you have conflict, withdraw from discussion on a specific issue/case).

Details : \_\_\_\_\_  
\_\_\_\_\_

- ☐ You may continue to handle the work as described in Part A, but an independent umpire/expert would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. task another registered umpire with the required expertise to provide objective assessment on the matter).

Details : \_\_\_\_\_  
\_\_\_\_\_

- ☐ You are relieved of your duty as described in Part A, which will be taken up by another registered umpire through redeployment.

Details : \_\_\_\_\_  
\_\_\_\_\_

- ☐ Others (please specify) (e.g. you should not contact the person(s)/organisation(s) concerned until the conflict situation described in Part A no longer exists):

Details : \_\_\_\_\_  
\_\_\_\_\_

*Part B(ii) – The justification(s) for the measure(s) as described in Part B(i) above is/are:*

*(Factors of consideration including the materiality of the conflict, link between the conflict and the matter in question, and any possible negative public perception over the conflict/incident.)*

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In all cases, please be reminded that you should not disclose any privileged/internal information of the subject matter to the person(s)/organisation(s) concerned and should further report if there are changes in circumstances necessitating reporting.

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*[Name of Approving Authority]*

*[Date]*

### **Part C – Keeping of Records** *(To be completed by Declaring Registered Umpire)*

To: *[Designated Office/Staff Member for keeping the completed declaration form]*

I noted the decision in Part B. The completed form is for your retention please.

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*[Name of Declaring Registered Umpire]*

*[Date]*

\* Potential conflict of interest refers to situation that may be developed into an actual conflict in the future.

# SAMPLE FORM FOR MANAGING CONFLICT OF INTEREST DECLARATION

[Name of the NSA]

## DECLARATION OF CONFLICT OF INTEREST

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

To: [Approving Authority]

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

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| Person(s)/organisation(s) with whom/which I have official dealings and/or private interest                                     |
| My relationship with the person(s)/organisation(s) (e.g. relative)                                                             |
| My contact with the person(s)/organisation(s) (Please state the frequency of contact and the usual occasions of contact, etc.) |
| Relationship of the person(s)/organisation(s) with [the NSA] (e.g. supplier)                                                   |
| Brief description of my duties which involved the person(s)/organisation(s) (e.g. handling of tender exercise)                 |
| File reference, if any, of the mentioned duties                                                                                |

\_\_\_\_\_  
[Name of the Declarer]

[Title]

[Date]

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

To: [Declarer]

*Part B(i) – In respect of the declaration in Part A of this form, it has been decided that:*

- ☐ The declaration as described in Part A is noted. You are allowed to continue handling the work as described in Part A, provided that there is no change in the information declared above.
- ☐ You are restricted in the work as described in Part A (e.g. prohibit from handling the specific part/duty that you have conflict, withdraw from discussion on a specific issue/case).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You may continue to handle the work as described in Part A, but an independent person would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. task another person with the required expertise to provide objective assessment on the matter).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You are relieved of your duty as described in Part A, which will be taken up by another person through redeployment.

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ You should relinquish the personal/private interest (e.g. cease to be a member of a club/association, divest the investments until the conflict situation described in Part A no longer exists).

Details : \_\_\_\_\_

\_\_\_\_\_

- ☐ Others (please specify) (e.g. you should not contact the person(s)/organisation(s) concerned until the conflict situation described in Part A no longer exists):

Details : \_\_\_\_\_

\_\_\_\_\_

*Part B(ii) – The justification(s) for the measure(s) as described in Part B(i) above is/are:*

*(Factors of consideration including the materiality of the conflict, link between the conflict and the matter in question, and any possible negative public perception over the conflict/incident.)*

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In all cases, please be reminded that you should not disclose any privileged/internal information of the subject matter to the person(s)/organisation(s) concerned and should further report if there are changes in circumstances necessitating reporting.

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[Name of Approving Authority]

[Title]

[Date]

### **Part C – Keeping of Records** *(To be completed by the Declarer)*

To: [Designated Office/Staff Member for keeping the completed declaration form]

I noted the decision in Part B. The completed form is for your retention please.

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[Name of Declarer]

[Title]

[Date]

\* Potential conflict of interest refers to situation that may be developed into an actual conflict in the future.