

ANNEX 3 Sample Integrity Management Policy

Points to Note:

- (a) Contractors on the List and Specialist List shall maintain an integrity management policy (“the Policy”) to state a construction company’s commitment to integrity and anti-corruption practices, as well as their policy in respect of key integrity issues (including solicitation, acceptance and offer of advantages, managing conflict of interest, etc.). The Policy shall be endorsed and signed by the top management of a contractor.
- (b) The sample Policy provided at this annex is for reference. The elements in the sample shall form the basis for contractors to devise their company rules / guidelines on integrity such as by way of issuing a Code of Conduct. While it may not be necessary for a contractor to use the exact wording in the sample, the standard and requirements adopted by the contractor shall be on par with, or not inferior to that of the sample.
- (c) A contractor shall ensure that the Policy is made known to all their company personnel, as well as business counterparts (e.g. clients, main contractors, subcontractors, suppliers and consultants, etc.) by various means such as by publicising the Policy on the company’s website, issuing letters, or incorporating the requirements in the employment contracts, consultancy agreements or construction / supplier contracts. A contractor shall render full assistance to law enforcement agencies in the investigation of criminal offences.

Sample Integrity Management Policy

 (name of Contractor) (“Company”) prohibits all forms of bribery and corruption and is committed to integrity, honesty and anti-corruption practices in doing business. All sole proprietor / partners / directors* and staff (hereafter referred as “personnel”) must abide by this integrity policy and the associated company rules / guidelines / code of conduct*.

- Our Company and all personnel have to observe the Prevention of Bribery Ordinance (Cap. 201) and Competition Ordinance (Cap. 619) and other integrity-related laws in Hong Kong Special Administrative Region.
- Our Company does not allow our personnel to solicit or accept any advantages¹ from any individuals or organizations having business dealings with our Company unless permission is granted for the acceptance, and such permission shall be in line with anti-corruption and integrity principles.
- Our Company prohibits all personnel from offering advantages to any staff or member of a government department or public body while having dealings of any kind with them. We also prohibit all personnel from offering advantages to any individual of organizations, whether directly or indirectly, for influencing them in any dealing, when conducting business with our Company.
- Our Company’s personnel are required to avoid accepting lavish or frequent entertainment from others having business dealings with our Company.
- Our Company requires all personnel to avoid any conflict of interest situation, or the perception of such. If unavoidable, the personnel concerned should make a declaration to the approving authority who should decide on actions for mitigating the conflict.
- Our Company prohibits all personnel from disclosing any classified information without authorization, and misusing any information of our Company or clients.
- Our Company has an internal reporting mechanism for our personnel to enquire matters relating to integrity and report possible breaches of integrity requirements. Our Company handles these reports promptly, prudently and in strict confidence.
- Our Company strictly forbids retaliation against any personnel who, in good faith, reports possible breaches of integrity requirements or who participates in the inquiry / investigation of the allegation.
- Any personnel in breach of integrity requirements will be subject to internal disciplinary action, including termination of appointment and / or referral to relevant law enforcement agencies.
- Our Company is committed to partner with ethical business counterparts / entities / organisations who share the same value and commit to the same integrity standard.

Signature(s): _____

¹ Advantage is defined under the Prevention of Bribery Ordinance (Cap. 201) covering any gift, loan, fee, reward, commission, office, employment contract, discharge from obligation/liability/loan, service and favour, exercise or forbearance from exercise of right/power/duty, etc.

* delete as appropriate

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(Chinese Version)
誠信管理政策範本

_____(承建商名稱) (公司) 禁止一切形式的賄賂及貪污行為，秉持廉潔守正、誠實正直的精神經營業務，嚴禁貪污。所有獨資經營者／合伙人／董事*及員工(下稱「人員」)必須遵守本誠信政策及相關的公司規則／指引／行為守則*。

- 本公司及公司所有人員必須遵守《防止賄賂條例》(第 201 章)及《競爭條例》(第 619 章)，及香港特別行政區其他與誠信相關的法例。
- 本公司不容許人員向與本公司有業務往來的人士或機構索取利益¹ 或接受由該等人士或機構提供的利益。假如事先獲得批准接受有關利益，則作別論，而此類批准應符合反貪污及誠信原則。
- 本公司禁止所有人員在與政府部門或公共機構進行任何事務往來時，向其職員或成員提供利益，以及禁止所有人員向任何機構的成員提供利益(不論是直接或經第三者間接進行)，意圖影響他們與本公司進行業務往來時的決定。
- 本公司屬下人員必須避免接受與本公司有業務往來的單位所提供的奢華或頻密款待。
- 本公司要求所有人員避免陷入利益衝突的情況，或被視為有利益衝突的情況。假如無法避免，有關人員須向審批人員申報，由其決定應採取什麼行動緩解情況。
- 本公司禁止所有人員在未經授權下披露任何機密資料，或不當使用公司或客戶資料。
- 本公司設有內部通報機制，供人員查詢有關誠信的事宜，並舉報可能違反誠信規定的個案。本公司接獲舉報後會從速及謹慎地處理，而且絕對保密。
- 本公司嚴禁向真誠地舉報可能違反誠信規定個案的人員，或參與有關指控的研訊／調查人員報復。
- 任何違反誠信規定的人員將面對內部紀律處分，包括終止聘用及／或轉交相關執法機關處理。
- 本公司致力與價值觀相同、秉持同等誠信標準和重視商業道德的伙伴／企業／機構合作。

簽署：_____

¹ 根據《防止賄賂條例》(第 201 章)，利益的定義涵蓋任何饋贈、貸款、費用、報酬、佣金、職位、僱傭合約；解除義務／法律責任／貸款；服務及優待；行使或不行使權利／權力／職責等。

* 刪去不適用的部分。