

HONG KONG PRODUCTIVITY COUNCIL

CODE OF CONDUCT

FOR COUNCIL MEMBERS

December 2021

Foreword

1. This Code is applicable to all Members¹.
2. HKPC is committed to achieving and maintaining a high standard of openness, probity, accountability and fair play. HKPC endeavours to maintain a high standard of corporate governance and put in place pertinent systems and measures to uphold corporate governance at all times.

Core Values

3. HKPC is fully committed to the following principles:
 - collaboration
 - innovation
 - integrity
 - people
 - quality
 - value creation
4. A Member should act in the best interest of the public and HKPC, place public and HKPC's interest above private interest when carrying out duties in relation to his² public office and ensure that his conduct would not bring HKPC into disrepute.

¹ Members refer to the Council Members of HKPC.

² A reference to the masculine gender in this code covers both the feminine and masculine gender.

Prevention of Bribery

5. HKPC is a public body under the Prevention of Bribery Ordinance (Cap. 201) (“POBO”). All Members of HKPC are “public servants” for the purpose of the Ordinance.
6. Under the POBO, a public servant is prohibited from soliciting or accepting, without lawful authority or reasonable excuse, any advantage in Hong Kong or elsewhere as an inducement to or reward for or otherwise on account of his performing or abstaining from performing any act in his capacity as a public servant³.
7. “Advantage” means almost anything which is of value, except entertainment (see paragraph 16 below), including any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

Solicitation and Acceptance of Advantages

8. HKPC prohibits Members from soliciting or accepting any advantage from any persons or companies having official dealings with HKPC (e.g. service applicants/recipients, regulatees, suppliers, contractors) and HKPC’s employees who may be affected by the Members.
9. Members are permitted to solicit or accept from a relation (e.g. spouse, parent, child) any advantage. This, however, does not relieve a Member from observing the POBO (see paragraph 6 above) and the requirements on avoidance and declaration of conflict of interest (see paragraphs 19 - 22 below).
10. Even if the offeror does not have any official dealings with HKPC, a Member should decline an offer of an advantage if the acceptance could affect his objectivity in conducting HKPC’s business, induce him to act against HKPC’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. A Member should always consider the public perception when accepting an offer of an advantage and ensure that the

³ The person offering the advantage may also commit an offence.

solicitation or acceptance of any advantages can stand up to public scrutiny and will not bring HKPC into disrepute.

Advantages Offered to Members in Their Official Capacity Representing HKPC

11. An advantage presented to a Member by virtue of his official position or on an occasion attended in the Member's official capacity is regarded as an advantage to HKPC (e.g. a souvenir presented by the organiser of a ceremonial occasion to a Member representing HKPC to officiate at the ceremony).
12. Members should as far as possible decline such gifts. Where this cannot be done (e.g. owing to protocol reasons or the need to avoid causing offence or embarrassment), he should follow the following guidelines in handling the gifts/souvenirs received.
 - (a) Personal retention with no declaration required for the following item(s):
 - (i) advertising or promotional gifts or souvenirs of a nominal value (e.g. pen, paper notepad, calendar, or items with estimated value below HK\$100 in general); or
 - (ii) 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.
 - (b) Contribution to HKPC's corporate inventory for the item(s) not listed in paragraph 12(a).

Members should fill in the form of Record of Advantages Received for Handling by HKPC as shown at Appendix 1 and submit together with the gifts/souvenirs to the Council Secretariat of HKPC for further action. HKPC should return such item(s) to the offerors if the item(s) are excessive in value.

If in doubt, Members are advised to act on the side of caution to donate the advantages to HKPC's corporate inventory for further handling.

Acceptance of Sponsorship

13. Sponsorship (which may comprise passage, accommodation, or other fees) is a form of advantage. Members may be offered sponsorship in their official capacity representing HKPC by persons or other organisations for official purposes such as attending local/overseas conferences, conventions and product trial activities. Such sponsorship should be regarded as sponsorship offered to HKPC and referred to the Council of HKPC for consideration of acceptance, based on operational need, and assignment of the Member/staff to attend the sponsored activity, based on suitability. The general criteria for considering whether or not to accept the sponsorship offer are suggested at Appendix 2.
14. If any speaker fees or monetary rewards are offered to Members for delivery of speech or training session in their official capacity representing HKPC, Members should inform the Council Secretariat by filling in the form of Record of Advantages Received for Handling by HKPC (Appendix 1) and contribute the speaker fees or monetary rewards to HKPC.
15. A Member may be offered sponsorship, for example, sponsored visit offered by a professional body, industrial/supplier organisation or supplier, due to his personal expertise or professional membership, to attend an overseas conference. Though not representing HKPC, care should be taken when such a sponsored visit is offered by a party having business dealings with HKPC and the Member's duty is directly related to, or could potentially or seen to be influenced by, the content or result of the visit (e.g. the Member is involved in or can influence the purchasing decision of HKPC, while the sponsor is a potential supplier). In accepting such sponsorship, Members should ensure that their conduct and activities would not bring them or HKPC into disrepute or lead to any actual or perceived conflict of interest. In particular, they should ensure that their private sponsored visits are separate from their official position and duties and avoid putting themselves in an obligatory position through acceptance of advantages or hospitality normally applicable to official purposes.

Acceptance of Entertainment

16. Members should not accept lavish, or unreasonably generous or frequent entertainment (“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), or indeed any entertainment which is likely to give rise to any actual or perceived conflict of interest, put the Members in an obligatory position in the discharge of their duties, compromise their impartiality or judgement, or bring them or HKPC into disrepute bearing in mind public perception. When offered entertainment, a 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 Member and the offeror (e.g. whether they have any direct official dealings); or
- undesirable – taking into account the character or reputation of the host or known attendees.

Offering of Advantages

17. Members are prohibited from offering advantages, whether directly or indirectly through a third party, to any person or organisation, for the purpose of influencing such person or organisation in any dealings. Members are also prohibited from offering advantages, whether directly or indirectly through a third party, to any public official employed by the Government or any other public body, while having dealings of any kind with the Government or public body.

18. 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.

Managing Conflict of Interest

19. A conflict of interest situation arises when the “private interests” of a Member compete or conflict with the interests of HKPC or the Member’s official duties. Private interests include financial and other interests of the Member himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, 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 Appendix 3.

Avoidance and Declaration of Conflict of Interest

20. Members’ advice should be disinterested and impartial. A fundamental rule is that all Members (including the Council Chairman) should, as far as possible, avoid any actual or perceived conflict of interest from arising in the first place. When a situation of conflict of interest cannot be avoided, Members (including the Council Chairman) should as soon as possible declare all relevant interests which conflict, may conflict or may be seen to conflict with their official duties to the Council Chairman or HKPC Council, using a declaration form (Appendix 4) where practicable and follow the declaration guidelines issued by the Home Affairs Bureau at Appendix 5.

Managing Declared Conflict of Interest

21. Upon receipt of a report on conflict of interest situation, the Council Chairman or the Council of HKPC should, as soon as practical, decide on the appropriate course of action to be taken such as to relieve the Member of his involvement in the task, and give clear direction/instruction to the Member concerned. The declaration and the decision/action should be properly recorded. The Council Chairman or the Council of HKPC should ensure the Members’ compliance with the instruction so as to effectively remove/mitigate the conflict of interest.
22. In deciding on the course of action to be taken, the Council Chairman or the Council of HKPC should take into account the seriousness of the conflict, the public interest involved and public perception. Mitigating measures which the Council Chairman or the Council of HKPC can consider adopting are at Appendix 6.

Members' Business Dealings with HKPC

23. As a matter of principle, Members should avoid entering into any business contract with HKPC in their personal capacity to prevent the public perception of Members using their capacity to obtain financial gains from HKPC. Where this is unavoidable, Members should then adhere to the provisions as set out below in paragraph 24 to 26 and disclose business dealing(s) with HKPC involving themselves and/or their disclosed interested entities by using a declaration form (Appendix 7) as and when applicable.
24. For Members and/or their disclosed interested entities⁴ seeking provision of service of HKPC, the terms of the service should be determined according to HKPC's standard commercial terms.
25. In respect of bidding for HKPC's business contracts, Members and/or their disclosed interested entities should adhere to the guidelines on managing possible conflict of interest in bidding for HKPC's business contracts as set out at Appendix 8⁵. When Members and/or their disclosed interested entities enter into any business contract with HKPC, the contract terms should be determined according to HKPC's standard commercial terms.
26. HKPC shall maintain a list of business contracts entered with Members and/or their disclosed interested entities and report the relevant information to the Council Chairman and the Chairman of the Audit Committee of the Council. Members (including the Council Chairman), must as soon as practicable after they have become aware of, notify the Council Secretariat of any business dealings entered into by them and/or their disclosed interested entities with HKPC.

⁴ The personal interests, direct or indirect, pecuniary or otherwise, disclosed by Members on their first appointment and thereafter annually to the Council Secretariat.

⁵ The guidelines are referenced to the guidelines issued by the Home Affairs Bureau to all Government Bureaux/Departments on 17 August 2005.

Members' Applications for Government Funding Schemes with HKPC as Secretariat/Implementation Partner

27. HKPC has been appointed and engaged by the HKSAR Government as the Secretariat/Implementation Partner to administer, implement and process applications for various Government funding and subsidy schemes/programmes (“Government funding schemes”). Members will be updated and notified whenever HKPC has been appointed as the Secretariat or Implementation Partner in new Government funding schemes.
28. Members and their entities/related entities, associates⁶ and/or associated persons⁷ may apply for financial assistance and funding support from the Government funding schemes. Members (including the Council Chairman) should notify the Secretariat of respective Government funding schemes via the Council Secretariat upon filing their applications for the schemes using a declaration form (Appendix 9).

Misconduct in Public Office

29. A public official who wilfully and seriously misconducts himself in relation to his public office (e.g. misuse of official position, covering up conflict of interest) may commit the common law offence of misconduct in public office. Hence, Members should take note that breaches of probity requirements in this Code which involve serious misconduct, even if not involving bribery or other financial crime, might amount to “misconduct in public office”.

⁶ (a) a relative or partner or director of that person; or (b) a company one or more of whose directors is in common with one or more of the directors of that person.

⁷ (a) any person who has control, directly or indirectly, over that person; or (b) any person who is controlled, directly or indirectly, by that person; or (c) any person who is controlled by, or has control over, the first-mentioned person in (a) and (b).

A person having “control” over another person means the power of that person to secure:

- (i) by means of the holding of shares or interests or the possession of voting power in or in relation to the second-mentioned person or any other person; or
- (ii) by virtue of powers conferred by any constitution, memorandum or articles of association, partnership, agreement or arrangement (whether legally enforceable or not) affecting that second-mentioned person or any other person; or
- (iii) by virtue of holding office as director in that second-mentioned person or any other person; that the affairs of that second-mentioned person are conducted in accordance with the wishes of the first-mentioned person.

Confidentiality of Information

30. According to the decision at the 105th meeting of the HKPC Council held on 17 July 2007, Members shall not:
 - (a) take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his/her capacity as a Council Member; and
 - (b) disclose any confidential or privileged information of the Council to any party unless he/she is authorised to do so.
31. Members should not disclose any classified or proprietary information of HKPC without authorisation or misuse any HKPC's information (e.g. using the information for personal gains or the benefit of others). Members who have access to or in control of such information should ensure its security and prevent any abuse, unauthorised disclosure or misuse of the information. Members should continue to observe their duty of confidentiality after they have left HKPC.
32. Members appointed under HKPC Ordinance Section 9(1)(c) would be exempted from the confidential obligation herein if he is required to disclose the confidential or privileged information of the Council in compliance with the requirement of governmental authority, regulatory body, court order or otherwise where disclosure is required by operation of law, provided that he has used all reasonable efforts to disclose only that portion of the confidential or privileged information of the Council which is necessary or required to disclose.

Reporting Suspected Irregularities and Criminal Offences

33. A Member should report, either directly or through the Council Secretariat as appropriate, instances of crime or suspected crime discovered in the course of his work, including attempt to bribe a public servant, to the appropriate authority or law enforcement agency at the first practicable opportunity. A Member should avoid making any enquiries or taking any action that may hinder or frustrate subsequent investigation by the law enforcement authority concerned. All Members who receive or have knowledge of such reports should treat the reports in the strictest confidence.

Compliance

34. It is the responsibility of every Member of HKPC to understand and comply with this Code, whether performing duties of HKPC in or outside Hong Kong. In case of suspected corruption or other criminal offences, a report will be made to the appropriate law enforcement agencies.

Enquiry

35. Any enquiries, comments or suggestions in relation to this Code may be referred to the Council Secretariat of HKPC for handling in consultation with Compliance and Internal Audit Office of HKPC which may consult ICAC if needed.

Appendix 1

To: HKPC Council Secretariat
From: _____
Date: _____

Record of Advantages Received for Handling by HKPC

Part A (to be completed by Council Member)

Function / Occasion			
Organiser			
Date			
Description of item(s)	(1)	Estimated value (HK\$≥100)	(1)
	(2)		(2)
	(3)		(3)
	(4)		(4)

Signature _____ Date _____

Part B (to be completed by Council Secretariat after receipt of the above item(s))

Confirmed the above item(s) is/are received in order.

Signature _____ Name _____ Date _____

Part C (to be completed by FPD for receipt of payment from Council Member for monetary reward received by the Member)

Acknowledge receipt by FPD: Total amount of payment: HK\$ _____

Signature _____ Name _____ Date _____

Part D (to be completed by HFD for receipt of the above item(s) for contribution to corporate inventory)

Acknowledge receipt by HFD:

Item(s): _____

Signature _____ Name _____ Date _____

Factors for Considering Acceptance of Sponsorship

In considering whether or not to accept the sponsorship offer, the following general criteria are relevant:

- acceptance of the sponsorship will benefit HKPC as a whole;
- acceptance of the sponsorship will not bring HKPC 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 HKPC'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

Some common examples of conflict of interest are described below but they are by no means exhaustive:

- A Member involved in a procurement process is closely related to or has beneficial interest in a supplier being considered by HKPC.
- 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 Member involved in the exercise.
- A Member of HKPC has financial interest in a company which is a bidder in a tender exercise under consideration by HKPC.
- A Member accepts frequent or lavish entertainment from HKPC's customers, suppliers or contractors.
- A Member solicits assistance from HKPC's staff in dealing with his own personal matters.

Hong Kong Productivity Council

Declaration of Conflict of Interest in Discharging Duties as Council Member

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

To : Council Chairman# (Approving Authority)

I would like to report the following actual/perceived* conflict of interest situation arising during the discharge of my official duties as Council Member:

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)
Relationship of the person(s)/organisation(s) with HKPC (e.g. supplier, contractor, client, service recipient, potential or actual)
Brief description of my duties which involved the person(s)/organisation(s) (e.g. handling of tender exercise, discussion on appointment of service provider)
File reference, if any, of the mentioned duties as Council Member

Signed:

(Name of Declaring Council Member)

(Date)

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

To : (Declaring Council 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 Council Member would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. task another Council 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 Council 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.

Signed:

Council Chairman# (Name of Approving Authority)
(Date)

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

To : Council Secretariat of HKPC (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.

Signed:

(Name of Declaring Council Member)
(Date)

Deputy Chairman in case the Council Chairman is the Declaring Council Member.

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

**Guidelines for a Two-tier Reporting System on
Declaration of Interests by
Members of Public Sector Advisory and Statutory Bodies
Issued by Home Affairs Bureau ^{Note 1}**

General Principles

Some public councils, boards and committees are autonomous and have extensive powers over policy and financial matters. To maintain public confidence in the integrity of members (including the chairman), as well as in the impartiality of their advice tendered to the committee, it is important that all members of such committees should disclose their general pecuniary interests on appointment to the committee, in addition to the report of conflicts of interests as and when they arise. To achieve greater transparency, such declarations should be made available for public inspection. By adopting this two-tier reporting system, members of these committees can be protected from criticism or embarrassment arising from the existence of any undeclared general financial interest which may have potential conflict with the work of the committee. The two-tier reporting system consists of the following:

(A) Register of Members' Interests

- (1) The chairman and members shall register in writing or by eForm⁸ their personal interests, direct or indirect, pecuniary or otherwise, when they first join the committee, and annually thereafter, to the Council Secretariat. The registration shall be made on a standard form at the *Annex*.
- (2) The types of interests required for registration shall include:
 - (i) proprietorships, partnerships or directorships of companies;
 - (ii) remunerated employments, offices, trades, professions or vocations;
 - (iii) shareholdings in a publicly listed or private company (e.g. 1% or more)

^{Note 1} *The guidelines were issued by the Home Affairs Bureau vide its memo HAB CR 7/15/379 dated 17 August 2005 to all Government Bureaux/Departments.*

⁸ The use of eForm by eSignature as an alternative means for Council Members to submit declaration of interest was approved by the Council at its 146th meeting held on 24 March 2021.

of the company's issued share capital); and/or

- (iv) other declarable interests, taking into consideration the nature of work of the Council.
- (3) A register of members' interests shall be kept by the Council Secretariat which should be made available for inspection on request by any member of the public.

(B) Declaration of Interests at Meetings

The following are guidelines governing declaration of interests at meetings:

- (1) If a member (including the chairman) has any direct personal or pecuniary interest in any matter under consideration by the committee or the Council, 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.

HKPC Note:

Per ICAC's Sample of Code in 2021, the member should disclose to the chairman by submitting the "Declaration of Conflict of Interest in Discharging Duties as Council Member".

- (2) The chairman (or committee) shall decide whether a member disclosing an interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.

HKPC Note:

Per ICAC's Sample Code in 2021 which specifies 4 mitigating measures to deal with the situation, the chairman shall decide on the mitigating measure to be adopted i.e. whether a member disclosing an interest can continue to handle the work; handle in the presence of an independent Council member recruited to participate in/oversee the decision-making process; withdraw from the discussion; or with duty taken up by another Council Member.

- (3) If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by a member appointed by a majority of votes of members present at the meeting.
- (4) When a known direct pecuniary interest exists, the Council Secretariat may in consultation with the chairman withhold circulation of relevant papers to the

member concerned. Where a member is in receipt of a paper for discussion which he knows presents a direct conflict of interest, he should immediately inform the Council Secretariat and remove the paper from his custody.

- (5) All cases of declaration of interests shall be recorded in the minutes of the meeting.

Hong Kong Productivity Council

Please submit the signed copy of the completed form by:

- **eForm; or**
- **in writing under confidential cover to:**
HKPC Council Secretariat
2/F, HKPC Building,
78 Tat Chee Avenue,
Kowloon

Register of Members' Interests

The undersigned requests that the interests listed below should be included in the Register of Members' Interests.

- A. Proprietorships, partnerships or directorships of companies, public or private

- B. Remunerated employments, offices, trades, professions or vocations

- C. Shareholdings in companies, public or private (1% or more of the company's issued share capital)

Hong Kong Productivity Council
Register of Members' Interests

D. Other declarable interests

E. Other relevant information

Name of Member : _____

Signed : _____

Date : _____

Note:

1. Per the guideline issued by the Home Affairs Bureau dated 17 August 2005 which also applies to HKPC, HKPC should make available the register of Members' interests for inspection on request by any member of the public.
2. By signing this form, Members would also abide by the following guidelines on the use of confidential or privileged information:
 - a. a Member shall not take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his/her capacity as a Member of the Council; and
 - b. a Member shall not disclose any confidential or privileged information of the Council to any party unless he/she is authorised to do so.

Mitigating Measures for Managing Declared Conflict of Interest

- (a) Record – Where the risk in a conflict of interest situation is indirect, remote or insignificant, and the occurrence of such as situation is infrequent, it may be sufficient to take note of the conflict only.
- (b) Restrict – Where a conflict is not likely to arise frequently and the Member can be effectively separated from the part of activity or process in which the conflict arises, it may be suitable to restrict the 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.
- (c) Recruit – Where it is impractical to restrict a Member’s involvement, an independent 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).
- (d) Redeploy – Where it is inappropriate to allow the Member who has declared a conflict of interest to handle a specific matter, it may be suitable to relieve of the Member’s duty which may then be taken up by another Member through redeployment (e.g. redeploy the Member to serve another sub-committee).

Hong Kong Productivity Council
Declaration Form on Business Dealings with HKPC
by Council Members

To: Council Secretariat, HKPC

In accordance with the Code of Conduct for Council Members (the Code) adopted by the HKPC Council in December 2021, I am now disclosing the following business dealing(s) (as and when applicable) with HKPC involving myself and/or my disclosed interested entities via my Declaration of Interest to the Council Secretariat:

(A) Seeking provision of service by HKPC⁹

Name of service being sought:
Date of contract to be signed with HKPC:
Name of service requesting party and relationship with myself:

(B) Bidding for HKPC's business contract¹⁰

Name of HKPC business contract:
Name of bidding party and relationship with myself:
Close date for submitting bidding proposal:

⁹ Para. 24 of the Code

¹⁰ Para. 25 of the Code

(C) Business contract entered with HKPC by myself and/or my disclosed interested entities for provision of service to/by HKPC¹¹

Name of HKPC business contract:
Name of service provider/ service requesting party and relationship with myself:
Date of contract signed:

Signed:

Name of Disclosing Council Member

Date

¹¹ Para. 25 of the Code

**Guidelines on Managing Possible Conflict of Interest
Arising from Members Bidding for Contracts of HKPC** *Note 1*

- (1) When the need for a contract is discussed, Council Members should be asked at the outset to declare whether they or any company associated with them are interested in bidding for the contract.
- (2) Council 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).
- (3) Council Members who have not declared an interest to bid (and the companies concerned) should not be allowed to bid subsequently.
- (4) When a Council Member (or a company associated with him) has expressed an interest to bid, the Council Secretariat should ascertain whether any information relating to the contract has already come to the possession of the Council Member in the course of his duties as a Council Member. If so, such information should be made available to other bidders as well to ensure a level playing field.
- (5) If a Council 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.
- (6) Bidder identity should be anonymised before the evaluation of bids if a Council Member (or a company associated with him) is one of the bidders.
- (7) If a Council 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.

Note 1 *The guidelines are referenced to the guidelines issued by the Home Affairs Bureau vide its memo HAB CR 7/15/379 dated 17 August 2005 to all Government Bureaux/Departments.*

Hong Kong Productivity Council
Declaration by Council Members on
Application for Government Funding Schemes
with HKPC as Secretariat

To: Secretariat of the Below Funding Scheme¹²

(*Please select ONE only. To declare interest under another funding scheme, please submit anew.)

<input type="checkbox"/> Chinese Medicine Development Fund	<input type="checkbox"/> Cleaner Production Partnership Programme
<input type="checkbox"/> Dedicated Fund on Branding, Upgrading and Domestic Sales (BUD)	<input type="checkbox"/> Distance Business Programme (D-Biz) ¹³
<input type="checkbox"/> Graduates Subsidy Programme (GSP)	<input type="checkbox"/> Local Mask Production Subsidy Scheme ¹⁴
<input type="checkbox"/> Patent Application Grant (PAG)	<input type="checkbox"/> Pilot Subsidy Scheme for Third-party Logistics Service Providers
<input type="checkbox"/> Recycling Fund	<input type="checkbox"/> Retail Technology Adoption Assistance Scheme for Manpower Demand Management (ReTAAS) ¹⁵
<input type="checkbox"/> Smart Traffic Fund	<input type="checkbox"/> Technology Voucher Programme (TVP)

I would like to disclose the funding application in relation to the following applicant enterprise(s):-

i) Name of enterprise(s) applying for funding support
ii) Brief description of my connection with the enterprise(s) in (i) above (e.g. directorship in the enterprise(s))
iii) Application Status
Application * <input type="radio"/> submitted in _____ (Submission Month/Year) / <input type="radio"/> to be submitted

* Please select where appropriate

[Name of Declaring Member]
[Date]: _____

[Signature of Declaring Member]

¹² List to be updated as and when appropriate

¹³ Application closed on 31 October 2020

¹⁴ Application closed on 31 December 2020

¹⁵ Application closed on 31 March 2021