

## PBO Section 9(1) – Accepting Bribe



- **Agent** (employee)
- Solicits / accepts an **advantage**
- An **act** in relation to the agent's official capacity
- Without principal's (employer's) **approval**

**Maximum Penalties: 7 years' imprisonment, \$500,000 fine**

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**Offeror**



**Acceptor**

**Both are liable**

**Maximum Penalties: 7 years' imprisonment, \$500,000 fine**

## Advantages



- Gift, loan, fee, reward or commission
- Employment or contract
- Payment, release or discharge of loan or liability
- Service or favour **(except entertainment)**

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## Entertainment



Food or drink provided for consumption on the occasion and any other connected entertainment



**Yet beware of sweetening process!**

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## Approval from Principal



- Approval from the employer of the recipient
- Refer to your **company code of conduct**
- Prior approval should be obtained
- As soon as reasonably possible after such acceptance



## No Defence Even if



### Section 11 of PBO

The recipient

- did not actually have such power/ right to carry out the act;
- did not in fact do so; or
- had no intention to do so

## No Defence Even if



### Section 19 of PBO

The advantage is customary in any profession/ trade/ vocation/ calling

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## Prevention of Bribery Ordinance S.9(3)



- An agent
- Intends to deceive his principal
- Using false / erroneous / defective accounts / documents / receipts

**Maximum Penalties: 7 years' imprisonment, \$500,000 fine**

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# Code of Conduct

Gifts from Clients?

\$500?

Entertainment?

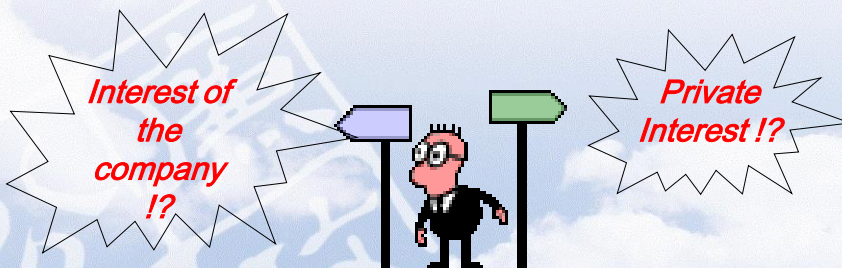


Cash coupon?

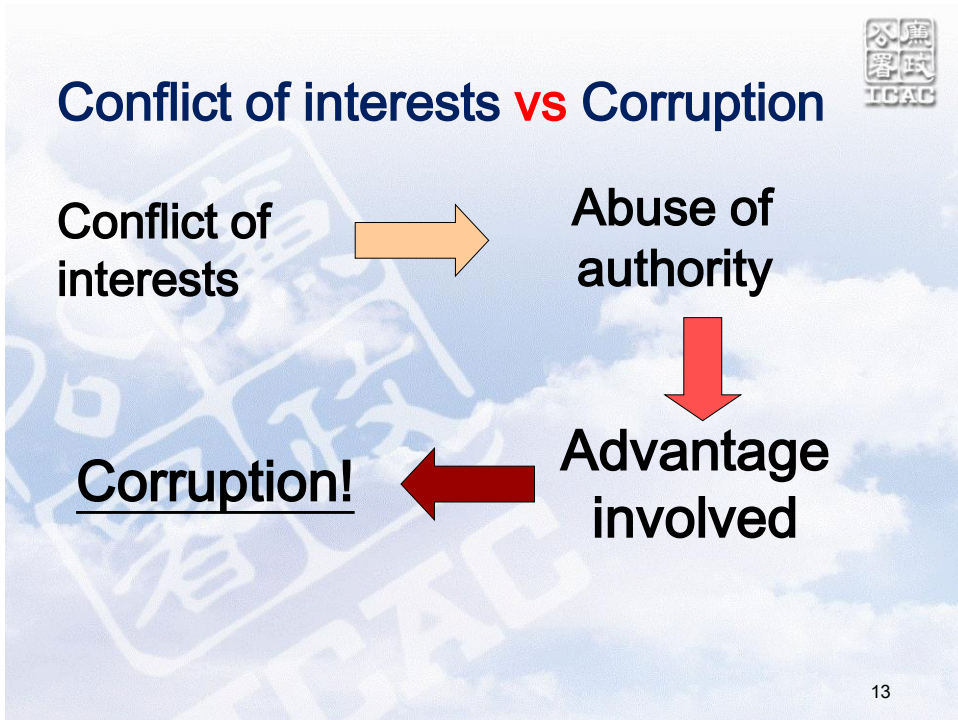
\$200?


Declaration of Interest?

# Conflict of Interest



**Conflict of Interest** refers to the situation where a staff member's private interest conflicts with the interest of the Company/Organization.





## Prevention of Bribery Ordinance Section 4

- Public servant
- Whether in HK or elsewhere
- Solicits or accept advantage
- An act in his/her official capacity

**Maximum Penalties: 7 years' imprisonment, \$500,000 fine**

## Prevention of Bribery Ordinance Section 8



- 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/public body
- offers any advantage to any prescribed officer employed in that department, office or establishment of the Government/any public servant employed by that public body
- shall be guilty of an offence

**Maximum Penalties: 7 years' imprisonment, \$500,000 fine**

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## Managing Staff Integrity





## Risk Analysis



- Staff
- Work Nature
- Organization

## Points to note



- ❖ Abide by the laws (POBO)
- ❖ Comply with the guidelines of the code of conduct
- ❖ Beware of “sweetening”
- ❖ Don't place yourself in a position of obligation

## Points to note



- ❖ Stay alert against illegal acceptance of advantages and excessive entertainment
- ❖ Zero tolerance of corruption/malpractices
- ❖ Report corruption

## **Report Corruption Channels Quick and Simple**

### **In Person**

ICAC Report Centre /  
7 ICAC Regional Offices

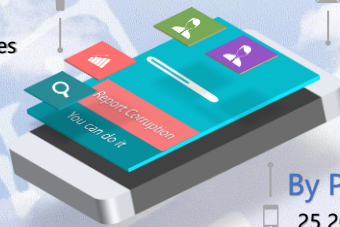


### **By Mail**

G.P.O. Box 1000, Hong Kong

### **By Phone (24-hour hotline)**

25 266 366





## ***Report In Person Direct and Detailed***

24-hour Report Centre / 7 ICAC Regional Offices

Simple procedure

No prior  
appointment required

Direct and detailed

**Opening hours (Regional  
Offices)**

Mon - Fri: 9:00am - 7:00pm  
Sat, Sun and Public holidays:  
Closed



# Thank you!

Website: [www.icac.org.hk](http://www.icac.org.hk)



## Disclaimer

This Powerpoint material aims at providing general guidance on the common corruption risks and preventive measures in the private sector and does not purport to deal with corruption issues that may arise in any given situation. Description and explanations of the legal requirements under the relevant Ordinances and the recommended practices are necessarily general and abbreviated to make this Powerpoint material easy to understand from the layman's angle. Users of this Powerpoint material should refer to the original legislations or seek ICAC's advice as and when necessary. While we endeavour to ensure the accuracy of the information in this Powerpoint, no statement, representation, warranty or guarantee, expressed or implied, is given by us as to the accuracy, completeness or appropriateness of such information for use in any particular circumstances. The ICAC is not responsible for any loss or damage whatsoever arising out of the use of this Powerpoint material or in connection with any information contained in this Powerpoint material. The copyright of this Powerpoint material is owned by the ICAC. The PowerPoint material may be reproduced for non-commercial use provided that the source of the material is identified and the copyright status acknowledged. For any enquiries, please contact ICAC Regional Office (New Territories North West) ([www.icac.org.hk](http://www.icac.org.hk)).

