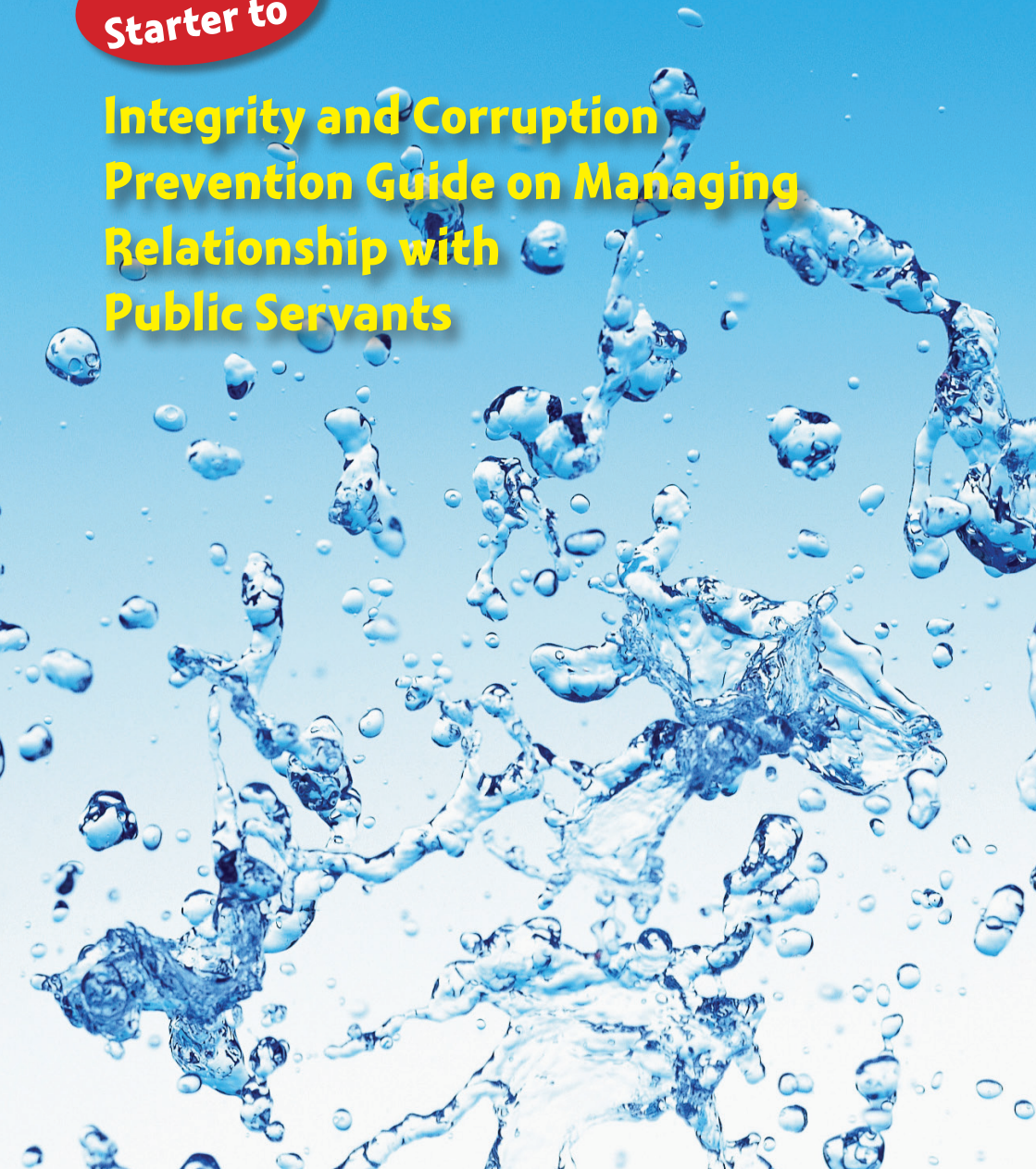
ICAC

CPAS 防貪諮詢服務 Corruption Prevention Advisory Service

A Quick Starter to

Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants



Addendum

Corruption Prevention Services for the Private Sector

Please note that with effect from 10 September 2026, the Corruption Prevention Advisory Service (CPAS) and the Hong Kong Business Ethics Development Centre (HKBEDC) of the Independent Commission Against Corruption (ICAC) have been restructured as the Private Sector Integrity Centre (PSIC).

Accordingly, any references to the CPAS and HKBEDC in this publication are to be read as referring to the PSIC from that date onwards.

As a one-stop service and knowledge hub, PSIC continues to provide free, confidential, and tailor-made corruption prevention and integrity services to private-sector organisations.

For enquires or services, please contact PSIC through the following channels:

- Hotline: 2526 6363
- Email: psic@cpd.icac.org.hk
- E-form: eform.cefs.gov.hk/form/ica004/en/
- Website: psic.icac.org.hk

Disclaimer

(In the event of any inconsistency or conflict between the following disclaimer and the disclaimer contained in other part of the publication, the following disclaimer shall prevail to the extent of the inconsistency or conflict.)

Descriptions and explanations of the legal and regulatory requirements under the Prevention of Bribery Ordinance (Chapter 201 of the Laws of Hong Kong) and any other ordinances, subsidiary legislation, orders, rules, regulations and case law (collectively, "Laws and Regulations") in this publication are intended to be general and abbreviated for ease of understanding. Users of this publication are advised to refer to the original text of the Laws and Regulations if considered necessary. Case scenarios are used in this publication to illustrate the legal and regulatory requirements and corruption risks. These case scenarios should be taken as hypothetical and not referring to any particular real case or any particular organisation or person. Moreover, the advice and recommendations given in this publication are by no means prescriptive or exhaustive, and are not intended to substitute any legal, regulatory or contractual requirements. Users should refer to the relevant instructions, codes and guidelines issued by the relevant authorities, and adopt the appropriate measures that best suit their operational needs and risk exposure.

The descriptions and explanations of the Laws and Regulations, case scenarios, advice and recommendations given in this publication are for general reference purposes only. The ICAC makes no warranties, express or implied, as to the accuracy, completeness, suitability and applicability of the aforesaid descriptions, explanations, case scenarios, advice and recommendations. The ICAC shall not have or accept any liability, obligation or responsibility whatsoever for any loss or damage incurred directly or indirectly by any person acting or refraining from acting in reliance upon the descriptions, explanations, case scenarios, advice, recommendations or any other information provided in this publication. Users of this publication are strongly advised to seek professional legal or other appropriate advice in relation to the information contained in this publication if considered necessary.

Private Sector Integrity Centre
Independent Commission Against Corruption
10 September 2026

廉政公署 ICAC

PSIC 私營機構誠信建設中心 Private Sector Integrity Centre

Foreword

Business operators and their employees may frequently come into contact or interaction with public servants (including government officers or members and staff of public bodies) in official dealings or private social activities. While it may be common practice or custom in the business sector to offer gifts and hospitality to one's business contacts with a view to maintaining good business relationship and personal relationship ("guan xi"), if their business contacts are public servants, one has to be wary of the relevant legal provisions and regulations so as to avoid falling into the trap of breaching the law, or having their business reputation tarnished.

To help business operators/managers and any individuals maintain a high standard of integrity in their dealings with public servants, the ICAC has published an **Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants** (the Guide) to provide practical guidance on the relevant legal and probity requirements for their reference. This **Quick Starter Guide** is a concise version of the Guide to enable users to have a quick grasp of the relevant legal provisions, rules and regulations governing dealings between public servants and other persons; lessons learnt from some past cases of breaches; and the key control measures/best practices recommended in the Guide for adoption by companies.

Disclaimer
Descriptions and explanation of legal requirements under the Prevention of Bribery Ordinance and other relevant ordinances/laws in this Guide are necessarily general and abbreviated for ease of understanding. Users of the Guide are advised to refer to the original text of the relevant ordinances/laws or seek legal advice on particular issues where necessary. The ICAC will not accept any responsibility, legal or otherwise, for any loss occasioned to any person acting or refraining from action as a result of any material in this Guide.

Case scenarios are used in this Guide to illustrate the legal requirements and corruption risks and to highlight the lessons learnt. While they are drawn up based on actual corrupt practices, each case scenario is hypothetical and does not mean to refer to any particular case or relate to any particular company or person. The advice and tips given in the Guide are by no means prescriptive or exhaustive, and are not intended to substitute any legal, regulatory or contractual requirements. Users should refer the relevant instructions, codes and guidelines issued by the relevant authorities as well as by their employers as appropriate, and apply appropriate practices that best suit the operational needs and risk exposures of their companies and business environment.

Throughout this Guide, the male pronoun is used to cover reference to both the male and female. No gender preference is intended.

Prevention of Bribery Ordinance (POBO) (Cap. 201)

Section 4 of POBO

It is an offence for any person to offer any advantage to a public servant with the purpose of inducing or rewarding that public servant for any act in relation to his official duties.

Section 8 of POBO

It is an offence for any person to offer any advantage to a public servant while having dealings of any kind with the government department or public body in which the public servant is employed.

Advantage includes gift, loan, fee, reward, commission, office, employment, contract, payment of loan, discharge of liability, service, favour, etc., but does not include entertainment. **Entertainment** means the provision of food or drink for consumption on the occasion when it is provided, and any other entertainment connected with, or provided at the same time as, such provisions.

*It is a **misconception** that there a limit on the value of the advantage (e.g. $500), below which offering/acceptance will not amount to bribery.*

*It cannot be a defence to claim that any advantage accepted or offered is **customary** in any profession, trade, vocation or calling.*

*If there is a corrupt purpose, the offering or acceptance of advantage of **any value** will amount to bribery.*

*Ticket to a sport event or concert, hotel accommodation, etc. which may be regarded as "hospitality" in some other jurisdictions, are **advantages** under the POBO.*

*Mind that under Section 8 of the POBO, the offer of advantage does **not** need to be associated with a request for reciprocal act by the public servant.*

Aiding and Abetting to Commit Misconduct in Public Office (MIPO)

It is an offence for any person to aid or abet the commission by public official of the Common Law offence of MIPO.

refer to Section 1.2 of the Guide for what amounts to MIPO

Administrative Rules and Regulations Governing Public Servants

- Government officers are subject to stringent administrative rules and regulations (e.g., circulars issued by the Civil Service Bureau) on integrity and conduct covering acceptance of advantages, conflict of interest, etc.

- Public servants who are members or employees of public bodies are governed by rules and guidelines laid down by individual public bodies, normally with reference to the probity standards of the Government.

Key Rules and Regulations Governing Government Officers

Acceptance of advantage

- In private capacity: follow the rules set out in the Acceptance of Advantage (Chief Executive's Permission) Notice.
- In official capacity: decline the advantage as far as possible; where it is not appropriate to decline, seek directive on the disposal of advantage so offered.

Acceptance of sponsored visit

- In official capacity: decline sponsorship offered by private commercial organisations or organisations/ individuals under the regulation of/ having dealings with the department.
- In private capacity: should not solicit or accept sponsorship which has or could have given rise to a conflict of interest.

Acceptance of entertainment

- Should not accept lavish, unreasonably generous or frequent entertainment; or any entertainment that is likely to give rise to conflict of interest, put them in an obligatory position; compromise their impartiality or judgement, or bring them or the public service into dispute.

Conflict of interest

- Avoid or declare, as appropriate, any conflict of interest that may arise or has arisen when carrying out official duty or dealing with members of the public.

Outside work and activities

- Must obtain permission before taking up any paid outside work, or unpaid outside work which may constitute any conflict of interest.

Post-service employment

- Must obtain permission before taking up any work during the prescribed periods (final leave period, minimum sanitisation period and control period), unless the work is unpaid and taken up with specified non-commercial organisations.

Case Scenarios

(a) Bribery – Licensing or other regulatory functions

A mah-jong school operator submitted an application to a government department for a licence to establish a new mah-jong school.

The operator was informed that his application would likely be turned down as his proposed premises were close to a school and a church, and there were objections from local community.

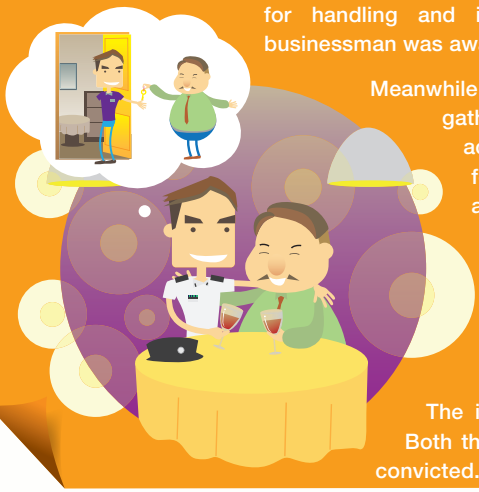
At a meeting with the subject government officers, the operator offered an envelope containing winning lottery tickets to the officers, and solicited the latter's assistance in his licence application.

The officers refused to accept the advantages and referred the incident to the ICAC. The mah-jong school operator was convicted.

(b) General sweetening – Law enforcement

A businessman had been arrested and charged, on serval occasions, by a law enforcement agency for a number of suspected minor criminal offences, etc.

A senior officer of the agency, who was a friend of the businessman, was responsible for handling and investigating the cases, and the businessman was aware of this.



Meanwhile, the businessman, in a social gathering, offered to provide free accommodation to the senior officer for a few months, and the officer accepted it.

Although the businessman did not specifically ask for a favour or help from the officer, the intention was to "sweeten" the officer in view of his official capacity.

The incident was reported to the ICAC. Both the businessman and the officer were convicted.

(c) *Offering advantages to public servants while having business dealings – Customary gifts*

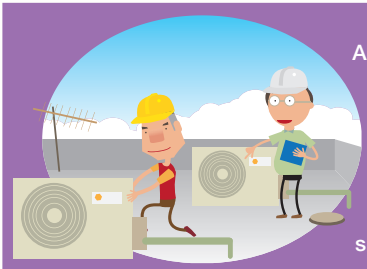
A contractor was responsible for carrying out certain road repair and improvement works, including temporary traffic arrangements for the works, in the New Territories.

To ensure road safety, all temporary traffic arrangements for such road works were subject to approval by a law enforcement agency.

While having such business dealing with the law enforcement agency, the proprietor of the contractor offered over a dozen boxes of mooncakes to an officer of the agency. Despite the officer's refusal to accept, he insisted and left the mooncakes behind.

The officer, after consulting his supervisor, referred the case to the ICAC. The contractor was convicted.

(d) *Aiding and abetting the commission of MIPO*



A contractor was awarded a multi-million dollar contract by a government department for the replacement and maintenance of air-conditioning systems in various government properties.

A senior officer of the department was tasked to supervise and certify completion of the works.

The senior officer used a contract car provided by a manager of the contractor on more than a hundred occasions for private purposes, and also accepted lavish meals and karaoke entertainment offered by the manager on many occasions.

Meanwhile, he assisted the manager to make false entries in claiming payment from the latter's employer – the contractor.

The senior officer was found guilty of MIPO, and the manager aiding and abetting him in committing MIPO.

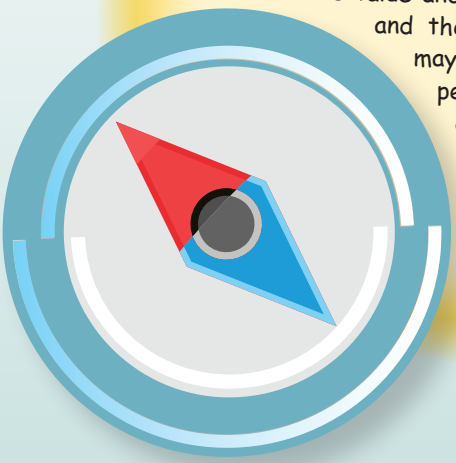
Key Principles

Any organisation and person shall **NOT**:

- ☒ offer advantage to a public servant with the intention to influence the public servant in the performance of his official duties;
- ☒ offer advantage to a public servant with the intention to keep him "sweet", with a view to obtaining a favourable disposition in the future in relation to his official duties/capacity; and
- ☒ offer advantage to any public servant while have dealings of any kind with the government department or public body in which he is employed.

Smart Tip

Even if there is no intention to bribe, it is advisable to avoid offering advantages to a public servant which, having regard to the relationship between the offeror and the public servant, the value and nature of the advantage and the relevant circumstances, may give rise to a public perception or allegation of corrupt relationship or impropriety, or may be seen as inappropriate.



Courtesy Gifts

- As a general principle, business operators or individuals should not offer gifts to a public servant on account of his official duties or capacity.
- There is ***no need*** for business operators or individuals to, and it is the ***best practice not*** to, offer any gift or souvenir to a public servant for recognition or appreciation of his participation in a business/social activity in his official capacity (e.g., being an officiating guest or speaker).
- If this is considered a necessary protocol, they should consult the intended recipient whether this is appropriate first. Understanding that the public servant is required to seek permission for the acceptance and the gift will be regarded as being offered to the government department or public body concerned, they should avoid offering any gift intended for the personal use of the public servant, and offer only items of modest or nominal value, e.g. a certificate of appreciation.

Discounts and Commercial Offers

- Merchants, in offering any discounts or other favourable commercial offers to public servants, should make such favourable offers only in the course of their normal business (e.g., business promotion), and the same (or better) offers are also available to other customers in general.

Entertainment

- Although entertainment is an acceptable form of business and social convention, business operators or individuals who have business dealings with, or whose business/affair is under the regulation of, a government department or public body should:
  - ☒ avoid offering entertainment which may be seen as excessive (frequent or lavish) or inappropriate (e.g., entertainment in a nightclub, massage parlour) to a public servant;
  - ☒ avoid offering entertainment to the public servant that may give rise to an actual, potential or perceived conflict of interest for the public servant in relation to his duties/capacity, or the perception or possible allegations of an intention to “sweeten” the public servant;

- ☒ avoid organising or inviting the public servant to take part in any games of chance, especially those involving high stakes in money or money's worth on such occasions.

Conflict of Interest

- Public servants failing to avoid and declare conflict of interest may, depending on the seriousness of the situation and whether there is any abuse of official position, commit an offence, and the parties involved could also be implicated and have their reputation tarnished. Therefore, business operators or individuals are advised NOT to:
  - ☒ make any undue request to a public servant for favour or assistance (e.g., request that would give them an unfair advantage over other members of the public or users of the public service) or any request that would put him in a conflict of interest situation; or
  - ☒ engage a public servant to carry out any paid or unpaid work/services or investment that would put him in conflict with his official duties or position.

Integrity Management

Ethical Commitment and Leadership

- Integrity, honesty, fairness, impartiality and ethical business practices should be stated as the core values of the company.
- There should be a loud and clear top-level commitment to ethical business practices and integrity, and zero tolerance to bribery.
- Top management should lead by example by adopting a high standard of corporate and personal integrity in carrying out business.

Code of Conduct

- Promulgate a Code of Conduct for directors and employees, which should set out the integrity and ethical standard and requirements including:
  - anti-bribery policy;
  - policies and restrictions on acceptance and offering of gifts/ advantages and entertainment;
  - guidelines on handling conflict of interest and managing relationship with business partners and public servants.

Education and Communication

- Communicate the company's anti-bribery policy and integrity requirements to all directors, staff and agents.
- Provide education/training on anti-bribery policy and ethical practices to all staff, including those who may deal with or come into contact with public servants.
- Inform business partners of the company's anti-bribery policy and ethical requirements, and establish channels to receive enquiries/feedback on integrity issues from staff and business partners.

Compliance

- Put in place measures to ensure compliance with the Code of Conduct, integrity requirements and anti-bribery policy.
- Take appropriate disciplinary or enforcement action in case of breaches, report illegal activities to law enforcement agency, and provide appropriate forms of recognition for notable ethical behaviour.

Internal Control Measures

- Business companies are also advised to put in place appropriate controls to ensure compliance with, and prevent intentional and inadvertent breaches of, the companies' integrity and anti-bribery policies and guidelines on managing relationship with business contacts, including:
  - ☑ Laying down policy, restrictions and guidelines governing the offering of advantages, gifts and entertainment to persons the company has business relation or dealings with, and prohibiting the offering of advantages to public servants of government departments or public bodies with which the companies have any dealings.
  - ☑ Putting in place a system and procedures for the control, approval, documentation, monitoring and review of offer of advantages/gifts or entertainment to ensure compliance with the above guidelines.
  - ☑ Providing trustworthy channels to receive feedback or reports on suspected breaches, and laying down a mechanism, procedures and guidelines for handling reported/suspected breaches, including the conduct of inquiry, reporting, and taking of disciplinary or enforcement actions.

For more information on the corruption prevention safeguards and other good practices in dealing with public servants, please refer to the Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants. Please contact us if you have any enquiries or need further corruption prevention advisory service.

CPAS 防貪諮詢服務 Corruption Prevention Advisory Service

The Corruption Prevention Advisory Service (CPAS) of the Corruption Prevention Department of the ICAC provides ***free***, ***confidential*** and ***tailor-made*** advice to business operators or any individuals on corruption prevention. You may contact CPAS (☎25 266 363 or ✉cpas@cpd.icac.org.hk) if you need the above service or assistance in implementing the safeguards or best practices recommended in the Integrity and Corruption Prevention Guide on Managing Relationship with Public Servants.

廉政公署 ICAC

CPAS 防貪諮詢服務 Corruption Prevention Advisory Service

簡便指南

與公職人員往來的誠信防貪指南

附錄

私營界別防貪服務

由2026年9月10日起，廉政公署（廉署）轄下的「防貪諮詢服務」（CPAS）及「香港商業道德發展中心」（HKBEDC）已重組為「私營機構誠信建設中心」（PSIC）。

由本日起，本刊物中所有「防貪諮詢服務」及「香港商業道德發展中心」的提述，均須理解為「私營機構誠信建設中心」。

私營機構誠信建設中心作為一站式服務與知識平台，將繼續為私營界別機構提供免費、保密和度身訂造的防貪及誠信服務。

如有查詢或需要相關服務，請透過以下渠道與我們聯絡：

- 服務熱線: **2526 6363**
- 電子郵件: **psic@cpd.icac.org.hk**
- 電子服務表格: **eform.cefs.gov.hk/form/ica004/tc/**
- 網站: **psic.icac.org.hk**

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本刊物中就《防止賄賂條例》（香港法例第201章）和任何其他條例、附屬法例、命令、規則、規例及案例（統稱「法律及規例」）的規定所作出的描述和解釋，僅屬一般和概括性質，以方便理解。如有需要，使用者宜參閱有關法律及規例原文。本刊物通過不同個案情景來說明法律及規例的規定和各種貪污風險。這些個案情景純屬虛構，並無影射任何真實個案、特定機構或人士。此外，本刊物提供的意見和建議絕非強制規定或詳盡無遺，亦不能取代任何法律、規例或合約的規定。使用者應參考有關當局發出的相關指示、守則和指引，並因應本身的營運需要和承擔的貪污風險採取最合適的措施。

本刊物中就法律及規例的描述和解釋以及提供的個案情景、意見和建議，僅供一般參考之用。對於該等描述、解釋、個案情景、意見和建議的準確性、完整性、適合性和適用性，廉署概不作出任何明示或隱含的保證。對於任何人士因依賴本刊物的描述、解釋、個案情景、意見、建議或其他內容而作出或不作出行動所直接或間接招致的任何損失或損害，廉署概不負有或承擔任何義務、責任或法律責任。使用者應在有需要時就刊物內容尋求專業法律或其他適當意見。

廉政公署

私營機構誠信建設中心

2026年9月10日

ICAC

PSIC 私營機構誠信建設中心 Private Sector Integrity Centre

引言

營商者及其僱員在公事往來或私人社交活動中，可能會經常與公職人員（包括政府人員或公共機構的成員及僱員）接觸或交往。商界人士向業務夥伴提供禮物及招待，以維持良好業務關係和擴闊人際網絡，乃商界的慣常做法。但當他們所接觸的是公職人員，他們便須格外留意有關法例及行政規例，以免觸犯法例或使其商譽受損。

為協助營商者／管理人員及其他個別人士在與公職人員有業務往來時維持高度誠信水平，廉署編製了**與公職人員往來的誠信防貪指南**（指南），提供有關法律及誠信要求的實務指引，供他們參考。本**簡便指南**乃指南的精要版，旨在讓使用者扼要掌握指南中的內容及建議，包括規管公職人員誠信的相關法例、行政規則及規例、個案研究與經驗總結，以及公司可採用的監控措施及最佳作業常規。

免責聲明

本指南中有關《防止賄賂條例》及其他相關法例／法律條文的陳述及解釋，只屬一般和概括性質，以便讀者容易理解。本指南的使用人士如有需要，應就個別情況參考法例原文或徵詢法律意見。任何人如因本指南的內容作出或放棄作出任何行動而招致損失，廉政公署概不負責，包括法律或其他責任。

本指南的個案研究部分旨在闡明法例規定和貪污風險，並指出應多加留意的要點。雖然每宗個案均根據真實的貪污犯案手法編撰而成，但內容純屬虛構，絕無影射任何個別個案、公司或人士的意思。本指南提供的意見和建議並非詳盡無遺，亦不可取代任何法律、監管或合約規定。指南使用人士應參考有關當局以及僱主發出的相關指示、守則及指引，並因應公司的營運需要和貪污風險，以及營商環境等情況，考慮採用最有效適當的措施。

本指南中的代名詞「他」同時包括男性和女性，並沒有任何性別歧視的含義。

《防止賄賂條例》（香港法例第201章）

《防止賄賂條例》第4條

任何人向公職人員提供任何利益，以誘使或回報該公職人員與其職務有關的任何作為，即屬犯罪。

《防止賄賂條例》第8條

任何人與政府部門或公共機構進行任何事務往來時，向受僱於該政府部門或該公共機構的公職人員提供任何利益，即屬犯罪。

利益包括饋贈、貸款、費用、報酬、佣金、職位、受僱工作、合約、將貸款予以支付、將法律責任予以解除、服務、優待等，但並不包括款待。**款待**指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待。

有些人存有**誤解**，以為法例就利益的價值設有門檻（例如500元），而提供或接受價值低於此門檻的利益並不構成賄賂。

專業、行業、職業或事業的慣例，或習以為常的**「行規」**，不能作為提供或接受利益的辯護理由。

如有貪污的意圖，無論提供或接受**任何價值**的利益，都會構成賄賂。

運動賽事或表演門券、酒店住宿等在其他司法地區可能被視為「招待」，但根據《防止賄賂條例》均屬**利益**。

須注意，根據《防止賄賂條例》第8條，即使所提供的利益並非報酬或誘因，以回報或誘使公職人員作出任何相應的作為，有關人士仍屬犯罪。

協助及教唆干犯公職人員行為失當罪

任何人協助或教唆公職人員犯普通法中的公職人員行為失當罪，即屬犯罪

有關甚麼情況可構成公職人員行為失當罪，請參閱指南第1.2節。

規管公職人員的行政規則及規例

- 政府人員受嚴格、規管其誠信及操守的行政規則及規例（例如公務員事務局發出的通告）的約束，涵蓋接受利益、利益衝突等範疇。
- 作為公共機構的成員或僱員的公職人員，受所屬公共機構所訂的規則及指引規管。而這些規則及指引一般以政府的誠信標準作為藍本。

規管政府人員的主要規則及規例

接受利益

- 私人身分：遵守載列於《接受利益〔行政長官許可〕公告》的規則。
- 公職身分：盡量拒絕接受利益；如未能婉拒，應請示如何處理獲提供的利益。

接受贊助訪問

- 公職身分：拒絕接受由私人商業機構、受政府部門規管的機構或人士，或與政府部門有事務往來的機構或人士提供的贊助。
- 私人身分：不應索取或接受導致或可能導致利益衝突的贊助。

接受款待

- 不應接受奢華、過分慷慨或頻密的款待，或任何可能導致下列後果的款待：引致利益衝突、使自己欠下人情、損及處事的公平原則或判斷力、損害本身或政府的聲譽。

利益衝突

- 須視乎情況，避免或申報在執行公務或與公眾人士有事務往來時可能出現或已出現的任何利益衝突。

外間工作及活動

- 在擔任任何有薪外間工作，或可能會構成任何利益衝突的無薪外間工作之前，須事先獲得批准。

離職後接受僱用

- 在訂明的限制期（離職前休假期、最低限度禁制期及管制期）內從事外間工作，須事先獲得批准。惟在指定非商業機構從事的無薪工作則不在此限。

模擬個案

(a) 賄賂 - 發牌或其他監管職責

一名麻雀館經營者向有關政府部門申請開設新麻雀館的牌照。

該經營者獲告知其申請很可能被拒絕，理由是他擬設立麻雀館的處所鄰近學校和教堂，而區內人士提出反對。

在與處理其申請的政府人員會面期間，該經營者拿出一個載有中獎彩票的信封交給有關人員，要求後者在其牌照申請中提供協助。

有關人員拒絕接受利益，並將事件向廉署舉報。該麻雀館經營者被裁定罪名成立。

(b) 給予甜頭 - 執法

一名商人涉嫌觸犯多項輕微刑事罪行，曾多次被執法機構拘捕並檢控。

該執法機構的一名高級人員是該商人的朋友，負責處理和調查該商人的案件，而該商人亦得悉此事。

在調查進行期間，該商人在一次社交聚會中向該執法人員提出向他提供數月的免費住宿安排，並獲對方接納。

雖然商人並未要求執法人員給予優待或幫助作為回報，但其意圖是考慮到執法人員的公職身分而以「甜頭」來籠絡他。

事件被舉報至廉署，商人和執法人員同被裁定罪名成立。

(c) 進行公事往來時向公職人員提供利益 - 傳統賀禮

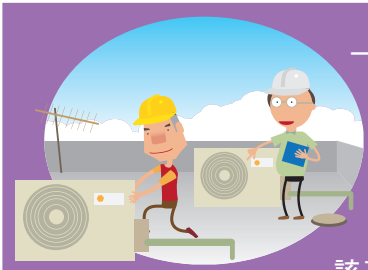
一名承辦商負責在新界區執行若干道路修葺和改善工程，包括有關工程所涉及的臨時交通安排。

為確保道路安全，道路工程所涉及的一切臨時交通安排均須經某執法機構批准。

在與該執法機構有上述事務往來的時況下，該承辦商的東主向該執法機構的一名人員提供十多盒月餅。盡管該執法人員拒絕接受，承辦商東主仍堅持並將月餅留下。

該人員經徵詢上司意見後將個案轉介廉署。該承辦商被裁定罪名成立。

(d) 協助及教唆公職人員干犯公職人員行為失當罪



一名承辦商獲政府部門判授一項價值數百萬元的合約，為多個政府物業的冷氣系統進行更換及保養工程。

一名政府部門的高級人員負責監督承辦商的工程，並核證已完成的工程。

該高級人員超過一百次使用由承辦商經理提供的車輛作私人用途，並多次接受該經理所提供的奢華餐飲和卡拉OK款待。

期間，他協助該經理在向其僱主（即承辦商）申領款項表格上作出虛假記項。

該高級人員被裁定公職人員行為失當罪名成立，而承辦商經理也被裁定協助及教唆他干犯公職人員行為失當罪名成立。

重要原則

任何機構及人士均不得：

- ☒ 向公職人員提供利益，意圖在其執行職務事宜上影響該公職人員；
- ☒ 向公職人員提供利益，意圖藉此用「甜頭」籠絡他，以期望將來在與其職務／公職身分有關的事宜上獲得優待或方便；及
- ☒ 與政府部門或公共機構有任何事務往來時，向受僱於該政府部門或公共機構的任何公職人員提供利益。

醒目提示

即使利益提供者沒有行賄意圖，但如果由於利益提供者與公職人員的關係、利益的價值及性質，以及相關情況，可能使公眾認為或指稱當中涉及貪污勾當或不當行為，或有關做法可能被視為不合宜，則有關人士應避免在此情況下向公職人員提供利益。

禮節性送禮

- 營商者或其他人士不應因公職人員的職務或公職身分向公職人員送贈禮物，此乃基本原則。
- 營商者或其他人士**毋須**因公職人員以公職身分出席商業／社交活動（例如擔任主禮嘉賓或講者），向他送贈任何禮物或紀念品以表謝意。事實上，不向公職人員送贈禮物或紀念品為最佳做法。
- 假如他們認為基於禮儀必須送贈禮物，他們應先諮詢對方這做法是否合宜；而了解到公職人員須就接受禮物申請批准，而因公職身份接受的禮物會被視為送贈予其所代表的機構，他們應避免送贈為該公職人員個人用途而設的禮物，而應只送贈感謝狀等價值低廉或具象徵意義的物品。

折扣及商業優惠

- 營商者向公職人員提供任何折扣或其他商業優惠時，應確保有關折扣或優惠的提供只屬正常業務活動（例如商業推廣），而該等優惠亦有向其他類別顧客提供。

款待

- 雖然款待屬可接受的商業習慣及社會習俗，但如營商者／管理人員或其他個別人士與公職人員有業務往來，或其業務／事務受政府部門或公共機構所規管，他們：
  - ☒ 應避免向公職人員提供可被視為奢華或過分頻密或不合宜的款待（例如夜總會消遣）；
  - ☒ 應避免向公職人員提供可能引致與其職務／公職身分有實際、潛在或觀感上有利益衝突的款待，或被視為或可能被指有意討好公職人員的款待；

- ☒ 應避免安排或邀請公職人員參與任何博彩遊戲，尤其涉及大額金錢或金錢等值賭注的活動；

利益衝突

- 公職人員如未能避免或申報利益衝突，則視乎情況的嚴重程度和是否存在濫用公職的行為，或會觸犯法例；而涉案的另一方不但會受到牽連，更可能聲譽受損。因此，營商者或任何個別人士不應：
  - ☒ 向公職人員提出任何不當的要求以獲取優待或協助（例如任何使他們獲得優待，以致出現對其他公眾人士或公共服務使用者不公平的情況），或任何令他們有利益衝突的要求；或
  - ☒ 聘用公職人員擔任任何與其公務或所任公職有衝突的有薪或無薪工作／服務，或邀請公職人員進行任何與其公務或所任公職有衝突的投資。

誠信管理及預防監控措施

誠信管理

誠信承諾及誠信領導

- 公司應將廉潔守正、誠實正直、公平公正、不偏不倚及商業道德列為其企業的核心價值之一。
- 公司最高管理層應高調明確地承諾至力維護商業道德及企業誠信，及表明對貪污舞弊行為採取「零容忍」的態度。
- 高層管理人員應以身作則，在經營業務上恪守高度的企業及個人誠信。

行為守則

- 頒布董事及僱員的行為守則，內容列明誠信及操守的標準和規定，包括：
  - 反貪政策；
  - 有關接受及提供禮物／利益和款待的政策及限制；
  - 處理利益衝突及管理與商業夥伴及公職人員的關係的指引。

教育及溝通

- 向所有董事、職員及代理人傳達公司的反貪政策與誠信規定。
- 向所有職員，包括有機會與公職人員進行事務往來或接觸的職員，提供有關反貪政策和道德操守的教育及培訓。
- 通知商業夥伴有關公司的反貪政策及誠信規定，並設立渠道接受職員和商業夥伴對誠信事宜的查詢及意見。

遵守守則

- 推行措施以確保行為守則、誠信規定及反貪政策得以遵守。
- 對違規員工採取適當的紀律處分，將違法個案轉交有關執法機關調查，以及以適當的方式對值得彰顯的誠信行為加以表揚。

內部監控措施

- 商業機構應制定適當監控措施，確保員工遵守公司的誠信及反貪政策和有關管理與業務夥伴關係的指引，並防止員工故意或不慎違反有關政策及指引。有關措施可包括：

  - ☑ 訂定政策、規則及指引，以規管員工向與公司有公事聯繫或公事往來的人士提供利益、禮物和款待，並禁止員工向與公司有任何事務往來的政府部門或公共機構的公職人員提供利益。
  - ☑ 設立制度及程序，監控、批核、記錄、監察和檢視向公司業務夥伴提供利益／禮物或款待的事宜，確保上述指引得以遵守。
  - ☑ 建立可靠渠道，以聽取意見及接受懷疑違紀舉報，並制定機制、程序及指引，以處理違紀舉報／懷疑違紀個案，包括進行調查、呈報有關個案、採取紀律處分或執法行動。

如欲查詢更多有關與公職人員進行事務往來時的防貪措施及其他良好作業常規，請參閱「與公職人員往來的誠信防貪指南」。若有任何疑問或需要更多防貪諮詢服務，請與我們聯絡。

CPAS 防貪諮詢服務 Corruption Prevention Advisory Service

廉署防止貪污處轄下的**防貪諮詢服務**向營商者或任何個別人士，提供**完全免費**、**絕對保密**及**切合實際**需要的防貪諮詢服務。如需要上述服務，或在實施「與公職人員往來的誠信防貪指南」內的防貪措施或誠信作業上需要協助，可與**防貪諮詢服務**聯絡（☎ 25 266 363 或 ✉ cpas@cpd.icac.org.hk）。