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# Code of Conduct for Council Members and Committee Members of the Hong Kong Academy of Accredited Dietitians

Version	Effective Date
1	29 04 2019
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Refer to HKAAD Website for current version.

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## Summary of Changes

	Location	Changes in version 2
1.	Whole document	Spelling and grammatical revision
2.	Section 5.0.2	Added “A fundamental integrity requirement is that all Members should avoid situations, which may compromise (or be seen to compromise) their personal judgement or integrity or lead to conflict of interest. Members should as soon as possible make full disclosure of all relevant interests which may be seen to conflict with their official duties.
3.	Section 5.0.3	Added “To ensure that all registration decisions, made by the Council and Committees are independent and objective, Members must abstain from participating in decisions where there is a potential conflict of interest.
4.	Section 5.0.4	Members shall refer to Policy on Declaration and Handling of Conflict of Interest and Confidentiality of HKAAD for any procedures in handling Conflict of Interest.
5.	Table of Content	Revised

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## 1.0 Introduction

- 1.0.1 The Council of HKAAD aims to provide strategic leadership in the fulfilment of the mission of HKAAD. All Council and Committee members (“Members”) should be committed to the mission, which clearly sets out HKAAD’s aims and the objectives in our particular areas of work.
- 1.0.2 The Hong Kong Academy of Accredited Dietitians (HKAAD)’s mission is to
- Establish and maintain a register of Accredited Dietitians (AD).
  - Promote and reinforce standards of professional practice and conduct among Accredited Dietitians.
  - Protect the public from malpractice and promote public confidence in the dietetic profession.
  - Ensure the competence of Accredited Dietitians in the field by Continuing Professional Development.
  - Facilitate the public and employers to find qualified Accredited Dietitians for service.
  - Handle enquiries, complaints or violation of dietetic practice legitimately.
- 1.0.3 Other objectives of the Academy are listed under the Article of Association of the Hong Kong Academy of Accredited Dietitians Limited.

## 2.0 Core Values

- 2.0.1 HKAAD is fully committed to the following principles in the delivery of services to the public:
- Honesty and integrity
  - Objectivity and impartiality
  - Accountability for decisions and actions
  - Dedication, professionalism and diligence
- 2.0.2 A Member should uphold the above core values. He/she should always act in the best interest of HKAAD, place public interest above private interest and ensure that his conduct would not bring HKAAD into disrepute.

## 3.0 Prevention of Bribery

- 3.0.1 The Prevention of Bribery Ordinance (“POBO”) (Cap. 201) defines Council members as public bodies and District Council members as public servants. District Council members are henceforth bound by section 4 of the POBO.
- 3.0.2 A member of a committee under the Council is an agent as defined in the POBO. Therefore, a member of a committee under a Council who is not a member of the Council is an agent of the Council and is bound by section 9 of the POBO whereas the Council is the principal of the committee member.
- 3.0.3 The POBO seeks, among other things, to enforce against any abuse of entrusted power or official position by public servants through the solicitation or acceptance of a bribe or an advantage. Members should thoroughly understand the legal requirements and the importance of compliance.
- 3.0.4 Section 4 of the POBO makes it an offence for a public servant to solicit or accept, without lawful authority or reasonable excuse, any advantage in Hong Kong or

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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 servant.

- 3.0.5 “Advantage” is defined in section 2(1) of the POBO to mean almost anything, which is of value, except entertainment, which will be covered under a separate heading below. Common examples of advantages include any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.
- 3.0.6 Members should note that one may commit an offence under the POBO irrespective of whether he, or any other person acting on his behalf, directly or indirectly solicits or accepts any advantage, and whether for himself or for any other person.
- 3.0.7 The relevant sections of the POBO pertaining to public bodies are detailed as Appendix I.

#### **4.0 Solicitation and Acceptance of Advantages**

- 4.0.1 HKAAD prohibits Members from soliciting or accepting any advantage from any persons or companies having official dealings with HKAAD (e.g. service recipients, suppliers, contractors).
- 4.0.2 HKAAD should avoid having any unnecessary commercial collaboration with or accept unnecessary financial sponsorship from any persons or companies. Any inevitable collaboration must be approved by the Council with justified reasons and must be well documented.

#### **5.0 Managing Conflict of Interest**

- 5.0.1 Managing conflict of interest is important to good governance and maintaining trust in public bodies. A conflict of interest situation arises when the “private interests” of a Member compete or conflict with the interests of HKAAD 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. Use of official position, use of official information, private investment and outside employment are some common areas in which a conflict of interest may arise between a Member’s official duties and private interests.
- 5.0.2 A fundamental integrity requirement is that all Members should avoid situations, which may compromise (or be seen to compromise) their personal judgement or integrity or lead to conflict of interest. Members should as soon as possible make full disclosure of all relevant interests which may be seen to conflict with their official duties.
- 5.0.3 To ensure that all registration decisions, made by the Council and Committees are independent and objective, Members must abstain from participating in decisions where there is a potential conflict of interest
- 5.0.4 Members shall refer to Policy on Declaration and Handling of Conflict of Interest and Confidentiality of HKAAD for any procedures in handling Conflict of Interest.

#### **6.0 Use of Confidential or Privileged Information**

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- 6.0.1 Members shall not take advantage of, or let any person or organisation benefit from, the confidential or privileged information obtained in his or her capacity as a member and which is not generally available to the public.
- 6.0.2 Members shall seek confidential or privileged information only in respect of matters of public interest and shall not seek such information for private or personal interests.
- 6.0.3 Members shall not disclose any confidential or privileged information obtained in his or her capacity as a member of the Council or its committees and hence undermine the interest of the Council.
- 6.0.4 Members shall refer to Policy on Declaration and Handling of Conflict of Interest and Confidentiality HKAAD for any procedures in handling Confidentiality.

## **7.0 Members' Business Dealings with HKAAD**

- 7.0.1 Members should avoid entering into any business contract with HKAAD in their personal capacity. Only where this is unavoidable, Members should then adhere to the provisions as set out below in paragraph 7.0.3 to 7.0.4.
- 7.0.2 For Members and/or their disclosed interested entities seeking provision of service of HKAAD, the terms of the service should be determined according to HKAAD's standard commercial terms.
- 7.0.3 In respect of bidding for HKAAD's business contracts, Members and/or their disclosed interested entities should adhere to the guidelines on managing possible conflict of interest in bidding for HKAAD's business contracts as set out by the HKAAD Policy on Declaration and Handling of Conflict of Interest and Confidentiality.
- 7.0.4 HKAAD shall maintain a list of business contracts entered with Members and/or their disclosed interested entities and report the relevant information to the Council Chairperson and the Chairperson of the Audit Committee of the Council. Members (including the Council Chairperson), must as soon as practicable after they have become aware of, notify the Council any business dealings entered into by them and/or their disclosed interested entities with HKAAD.

## **8.0 Misuse of Official Position**

- 8.0.1 Persons occupying public offices are placed in a position of trust and entrusted with certain powers by the public. Our society expects public officials in such a position to exercise the powers and discretions with integrity and fidelity, and in an incorrupt manner to serve the public interest, and should not subordinate the public interest to private interests.
- 8.0.2 Members should act impartially and should not use their official position for personal gains nor accord preferential treatment to organisations or persons with whom they have connections. They should not use or permit the use of their official position or title or an authority associated with their public office in a manner that is intended to coerce or induce another person to provide any benefit to himself or his relations, friends or associates. Nor should they use their official position or title in a manner that could reasonably be construed to imply that HKAAD sanctions or endorses their personal activities or those of another.

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## 9.0 Misconduct in Public Office

9.0.1 A Member who misconducts himself in relation to his official duties may commit the common law offence of misconduct in public office (“MIPO”). The MIPO extends the reach of criminal law beyond bribery into various types of misconduct of public officers when discharging their official duties. The elements constituting the offence of MIPO are as follows:

- (a) a public official;
- (b) in the course of or in relation to his public office;
- (c) wilfully misconducts himself by act or omission (for example, by wilfully neglecting or failing to perform his duty);
- (d) without reasonable excuse or justification; and
- (e) such misconduct is serious, not trivial, having regard to the responsibilities of the office and the office-holder, the importance of the public objects which they serve and the nature and extent of the departure from those responsibilities.

9.0.2 The misconduct must be deliberate rather than accidental in the sense that the official either knows that his conduct is unlawful or wilfully disregards the risk that his conduct is unlawful. Wilful misconduct without reasonable excuse or justification is culpable.

9.0.3 The essential feature of the offence is an abuse by the public official of the powers, discretions or duties exercisable by virtue of his official position conferred on him for the public benefit. A public officer may commit MIPO even if his misconduct does not involve any bribery or he does not have any pecuniary gains as a result.

## 10.0 Indebtedness

Members are required to notify the Council Chairperson of HKAAD, if proceedings are taken against them with a view to bankruptcy. The Council Chairperson is required to notify the Vice Chairperson if any bankruptcy proceedings are taken against him. Members (including the Council Chairperson) who become insolvent or bankrupt, even though no proceedings have been taken against them yet, should also report their case to HKAAD.

## 11.0 Compliance with the Code

11.0.1 Members should understand and comply with this Code when performing duties of HKAAD. They should adhere to the spirit and the letter of any rules or orders made for HKAAD’s practices and procedures or for Members’ behaviour in relation to the business of HKAAD.

11.0.2 Any breach of the Code by Member that came to the attention of HKAAD will be reported by the Management Committee of HKAAD to the Council Chairperson of HKAAD. In case of suspected corruption or other criminal offences, a report will be made to the ICAC or the appropriate law enforcement agencies.

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## 12.0 Review

This Code is subject to review and revision from time to time by HKAAD's Management Committee. Any necessary changes shall be approved by the Council.

## 13.0 Enquiry

Any enquiries, comments or suggestions in relation to this Code may be referred to the Council of HKAAD.

## 14.0 References:

- 14.0.1 Hong Kong Productivity Council Code of Conduct for Council Members HONG KONG November 2015.
- 14.0.2 Code of Conduct for Members of Council and Related Policies, City Hall of Ottawa. <https://ottawa.ca/en/city-hall/accountability-and-transparency/accountability-framework/code-conduct-members-council-and-related-policies>
- 14.0.3 City University of Hong Kong - The Council Code of Practice for Council Members, March 2014. <https://www.cityu.edu.hk/cuc/code.pdf>

## 15.0 Management Endorsement

This document is endorsed by the Council of HKAAD.

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## **Appendix I**

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

### **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.
  
- (2) Any public servant who, whether in Hong Kong or elsewhere, 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) 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 himself 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.
  
- (4) For the purposes of subsection (3) permission shall be in writing and -
  - (a) be given before the advantage is offered, solicited or accepted; or

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(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 (3), the public body shall, before giving such permission, have regard to the circumstances in which it is sought.

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

(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 9 - Corrupt transaction with agents**

(1) Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his –

- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business, shall be guilty of an offence.

(2) Any person who, without lawful authority or reasonable excuse, offers any advantage to any agent as an inducement to or reward for or otherwise on account of the agent's –

- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business, shall be guilty of an offence.

(3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document -

- (a) in respect of which the principal is interested; and
- (b) which contains any statement which is false or erroneous or defective in any material particular; and
- (c) which to his knowledge is intended to mislead the principal, shall be guilty of an offence.

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## Section 2 - Definition

### Definition of an Advantage

“Advantage” means:

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e), but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), particulars of which are included in an election return in accordance with that Ordinance.

### Definition of Entertainment

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.