

(English Version Only)

Annex B

Manual of Identification and declaration of conflicts of interest

Avoidance of Conflict of Interest and Acceptance of Advantages/Entertainment by Members/Staffs of the Hong Kong Phlebotomy and Intravenous Infusion Association (HKPIVA)

Introduction

1. Members/Staffs of the HKPIVA are “prescribed officers” under the Prevention of Bribery Ordinance (Cap. 201). This General Order serves to provide information and guidance about (a) avoiding conflict of interest, and (b) acceptance of advantages/entertainment by related personnel/staffs with a view to strengthening their awareness of these issues and enhancing their integrity.

Conflict of Interest

2. It is fundamental for personnel/staffs of the HKPIVA to avoid conflict of interest, be it actual or perceived. A conflict of interest situation arises where the “private interests” of a member compete or conflict with the interest of HKPIVA and/or his/her official duty. “Private interest” includes financial and other interests of the HKPIVA member/staff himself/herself; his/her family or other relations; his/her personal friends; the clubs and associations to which he/she belongs; any other groups of people with whom he/she has personal or social ties; or any person to whom he/she owes a favour or is obligated in any way. It should be noted that situation of potential conflict of interest cannot be exhaustive. In some circumstances, failure to avoid or declare a conflict of interest may render a HKPIVA member/staff liable to criminal proceedings or even prosecution for the common law offence of misconduct in public office.

Prevention of Bribery Ordinance

3. HKPIVA members/staffs is a “prescribed officer” Note within the meaning of the Prevention of Bribery Ordinance (Cap. 201) (“the Ordinance”) and hence subject to sections 3, 4 and 10 of the Ordinance concerning soliciting or accepting an advantage, bribery and possession of unexplained property respectively. Extracts from sections 3, 4 and 10 of the Ordinance are at Appendices 1a, 1b and 1c.

Guidelines

4. A member/staff of the HKPIVA should:

- (a) never use his/her position in HKPIVA (or any privileged information made available to him/her in his/her capacity as a HKPIVA member/staff) to further his/her private interests or those of his/her family, friends or associates nor put himself/herself in a position which gives rise to suspicion that he/she has done so;
- (b) avoid placing himself/herself in a position of obligation to anyone by accepting any advantage, excessive entertainment or favour from any person or any company/organisation or indulging in any game of chance for money or money's worth with, or borrow money from any subordinate or other people with whom the member has, or is likely to have, official dealings;
- (c) avoid putting himself or herself in a position that may arouse any suspicion of dishonesty or of using his or her official position to benefit him/her or his/her family, relations, friends or associates;
- (d) refrain from taking part in the deliberation, decision-making, investigation or enforcement process in connection with any matter in which he/she has a private interest;
- (e) decline to provide assistance, advice or information to his/her relations, friends or any other person in connection with his duty where this would give the recipient an unfair advantage over other people;
- (f) report to his/her superior officer any private interest that might be seen to compromise his/her personal judgement in the performance of his/her duty; and/or
- (g) save for purpose of executing his/her duty, keep confidential of all confidential and/or sensitive information obtained by him/her in the course of his/her duty.

5. The responsible unit head of HKPIVA should:

- (a) watch out for any possibility of his/her subordinates being exposed to conflict of interest situation;
- (b) consult his/her supervisor on the appropriate follow-up action where necessary if he/she receives any report/complaint alleging that his/her subordinate has breached the requirements on avoiding conflict of interest.
- (c) decide on the course of action to be taken or make a recommendation to his/her supervisor;
- (d) relieve a HKPIVA member of his/her involvement in the duty which may give rise to a conflict

of interest;

(e) advise a HKPIVA member concerned of the action to be taken and keep proper record of the advice given and management action taken; and

(f) promote awareness of the importance to avoid and report conflict of interest by holding biennial seminars and critically assess the relative risks of his/her subordinates being exposed to conflict of interest situation in the normal course of duty.

6. If a HKPIVA member/staff encounters any real or potential conflict of interest in any matter under consideration in a meeting or otherwise, he/she must as soon as applicable after he/she becomes aware of it, declare to the chairperson or the most senior personnel prior to any discussion. The chairperson or the most senior personnel shall relieve the HKPIVA member/staff concerned from the matter. If the chairperson or the most senior personnel declares an interest in a matter under consideration, the chairpersonship should be taken over by a vice-chairperson. When a relevant interest is known, circulation of the relevant papers and/or materials to the HKPIVA member/staff concerned should be withheld, and any papers and/or materials already circulated should be returned by the HKPIVA member/staff concerned. Any declaration of interest should be recorded in writing.

Acceptance of Advantages/Entertainment

7. Members/Staffs of the HKPIVA must:

(a) not solicit or accept any advantage without the general or special permission of the Chief Executive Committee Chairman which is an offence under section 3 of the Ordinance;

(b) not accept gifts, discounts, loans of money or passages from any person with whom he/she has official dealings without the special permission from the approving authority under the Acceptance of Advantages Notice.

(c) refuse to accept any lavish or unreasonably generous or frequent entertainment that may put himself/herself in an obligatory position in the discharge of his/her duty or bring HKPIVA into disrepute or give rise to any actual or potential conflict of interest; and/or

(c) manage his/her personal finance prudently so as to avoid placing himself/herself in a position vulnerable to corruption and malpractice and be vigilant when accepting any entertainment and free service.

8. Responsible unit heads should watch out for signs of bribery and formulate effective

management and monitoring tactics to prevent their subordinates from being exposed to temptation.

To : Supervisor, Hong Kong Phlebotomy and Intravenous Infusion Association

I hereby declare that :

☐ I have no pecuniary or other personal interest, direct or indirect, in any matter that raises or may raise a conflict with my duties as a manager of the Management Committee of XXXXXX.

☐ I have pecuniary or other personal interest, direct or indirect, in certain matter that raises or may raise a conflict with my duties as a manager of the Management Committee of XXXX School. The particulars of such matter are stated below :

I also acknowledge that I shall make another declaration to state any change in any matter contained in this declaration within one month after the change occurs and shall provide further information on the particulars contained in this declaration if so required by the Management Committee of XXX School.

Signature : _____

Name : _____

Date : _____

Note :

- (a) Please put a “✓” in the appropriate box
- (b) Please continue on supplementary sheet if necessary