

Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants

It is a common practice or custom for business operators to, out of courtesy, offer gifts and hospitality (known as “advantages”) to their business contacts, which is generally acceptable provided that the advantages so offered carry no corrupt motive and are permitted by the principal of the recipient. However, under the Prevention of Bribery Ordinance (POBO), it is an offence for any person to offer any advantage to a public servant in return for any favour, to keep him / her sweetened for possible future favour, or simply while having dealings with the government department or public body in which the public servant is employed. From past ICAC cases, we note that some business operators or their employees may not have adequate awareness about the legal restrictions and integrity standard applicable to public servants, thereby exposing themselves to the risk of breaching the law.

To help maintain a high standard of integrity in interactions between business operators and members / employees of public bodies (e.g. the Insurance Authority), the Corruption Prevention Advisory Service of the ICAC has produced the captioned Guide for reference by private organisations. It provides:

- (a) an introduction to the legal provisions (e.g. POBO) and administrative rules and regulations governing the interactions between business operators and public servants;
- (b) case studies developed and modified based on past corrupt practices covering different kinds of dealings between private entities and public servants; and
- (c) advice on the good practices in managing relationships with public servants and on measures that may be adopted by business operators and private organisations to ensure their staff follow the expected standard of integrity when dealing with public servants.

The electronic copies of the Guide and a Quick Starter Guide are

available for access and download through the following links:

(i) **The Guide:**

http://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=226

(ii) **Quick Starter Guide:**

http://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=224

Business operators and their employees who have business dealings or interactions with public servants are advised to study the Guide, and adopt the practices recommended in the Guide where applicable. If hardcopies of the Guide and / or Quick Starter Guide are required (which may be provided in limited quantity subject to stock availability) or further corruption prevention advisory service is needed, please complete and return the attached Corruption Prevention Advisory Service Request Form to us by fax (2522 0505) or by email (cpas@cpd.icac.org.hk), or simply call our hotline at 2526 6363 (Mon - Fri, 9:00 - 18:00, except public holidays). The Service Request Form is also available online at: https://cpas.icac.hk/EN/Form/Service_Form?cate_id=30.

Corruption Prevention Advisory Service

《與公職人員往來的誠信防貪指南》

私營機構營運者為合乎禮節，向業務夥伴提供禮物或招待（即「利益」），乃商界的慣常做法。假如所提供的利益不帶有賄賂的意圖，或收受利益者已獲得其主事人批准，有關做法在一般情況下可以接受。然而，根據《防止賄賂條例》，任何人向公職人員提供任何利益以換取優待，或向其給予「甜頭」以期望日後獲得方便，或在與政府部門或公共機構有事務往來時，向受僱於該部門/機構的公職人員提供任何利益，皆屬違法。我們從廉署過往的案例發現，有私營機構營運者或其僱員可能對有關的法律條文認識不足，因而面對觸犯法例的風險。

為協助私營機構營運者與公共機構（例如保險業監管局）的成員/僱員（即《防止賄賂條例》下的公職人員）往來時，保持高度誠信道德標準，廉政公署轄下的防貪諮詢服務印製了一套《與公職人員往來的誠信防貪指南》（《指南》）供私營機構參考，內容包括：

- (a) 規管私營機構營運者與公職人員往來的法律條文（例如《防止賄賂條例》）和行政規則及規例的簡介；
- (b) 根據過往涉及私營機構與公職人員各種往來時發生的貪污行為所編纂的個案分析；及
- (c) 與公職人員往來的良好誠信作業常規，及私營機構確保其僱員遵守有關誠信標準的建議措施。

上述《指南》及《指南》簡便版本的電子版可於以下網頁瀏覽和下載：

- (i) **《指南》：**
https://cpas.icac.hk/ZH/Info/Lib_List?cate_id=3&id=226
- (ii) **《指南》簡便版本：**
https://cpas.icac.hk/ZH/Info/Lib_List?cate_id=3&id=224

我們建議與公職人員有事務往來或交往的私營機構營運者及其僱員細閱上述《指南》，並適當採納當中載列的建議措施。如欲索取《指南》及/或《指南》簡便版本的印刷本（或會視乎存量作限量供應），或要求其他防貪諮詢服務，請填妥夾附的防貪諮詢服務表格，並傳真至 2522 0505 或電郵至 cpas@cpd.icac.org.hk，或致電防貪諮詢服務熱線 2526 6363（星期一至五上午 9 時至下午 6 時，公眾假期除外），亦可到以下網址提交服務表格：https://cpas.icac.hk/ZH/Form/Service_Form?cate_id=30。

防貪諮詢服務