

Anti-bribery Policy and Code of Conduct of YGN

1. Background

The Anti-bribery Policy and Code of Conduct of Youth Global Network (the “Policy”) sets out the basic standard of conduct expected of all directors and staff, and on acceptance of advantage and handling of conflict of interest when dealing with YGN’s ministry.

2. Ethical Commitment

YGN regards honesty, integrity and fair play as our core values that must be upheld by all directors¹ and staff² of YGN at all times.

3. Prevention of Bribery

YGN prohibits all forms of bribery and corruption. All directors and staff are prohibited from soliciting, accepting, or offering any bribe in conducting YGN’s ministry or affairs, whether in Hong Kong or elsewhere. In conducting all ministry or affairs of YGN, they must comply with the Prevention of Bribery Ordinance (POBO) of Hong Kong and must not:

- (a) solicit or accept any advantage from others as a reward for or inducement to doing any act or showing favour in relation to YGN’s ministry or affairs, or offer any advantage to an agent of another as a reward for or inducement to doing any act or showing favour in relation to his principal’s ministry or affairs;
- (b) offer any advantage to any public servant (including Government / public body employee) as a reward for or inducement to his performing any act in his official capacity or his showing any favour or providing any assistance in ministry dealing with the Government / a public body; or
- (c) offer any advantage to any staff of a Government department or public body while they are having ministry dealing with the latter.

(The relevant provisions of the POBO are at **Annex 1**.)

4. Acceptance of Advantage

4.1 It is YGN’s policy that directors and staff should not solicit or accept any advantage for themselves or others, from any person, company or organisation having ministry dealings with YGN or any subordinate. They may accept (but not solicit) the following, offered on a voluntary basis, under special circumstances that non-acceptance may appear to be impolite culturally:

¹ Unless stated otherwise, a director is any person appointed to the Board of YGN.

² “Staff” cover full-time, part-time and temporary staff and freelancers, except where specified.

- (d) advertising or promotional gifts or souvenirs or
- (e) gifts given on festive or special occasions, subject to a maximum limit of HK\$500 or equivalent in other currencies in nominal value;
- or
- (f) discounts 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.

4.2 For any gifts or souvenirs or advantages of nominal value above HK\$500 or equivalent in other currencies received from any person, company or organisation having ministry dealings with YGN, the receiving directors and staff concerned should report the acceptance to YGN and seek direction as to how to handle the gifts or souvenirs or advantages from Director of Operations³ or President (if personnel concerned is Director of Operations) or Board of Directors (via Board chairperson if personnel concerned is President or Directors) of YGN using Form A (**Annex 2**).

4.3 However, a director or staff member should decline an offer of advantage if acceptance could affect his/her objectivity in conducting YGN’s ministry or induce him/her to act against the interest of YGN, or acceptance will likely lead to perception or allegation of impropriety.

4.4 If a director or staff member has to act on behalf of a client in the course of carrying out YGN’s ministry, he/she should also comply with any additional restrictions on acceptance of advantage that may be set by the client (e.g. directors and staff members performing any duties under a government or public body contract will normally be prohibited from accepting advantages in relation to that contract).

5. Offer of Advantage

Directors and staff are prohibited from offering advantages to any director, staff member or agent of another company or organisation, for the purpose of influencing such person in any dealing, or any public official, whether directly or indirectly through a third party, when conducting YGN’s ministry. Even when an offer of advantage carries no intention of improper influence, it should be ascertained that the intended recipient is permitted by his employer/principal to accept it under the relevant circumstance before the advantage is offered.

6. Entertainment

Although entertainment⁴ is an acceptable form of business and social behaviour, a director or staff member should avoid accepting lavish or frequent entertainment

³ The staff member who is responsible for the daily operations of YGN.

⁴ According to the POBO, “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.

from persons with whom YGN has ministry dealing (e.g. suppliers or contractors) or from his/her subordinates to avoid placing himself/herself in a position of obligation.

7. Records, Accounts and Other Documents

Directors and staff should ensure that all records, receipts, accounts, or other documents they submit to YGN give a true representation of the facts, events or business transactions as shown in the documents. Intentional use of documents containing false information to deceive or mislead YGN, regardless of whether there is any gain or advantage involved, may constitute an offence under the POBO.

8. Compliance with Laws of Hong Kong and in Other Jurisdictions

Directors or staff must comply with all local laws and regulations when conducting YGN’s ministry, and also those in other jurisdictions when conducting ministry there or where applicable⁵.

9. Conflict of Interest

9.1 Directors and staff should avoid any conflict of interest situation (i.e. situation where their private interest conflicts with the interest of YGN) or the perception of such conflicts. When actual or potential conflict of interest arises, staff member should make a declaration to Director of Operations or President (if personnel concerned is Director of Operations) or Board of Directors (via Board chairperson if personnel concerned is President) of YGN through the reporting channel using Form B (**Annex 3**).

Directors must declare to the Board and such declaration must be recorded in the minutes and/or on file. Subject to the constitutional document, a Director shall not vote in respect of any contract, transaction, or arrangement in which he or she is interested or any matter arising there out, and if he or she does so vote shall not be counted.

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

- (g) A staff member involved in a procurement exercise is closely related to or has financial interest in the business of a supplier who is being considered for selection by YGN.
- (h) 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 staff member involved in the process.
- (i) A director of YGN has financial interest in a company whose quotation or tender is under consideration by the Board.

⁵ Some other countries’ anti-bribery laws have provisions with extra-territorial effect, e.g. the UK’s Bribery Act 2010, the USA’s Foreign Corrupt Practices Act.

- (j) A staff member (full-time or part-time) undertaking part-time work with a contractor whom he is responsible for monitoring.

10. Misuse of Official Position, Company Assets, and Information

10.1 Directors and staff must not use their official position in YGN to pursue their own private interests, which include both financial and personal interests and those of their family members, relatives, or close personal friends.

10.2 Directors and staff in charge of or having access to any Company assets, including funds, property, information, and intellectual property, should use them solely for the purpose of conducting YGN’s ministry. Unauthorised use, such as misuse for personal interest, is strictly prohibited.

10.3 Directors and staff should not disclose any confidential or classified information of YGN without authorisation or misuse any organisation information (e.g. unauthorised sale of the information). Those who have access to or are in control of such information, including information in YGN’s computer system, should protect the information from unauthorised disclosure or misuse. Special care should also be taken in the use of any personal data, including directors’, staff’s, donors’, programme participants’, volunteers’, and service users’ personal data, to ensure compliance with Hong Kong’s Personal Data (Privacy) Ordinance.

11. Outside Employment

If a staff member wishes to take up employment outside YGN, he/she must seek the prior written approval from the President or Board of Directors (via Board chairperson if staff concerned is of President level). The approver should consider whether the outside employment would give rise to a conflict of interest with the staff member’s duties in YGN or the interest of YGN.

12. Relationship with Suppliers, Contractors and Customers

12.1. Gambling

Directors and staff are prohibited to engage in any gambling activities with, including but not limited to, any person, company or organization having ministry dealings with YGN.

12.2. Loans

Directors and staff should not accept any loan from, or through the assistance of, any individual or company or organisation having ministry dealings with YGN. There is however no restriction on borrowing from licensed banks or financial institutions.

13. Compliance with the Policy

13.1 It is the responsibility of every director and staff member of YGN to understand and comply with the Policy, whether performing his duties of YGN in or outside Hong Kong. Managers and supervisors should also ensure that the staff under their

supervision understand well and comply with the Policy.

13.2 Any director or staff member in breach of the Policy will be subject to disciplinary action, including termination of appointment. Any enquiries about this Policy or reports of possible breaches of the Policy should be made to the Director of Operations or President (if personnel concerned is Director of Operations) or Board of Directors (via Board chairperson if personnel concerned is President or Director) of YGN. In cases of suspected corruption or other criminal offences, a report should be made to the appropriate authority.

Section 9

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 ministry; 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 ministry,

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 ministry; 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 ministry,

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.

(4) If an agent solicits or accepts an advantage with the permission of his principal, being permission which complies with subsection (5), neither he nor the person who offered the advantage shall be guilty of an offence under subsection (1) or (2).

(5) For the purposes of subsection (4) permission shall –

- (a) be given before the advantage is offered, solicited or accepted; or
- (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 (4), the principal shall, before giving such permission, have regard to the circumstances in which it is sought.

Section 4

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 company 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.

Section 8

(1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence.

(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.

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

Section 2

“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.

“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, such provisions.

Section 19

In any proceedings for an offence under this Ordinance, it shall not be a defence to show that any such advantage as is mentioned in this Ordinance is customary in any profession, trade, vocation or calling.

Youth Global Network Limited

REPORT ON GIFTS/ADVANTAGES RECEIVED

Part A – To be completed by Receiving Staff

To : *Director of Operations/President/Board of Directors via Board Chairperson

Description of Offeror :

Name & Title : _____

Company : _____

Relationship (Company/Personal) : _____

Occasion on which the Gift/Advantage
was / is to be received : _____

Description & (assessed) value of the
Gift/Advantage: _____

Suggested Method of Disposal :

Remark

- () Retain by the Receiving Staff
 () Retain for Display / as a Souvenir in the Office
 () Share among the Office
 () Reserve as Lucky Draw Prize at Staff Function
 () Donate to a Charitable Organisation
 () Return to Offeror
 () Others (please specify) : _____

(Date)

 (Name of Receiving Staff)
 (Title / Department)

Part B – To be completed by *Director of Operations/President/Board of Directors via Board Chairperson

To : (Name of Receiving Staff)

The recommended method of disposal is **approved / not approved*. *The gift/advantage concerned should be disposed of by way of: _____

 (Name of Signer)

Date:

*Director of Operations/President/Board of Directors via Board Chairperson

**Delete as appropriate*

Youth Global Network Limited

DECLARATION OF CONFLICT OF INTEREST

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

To : (*Director of Operations/President/Board of Directors via Board Chairperson) via (supervisor of the Declaring Staff)

I would like to report the following actual/potential* conflict of interest situation arising during the discharge of my official duties:-

Persons/companies with whom/which I have official dealings
My relationship with the persons/companies (e.g. relative)
Relationship of the persons/companies with our Organisation (e.g. supplier)
Brief description of my duties which involved the persons/companies (e.g. handling of tender exercise)

Date:

(Name of Declaring Staff)
(Title / Department)

Part B – Acknowledgement *(To be completed by *Director of Operations/President/Board of Directors via Board Chairperson)*

To : (Declaring Staff) via (supervisor of the Director of Operations)

Acknowledgement of Declaration

The information contained in your declaration form of (Date) is noted. It has been decided that:-

- You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- You may continue to handle the work as described in Part A, provided that there is no change in the information declared above, and you must uphold YGN's interest without being influenced by your private interest.
- Others (please specify) : _____

Date:

(Name of Signer)
 *Director of Operations/President/Board of Directors via Board Chairperson

**Delete as appropriate*