修訂日期：2024 年 9 月 7 日

明愛胡振中書院

Caritas Wu Cheng-chung College

學校對接受利益及有關事宜的政策（防止貪污守則）

2024 年 9 月

修訂日期：2024 年 9 月 7 日

我校(明愛胡振中書院)在學校管理及與學生和家長的往來上，須遵守誠信可靠及公正持平的原則。校內教職員工在處理學校事務上，必須時刻保持高度的誠信，以維護學校、家長及學生的利益，並確保個人行為不會有損學校名聲。

本守則旨在闡述校方對於教職員工因辦理學校事務而接受利益的政策，以及學校對教職員工行為操守的有關要求。

甲、 防止賄賂條例

1. 根據《防止賄賂條例》第 9 條，凡學校僱員未經校董會批准而因工作關係索取或接受利益，均屬違法。根據該條例的規定，「利益」一詞(定義見載於附件 1)包括金錢、饋贈、貸款、費用、報酬、職位、受僱工作、合約、服務及優待。
2. 2. 本校規定各教職員工在接受或索取和校方有公事往來的人士所提供的利益時，必須極為謹慎；校方嚴禁教職員工向意圖行賄或影響任何與學校有關之決定的人士，索取利益或接受他們提供的利益。有關本校對上述事宜的政策規定，詳列如下：

乙、 接受利益

1. 除本守則內的規定外，教職員工不得向任何與學校有業務往來的人士(例如：學生、家長、同事、供應商、承辦商、教科書出版商或書商)接受或索取任何利益。
2. 本校批准學校教職員工接受(但不得索取)下述利益：
   a. 學生或家長送贈的禮物，但價值不得超逾(100 元)；
   b. 學生或家長在畢業典禮上送贈的禮物，但每次總值不得超逾(500 元)；
   c. 退休或辭職時，家長、同事、學生或舊生送贈的禮物，但每人所送贈禮物的價值不得超逾(1,000 元)。

   [註：括號內的數字是教育局根據實際情況，建議學校採用的數額。]
3. 教職員工如欲接受不屬上述範圍的利益，必須在事前向校監/校長取得書面批准。校監、任何校董或校長如要接受利益，均須校董會批准。不過，如以私人身分接受利益，而接受的利益與學校職務無關 (即送贈者與學校並無關係)，則不受限制。如有任何疑問，最適當的做法是徵詢校長/校監的意見。
4. 教職員工絕對不可接受任何人士就下列事項所提供的利益，而校董會亦不會予以批准：
   a. 學校教職員工的聘任或晉升；

b. 學生的取錄或升級(經教育局核准收取的註冊費不屬利益)；

c. 舉行任何測驗或考試(經核准的正式收費不屬利益)；

d. 為校內學生進行補習；

e. 提名教師或學生參加訓練課程或往海外受訓、接受獎學金或其他學術獎勵；

f. 提名學生入讀其他教育機構或大學；

g. 給予個別人員而非給予學校的捐贈；

h. 供應商或承辦商給予個別人員而非給予學校的折扣、佣金或禮物；

i. 因使用校舍或學校設施而給予個別人員而非給予學校的費用；及

j. 由供應商、承辦商或其他與學校有公事往來的人士贊助，提供給學校教職員工的旅遊優惠。

丙、 利益衝突

1. 教職員工應避免處理與學校利益有衝突的業務、投資或活動。附件 2 列舉存在利益衝突的情況，以供參考。

2. 「利益衝突」是指校方的利益與教職員工本身或以下人士的利益有所衝突：
·他的家人及其他親屬；
·他的私交友好；以及
·有恩惠於該職員的任何人士，或該職員對其負有義務的任何人士。

3. 教職員工被指派處理校務時，如有實際的利益衝突或表面看來是利益衝突的情況，應以書面向獲授權的校長或校董會申報，並避免處理有關事務或遵照校長或校董會的指示辦理。

丁、 外間工作

1. 教職員工如欲在外間擔任任何受薪的工作(包括非全職的工作)，必須得到校監/校長的書面批准。如教職員工所擔任的外間工作會引致利益衝突，則不會獲得批准。

戊、 其他可能涉及利益的事項

1. 教職員工在任何情況下如未經授權，均不得洩漏任何機密資料(包括試題在內)。

2. 教職員工絕對不得挪用學校財產。

3. 教職員工不得揑改文件及提交虛假帳目，否則可能會根據《防止賄賂條例》受到檢控。

4. 教職員工或其直系親屬不得接受或透過與學校有業務往來的人士或機構的協助

(包括供應商、承辦商、及家長等)，取得貸款。但此項規定不適用於一般銀行貸款。

5. 根據《防止賄賂條例》的規定，款待並非一項利益。不過，為避免任何表面看來是利益衝突的情況，教職員工不應接受與學校有業務往來的人士任何奢侈或頻密的款待。

6. 教職員工應避免與學校有業務往來的人士進行賭博活動。

己、 <u>違反守則</u>

1. 教職員工如違反學校所訂的以上守則，將受到內部紀律處分(包括撤職)，在某些情況下，更可能被當局根據《防止賄賂條例》的規定，提出檢控。

2. 如欲檢舉任何懷疑違反本守則的不當行為，可向廉政公署提出。當局會盡速秉公辦理，而有關投訴絕對保密。

附件一

「利益」指－

a. 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類的其他財產或財產權益:

b. 任何職位、受顧工作或合約；

c. 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結；

d. 任何其他服務或優待(款待除外)，包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出；

e. 行使或不行使任何權利、權力或職責；及

f. 有條件或無條件提供、承諾給予或答應給予上文(a)、(b)、(c)、(d)及(e)段所指的任何利益，但並非指《舞弊及非法行為條例》(第 288 章)第 V 部所指的捐贈、而該捐贈的詳情載於候選人根據該條例第 29(2A)條提交或第 29(7A)條更正的捐贈申報書內。

修訂日期：2024 年 9 月 7 日

附件二

出現利益衝突的例子

- 教職員工參加評審教科書、參考書或學習資料的程序，而這些出版物是由該員的配偶、家人、親屬或私交友好撰寫或編輯， 或者該員或其私交友好於上述出版社有經濟利益。
- 教職員工參加評估及甄選供應商/ 承辦商的程序，而其中有間競投公司是由該員的配偶、家人、親屬或私交友好所營辦的， 或該員或其親友於上述公司有經濟利益。一些常見的例子如下：
  - 甄選教科書供應商
  - 甄選校服供應商
  - 甄選練習簿供應商
  - 甄選電腦系統供應商
  - 甄選裝修工程承辦商
  - 甄選校巴承辦商
  - 甄選小食部承辦商
- 教職員工接受與學校有業務往來的供應商/ 承辦商頻密或奢侈的款待。
- 教職員工在收生程序中為其親屬或私交友好的子女進行入學面試或決定是否取錄有關考生入學。
- 教職員工擔任招聘、職位調派或晉升委員會的成員， 而其中一名候選人為其家人、親屬或私交友好。
- 教職員工提名或揀選學校人員參加訓練課程或往海外受訓， 而其中一名獲提名人/候選人為其家人、親屬或私交友好。
- 教職員工介紹學生參加其本人、家人、親屬或私交友好擁有經濟利益的私人補習社。

明愛胡振中書院

Caritas Wu Cheng-chung College

School Policy on Acceptance of Benefits and Related Matters (Anti-Corruption Guidelines)

September 2024

reliability, and fairness in school management and interactions with students and parents. All staff members must maintain a high level of integrity when handling school affairs to protect the interests of the school, parents, and students, and to ensure that personal conduct does not harm the school's reputation.

This guideline aims to outline the school's policy regarding the acceptance of benefits by staff members in the course of school duties, as well as the relevant expectations for the conduct of staff members.

A. Prevention of Bribery Ordinance (POBO)

1. According to section 9 of the POBO，any school employee who, without the approval of the Board of Governors, solicits or accepts benefits in connection with their work is committing an offense. The term "benefit" as defined in the Ordinance (see Appendix 1) includes money, gifts, loans, expenses, remuneration, positions, employment, contracts, services, and privileges.
2. Our school requires all staff to exercise extreme caution when accepting or soliciting benefits from individuals who have business dealings with the school. The school strictly prohibits staff from soliciting or accepting benefits from individuals who intend to bribe or influence any decisions related to the school. The following outlines our school's policies regarding the above matters:

B. Acceptance of Benefits

1. In addition to the provisions in this code, staff members are not allowed to accept or solicit any benefits from individuals who have business dealings with the school (e.g., students, parents, colleagues, suppliers, contractors, textbook publishers, or booksellers).
2. The school permits staff members to accept (but not solicit) the following benefits:
    a. Gifts from students or parents, provided that the value does not exceed HKD 100;
    b. Gifts from students or parents during graduation ceremonies, with a total value not exceeding HKD 500 each time;
    c. Gifts from parents, colleagues, students, or alumni upon retirement or resignation, with the value of each gift not exceeding HKD 1,000 per person.

    [Note: The numbers in parentheses are the amounts recommended by the Education Bureau for schools to adopt based on actual circumstances.]
3. If staff members wish to accept benefits that fall outside the above categories, they

must obtain written approval from the Supervisor/Principal in advance. The Supervisor, any Board member, or the Principal must also obtain approval from the Board of Governors to accept benefits. However, if benefits are accepted in a personal capacity and are not related to school duties (i.e., the giver has no connection to the school), then there are no restrictions. If there are any doubts, the best course of action is to consult the Principal/Supervisor.

4. Staff members must absolutely not accept any benefits offered by individuals in relation to the following matters, and the Board of Governors will not grant approval for such:

   a. The appointment or promotion of school staff members;
   b. The admission or advancement of students (registration fees approved by the Education Bureau are not considered benefits);
   c. The conduct of any tests or examinations (approved formal fees are not considered benefits);
   d. Tutoring for students within the school;
   e. Nominating teachers or students for training programs or overseas training, scholarships, or other academic awards;
   f. Nominating students to enroll in other educational institutions or universities;
   g. Donations made to individuals rather than the school;
   h. Discounts, commissions, or gifts given to individuals by suppliers or contractors instead of the school;
   i. Fees given to individuals rather than the school for the use of school premises or facilities; and
   j. Travel benefits provided to school staff members sponsored by suppliers, contractors, or other individuals who have business dealings with the school.

C. Conflict of Interest

1. Staff members should avoid engaging in business, investments, or activities that conflict with the interests of the school. Appendix 2 lists situations that may constitute a conflict of interest for reference.

2. "Conflict of interest" refers to situations where the interests of the school conflict with the interests of the staff member or the following individuals:

   - Their family members and other relatives;
   - Their personal friends; and
   - Any individuals who have conferred benefits upon the staff member, or to

whom the staff member has obligations.

3. When staff members are assigned to handle school affairs, if there is an actual conflict of interest or a situation that appears to be a conflict of interest, they should report it in writing to the authorized Principal or IMC members, and avoid handling the relevant matters or act according to the instructions of the Principal or IMC members.

D. Outside Employment

1. If staff members wish to undertake any paid work (including part-time work) outside of the school, they must obtain written approval from the Supervisor/Principal. Approval will not be granted if the external work may lead to a conflict of interest.

E. Other Matters That May Involve Benefits

1. Under no circumstances may staff members disclose any confidential information (including exam questions) without authorization.
2. Staff members must not misappropriate school property under any circumstances.
3. Staff members must not alter documents or submit false accounts, as this may lead to prosecution under the Prevention of Bribery Ordinance.
4. Staff members or their immediate relatives must not accept or obtain loans through individuals or organizations that have business dealings with the school (including suppliers, contractors, and parents). However, this provision does not apply to general bank loans.
5. According to the Prevention of Bribery Ordinance, hospitality is not considered a benefit. However, to avoid any situation that may appear to be a conflict of interest, staff members should not accept any extravagant or frequent hospitality from individuals who have business dealings with the school.
6. Staff members should avoid engaging in gambling activities with individuals who have business dealings with the school.

F. Violation of the Code

1. Staff members who violate the above codes established by the school will face internal disciplinary action (including dismissal), and in certain cases, may be prosecuted by the authorities under the Prevention of Bribery Ordinance.
2. To report any suspected misconduct that violates this code, individuals may contact the Independent Commission Against Corruption (ICAC). The authorities will handle the matter fairly and the complaint will be kept confidential.

Appendix 1

"Benefit" refers to:

a. a. Any gift, loan, fee, remuneration, or commission in the form of money, any securities, or any other type of property or property interest;

b. Any position, consulting work, or contract;

c. The full or partial payment, waiver, release, or settlement of any loan, obligation, or other legal liability;

d. Any other service or favor (excluding hospitality), including protection from penalties or disqualification that have been incurred or are expected to be incurred, or protection from disciplinary, civil, or criminal actions or proceedings, whether such actions or proceedings have been initiated or not;

e. The exercise or non-exercise of any right, power, or duty; and

f. The conditional or unconditional provision, promise, or offer of any benefit as referred to in paragraphs (a), (b), (c), (d), and (e) above, but excluding donations as referred to in Part V of the Prevention of Bribery Ordinance (Cap. 288), the details of which are included in the donation declaration submitted by the candidate under section 29(2A) or corrected under section 29(7A) of that ordinance.。

Appendix 2

Examples of Conflicts of Interest:

Staff members participate in the review process of textbooks, reference books, or learning materials that are written or edited by their spouse, family members, relatives, or close friends, or where the staff member or their close friends have a financial interest in the aforementioned publishers.

- Staff members participate in the evaluation and selection of suppliers/contractors, where one of the bidding companies is operated by their spouse, family members, relatives, or close friends, or where the staff member or their relatives have a financial interest in the aforementioned company. Some common examples include:
  - Selecting textbook suppliers
  - Selecting school uniform suppliers
  - Selecting exercise book suppliers
  - Selecting computer system suppliers
  - Selecting renovation contractors
  - Selecting school bus contractors
  - Selecting snack bar contractors
- Staff members accept frequent or extravagant hospitality from suppliers/contractors with business dealings with the school.
- Staff members conduct admission interviews or decide on the admission of children of their relatives or close friends during the enrollment process.
- Staff members serve on recruitment, position allocation, or promotion committees, where one of the candidates is a family member, relative, or close friend.
- Staff members nominate or select school personnel to attend training courses or go overseas for training, where one of the nominees/candidates is a family member, relative, or close friend.
- Staff members refer students to private tutoring centers that have financial interests associated with themselves, their family, relatives, or close friends.