

Foreword

The Intellectual Property Department (IPD) attaches great importance to maintaining a high level of service to the community, the business sector and other government departments/bureaux. All business of the Department should be conducted with a high standard of integrity. Maintaining integrity is not only a matter of compliance with the law but means that every member of the Department must be vigilant at all times to avoid malpractice and to ensure the propriety of his/her conduct and behaviour.

2. This Code sets out what is expected of every staff member of the Department in maintaining a high ethical standard and integrity in the discharge of his/her duties. Staff should acquaint themselves with this Code which will be reviewed and updated from time to time in the light of experience.

(Stephen Selby)
Director of Intellectual Property

CONTENTS

	Page
I CIVIL SERVICE INTEGRITY	3
II THE DEPARTMENT'S MISSIONS	3
III ACCEPTANCE OF ADVANTAGES	4
Prevention of Bribery Ordinance	4
Advantages presented in one's official capacity	6
Acceptance of entertainment	8
IV CONFLICT OF INTEREST	10
Declaration of interest	10
Investment	12
Misuse of official position	13
Misuse of proprietary or classified information	13
Outside work	14
Free service	14
V PERSONAL CONDUCT	15
Misuse of the Department's assets and resources	15
Gambling	15
Indebtedness	15
Loans	16
Diligence	17
Respect for intellectual property rights	17
Report of involvement in criminal proceedings	18
VI REPORTING OF ATTEMPTED BRIBERY / CRIME	18
VII RELATIONS WITH THE PUBLIC	19
Courtesy and good faith	19
Fairness and impartiality	19
Disclosure of identity	20
VIII ENQUIRY ON THIS CODE	20

I CIVIL SERVICE INTEGRITY

The Hong Kong SAR Government is committed to upholding the highest standards of honesty and integrity throughout the Civil Service to enhance the quality and efficiency of public services to the community. To this end, all government officers should adhere to the following core values -

- commitment to the rule of law;
- honesty and integrity above private interests;
- accountability and openness in decision-making and in all our actions;
- political neutrality in conducting our official duties;
- impartiality in the execution of public functions; and
- dedication and diligence in serving the community.

II THE DEPARTMENT'S MISSIONS

2. In Intellectual Property Department, we are committed -

- to maintain the protection of intellectual property rights to the highest international standards, so that Hong Kong remains a place where creativity and talent can flourish;
- to provide high-quality and responsive patent, trademark and design registration services to the public in Hong Kong; and
- to promote awareness of intellectual property rights of the individual, and a respect for the rights of others.

3. All staff have a duty to discern, understand and meet the needs of our clients and to perform their duties with integrity.

4. The Department will ensure an effective and efficient operation of the work systems which will promote a high ethical standard among staff.

5. This code of conduct and discipline is applicable to all staff, including non-civil service contract staff and temporary/summer workers/interns. It should be read by all staff on first reporting duty in the IPD and re-circulated to all staff every six months. It is posted on the Department's website for handy reference.

III ACCEPTANCE OF ADVANTAGES

Prevention of Bribery Ordinance

6. An officer is prohibited by law from soliciting or accepting bribes or from accepting advantages without permission. He/she should familiarize himself/herself with Sections 3, 4 and 10 of the Prevention of Bribery Ordinance (PBO) which are summarized below -

Section 3: It is an offence for a government officer to solicit or accept any advantage without the Chief Executive's general or special permission.

Section 4: It is an offence for a government officer to solicit or accept any advantage *in Hong Kong or elsewhere* as an inducement to or reward for him to abuse his official position or power in a number of ways as set out in the PBO.

Section 10: It is an offence for a government officer to maintain a standard of living or possess or control assets which are not commensurate with his official emoluments without any satisfactory explanation to the court.

7. "Advantage" is defined in Section 2 of the PBO to mean almost anything which is of value, except entertainment which will be covered under a separate heading. Common examples include any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.

8. From past experience, a government officer is not always offered a direct bribe at the outset. Corruption often starts with the government officer being offered small favours to keep him sweet i.e. the "sweetening process". Section 3 of the PBO aims to prevent this from happening. It may constitute an offence under this Section if any officer solicits or accepts any advantage not in accordance with the general or special permission under the Acceptance of Advantages (Chief Executive's Permission)* Notice 1992 (AAN).

9. The AAN lists those advantages that a government officer may solicit or accept without committing an offence under Section 3 of the PBO. Under this Notice, general permission is given to an officer to solicit or accept advantages without restrictions (including favours and loans of objects) except for four types specified as "restricted advantages" which may only be solicited or accepted under certain circumstances having regard to the relationship with the offeror, the occasion the advantage is offered and the value of the advantage. The "restricted advantages" under the AAN are -

- ◆ gifts (both of money and in kind);
- ◆ discounts;
- ◆ loans of money; and
- ◆ air, sea and overland passages.

10. Each officer should familiarize with the limited circumstances outlined at **Appendix A** to this code under which general permission is given under the AAN for him/her to solicit or accept any "restricted advantage". In case of doubt, he/she should seek clarification from the Departmental Secretary or Assistant Departmental Secretary.

11. For circumstances not covered by the general permission under the AAN, an officer should apply to the Director of Intellectual Property for special permission prior to or as soon as reasonably possible, preferably within ten days after accepting any "restricted advantage", in accordance with paragraphs 8 and 9 of the AAN. The standard form at **Appendix B** should be used for this purpose. Failure to do so may result in the officer being prosecuted for breach of Section 3 of the PBO or in

* Note: as construed in accordance with the provisions of the Hong Kong Reunification Ordinance

disciplinary action being instituted against him/her. The followings are some examples where special permission has to be sought -

- (i) an officer accepting a wedding gift from his subordinate; and
- (ii) an officer obtaining from friends or colleagues loans of money exceeding the limits as stipulated at **Appendix A**.

12. An officer should also note that he/she may be liable to disciplinary action if he/she solicits or accepts any advantage (even those permitted under the AAN) which has led, or could have led to a conflict between his/her private interests and his/her official duties or position. An officer should refer to the CSB guidelines on conflict of interest in case of doubt.

Advantages presented in one's official capacity

13. Section 4 of the PBO deals with the crime of official corruption. Officers are discouraged from accepting advantages presented to them in their official capacity. It should be noted that even if an officer has no real power to fulfil his/her promise or has not in fact fulfilled the promise, parties offering or accepting a bribe are both liable to criminal proceeding under Section 4. The followings are some examples -

- (i) an officer accepting advantages from an applicant (or his/her legal representative) for registration of trade mark, patent or design as a reward for approving the application; and
- (ii) an officer soliciting and accepting advantages from suppliers or contractors for awarding them a contract to provide services to the Department.

14. Any gifts presented to an officer and/or the officer's spouse by virtue of the officer's official position or on an occasion attended in the officer's official capacity (including those offered/presented by another government department), whether in Hong Kong or elsewhere and whether within or out of working hours, for which the officer has difficulties to decline by reason of courtesy, are regarded as gifts to the Department. As soon as possible and preferably within ten days after such gifts are accepted, the officer should report and hand over to Assistant Departmental Secretary the gifts received by using the form at **Appendix C**. The Department will dispose of

the gifts in accordance with the guidelines and principles under CSB Circular No. 16/2002.

15. Officers may be presented with souvenir plaques, shields, banners or other gift items when attending official functions as an officiating guest or the principal representative of the Department at the occasion. Some of these items are personally inscribed. At some official events such as conferences and seminars, officers may receive souvenir items which are widely distributed to participants. Sometimes, officers may also receive by virtue of their official position seasonal gifts sent to them by some working contacts. Examples of such gift/souvenir items include ball pen, memo pad, calendar, desk diary, etc. These items are often inscribed with the names of the organisation/donor and normally of limited commercial value. In the interest of administrative convenience, blanket permission is given by the Director of Intellectual Property for IPD staff to personally retain such items, so long as the cost of these items does not exceed the ceilings set out at column (A) below and subject to each officer completing and submitting the departmental record form at **Appendix D** as soon as possible and within ten days after such gifts are accepted.

Nature of the gift	(A)	Remarks
(a) A gift/souvenir item that is personally inscribed with the officer's name	\$300 or below	Over \$ 300 <ul style="list-style-type: none"> • officer to complete and submit Appendix C to DIP to approve method of disposal in accordance with paragraphs 9 to 12 of CSB Circular No. 16/2002. • personal retention should not normally be allowed if the cost of the gift/item exceeds \$1,000.
(b) A gift/souvenir item that an officer receives at official functions as the Guest of Honour or one of the officiating guests		
(c) A gift/souvenir item that bears the name or logo of the organiser of the event, the event itself or the donor	\$50 or below	Over \$50 <ul style="list-style-type: none"> • officer to complete and submit Appendix C to DIP to approve method of disposal in accordance with paragraphs 9 to 12 of CSB Circular No. 16/2002. • personal retention should not normally be allowed if the cost of the gift/item exceeds \$300.

16. Complimentary tickets to functions and performances (e.g. movie, exhibition, show, sports event, conference, seminar, etc) offered to an officer by virtue of his/her official position are treated as gifts to the Department and should be handled in accordance with the above guidelines.

17. Officers may be presented with free raffle tickets or invited to take part in free lucky draws when attending social or festive functions in their official capacity. They should decline to accept such tickets or to participate in such free lucky draws. If participation cannot be avoided, prizes won should be returned to the organiser for a re-draw. If this may cause great offence or embarrassment, the officer should take the prize back to the Department for a decision by the Director on its disposal in accordance with the guidelines above, as prizes won under such circumstances are gifts to the Department.

18. On occasions where officers are invited to buy raffle tickets during such official functions, they may accept the prize won, if any, without having to seek special permission. Nevertheless, they should be mindful to avoid taking part in dubious lucky draws which could compromise their integrity (e.g. where one only needs to pay a small sum of money for the raffle tickets but expensive prizes are given to all participants).

Acceptance of entertainment

19. As defined under Section 2 of the PBO, "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. Although entertainment is an acceptable form of business and social behaviour, an officer should not -

- (i) accept invitations to meals or entertainment that are excessive in nature or frequency, or inappropriate (taking into account the relationship between the officer and the donor e.g. whether they have any direct official dealings), or undesirable (taking into account the character of the host or his/her business); or
- (ii) accept frequent invitations to social functions

from persons with whom he/she has official dealings. This is to avoid

embarrassment or loss of objectivity when conducting the Department's business, or to avoid bringing the officer or the Department into disrepute or leading to any actual or perceived conflict of interest or putting an officer in an obligatory position. Reference should be made to Civil Service Regulations (CSRs) 431-435. (**Appendix E**)

Examples are -

- (i) officers should avoid accepting entertainment offered by tenderers, contractors, vendors and potential suppliers who have or may have official dealings with the Department; and
- (ii) officers responsible for processing applications for trade mark/patent/design registration should avoid accepting entertainment offered by the applicants and their legal representatives.

20. Where it is considered not appropriate to decline an invitation to entertainment which may contravene the guidelines above for reasons of courtesy or special circumstances, the officer should seek prior approval from the Director of Intellectual Property. If it is impractical for prior approval to be obtained (e.g. where an official contact paid the bill for a meal for an officer or his family or friends without informing the officer in advance), the officer should make an effort to effect the repayment. If this is unsuccessful, he should seek covering approval to accept the entertainment.

21. If acceptance of entertainment in an official capacity is considered necessary in the interests of the Department e.g. for liaison, information gathering and public relations purposes, the number of representatives from the Department accepting the entertainment should be kept to the minimum. All officers are advised not to take part in any games of chance on these occasions.

22. An officer accepting entertainment (other than refreshments customarily provided during in-office business meetings) offered by official contacts are advised to inform his/her Section/Unit Head prior to or immediately after the function. In case of doubt, he/she should seek advice from his/her supervisor. The Section/Unit Head, on receipt of the notification, should consider whether the entertainment accepted is inappropriate or excessive in frequency, and whether appropriate advice should be given to the officer concerned.

23. The Department awarded a contract to Azeus Systems Ltd to outsource our non-core services for a period of five years. The contract commenced on 1 December 2001. We have agreed with Azeus Systems Ltd that while we encourage informal contact between IPD and Azeus staff which may facilitate co-operation and consolidate team spirit to enhance work efficiency, the expenses for all entertainment that may be enjoyed or consumed together by IPD and Azeus staff should be paid by the respective IPD and Azeus staff on a pro-rata and fair basis. In no circumstances should IPD staff accept entertainment provided by Azeus/Azeus staff without seeking prior approval from the Director of Intellectual Property.

IV CONFLICT OF INTEREST

Declaration of interest

24. A conflict of interest may arise when the private interests of an officer compete or conflict with the interests of the Department and the Government. "Private interests" include the financial and other interests of the officer himself/herself and those of the followings -

- (i) his/her family and other relations;
- (ii) his/her personal friends (who may be his/her professional colleagues in the private sector);
- (iii) the clubs and societies to which he/she belongs; and
- (iv) any person to whom he/she owes a favour or is obligated in any way.

25. Conflict of interest situation may lead to corruption or other malpractice, thus affecting the interests and reputation of the Department as a whole. Some common types of conflict of interest situations that staff should avoid are -

- (i) involving in a tender assessment exercise where one of the bidders under consideration is the officer's personal friend;
- (ii) failing to declare financial interest in a supplier, contract or other

organization that has official dealings with the Department;

- (iii) engaging in making a decision on the award of a contract or approval for registration of trade mark, patent or design to a firm which the officer will join after resignation/retirement;
- (iv) favouring a particular supplier or contractor in the award of contract;
- (v) favouring a client, a friend or a relative when discharging the officer's official duties;
- (vi) requesting a subordinate to take out insurance from an insurance agency where the officer's spouse works;
- (vii) disclosing official information to friends or relatives so that they could benefit from it unfairly;
- (viii) investing in a company which provides services to the Department; and
- (ix) in the case of an officer responsible for trade mark/patent/design registration, the spouse being an agent or operating a consultancy to advise on trade mark/patent/design registration matters.

26. Every officer should take it as his/her personal responsibility to avoid engaging in situations that may lead to or involve conflict of interest. He/she should at all times ensure that his/her dealings with members of the public, suppliers, contractors, traders or other related personnel and colleagues do not place him/her in a position of obligation that may lead to a conflict of interest situation.

27. Once an officer becomes aware of the fact that himself/herself or his/her family member or relative or close personal friend is engaged or considered to have been engaged in businesses or activities that might have actual or perceived conflict with his/her official duties, it is the responsibility of the officer to make full disclosure in writing to the Director of Intellectual Property, using the form at **Appendix F**.

28. In cases of unforeseen circumstances when a conflict of interest situation arises before an officer can report to the Director, he/she should take the initiative to make a verbal declaration to his/her supervisor on the scene and such a declaration

should be properly recorded and filed by his/her supervisor. It is normally adequate for the supervisor to relieve the officer concerned from performing or getting involved in performing the work which may give rise to a conflict of interest. Transfer to another post should only be considered if all other courses of action are not appropriate.

29. Failure to avoid or to declare a conflict of interest may result in disciplinary action being instituted against an officer. If in doubt, officers should make reference to Civil Service Bureau Circular No. 19/92 and consult their Section/Unit Head or the Departmental Secretary.

Investment

30. An officer is free to make any private investments but he/she must take due care to avoid taking investment risks beyond his/her financial means. He/she is also required to uphold the honesty and impartiality of the Civil Service and to observe an exemplary standard of personal integrity in making private investments. He/she should ensure at all times that there is no conflict of interest between his/her duties and private investments. Under CSB Circular No. 9/2001, an officer holding a Tier I or II post is required to declare his/her investments in and outside Hong Kong.

31. The onus for reporting any conflict of interest between their official duties and private investments rests with individual officers. An officer who fails to observe any of the regulations on investments e.g. the above CSB Circular on this subject and CSRs 463-466 renders himself/herself liable to disciplinary proceedings and may in addition be required to divest of any or some of the investments, refrain from acquiring or disposing of the investments or place the investments in a blind trust.

32. Examples of investments which could create a conflict of interest include, but are not limited to -

- (i) an officer having a financial interest in any suppliers, contractors or other organizations that provide services to the Department; and
- (ii) an officer responsible for processing trade mark/patent/design applications investing in or having control of a company which acts as an agent for such applications.

Misuse of official position

33. An officer should act impartially and responsibly and should not give preferential treatment to any private organizations or individuals. He/she should avoid establishing unauthorized association with undesirable elements or participating in activities that would invite a reasonable person with knowledge of the relevant facts to question his/her impartiality.

34. An officer should not use his/her position within the Department for personal gain or for the benefit of any relatives, friends or other persons. He/she should not provide assistance or advice to relatives or friends in order to give them an unfair advantage over other people in their dealings with the Department. He/she should not ask or direct any subordinate officers to perform any act or provide any service other than those legitimately required of them in the performance of official duties. Some work-related examples of misuse of official position are given below -

- (i) an officer recommending a subordinate for promotion due to their close personal relationship rather than merits of performance; and
- (ii) an officer promoting the businesses run by his relatives to his subordinates giving the perception that the subordinates are obliged to patronise such businesses to please him.

Misuse of proprietary or classified information

35. An officer who has access to or is in control of proprietary information should provide adequate safeguards to prevent its abuse or misuse. He/she should not use any such information made available to him/her in the course of his/her duties in return for monetary rewards or personal interest or to disclose such information which is not in the interest of the public or the Department. Disclosing proprietary information (e.g. information about trade mark/patent/design applications which are in the processing stage) without authority may also constitute a criminal offence as well as a disciplinary offence. Under CSR 524, a government officer is not allowed to publish or communicate to unauthorized persons or make private copies of document, or information obtained in his/her official capacity without the approval of his/her Head of Department.

36. An officer should also be mindful in handling information containing classified personal information. Unauthorized disclosure of such data may result in a breach of the provisions of the Official Secrets Ordinance and Personal Data (Privacy) Ordinance.

Outside work

37. The Department has a prior call at all times on the service of an officer. CSRs 550-564 set out the general guidelines on outside work. An officer should apply to the Director of Intellectual Property for permission before he/she takes up any paid outside work during or outside working hours or unpaid outside work during working hours. Application for outside work should be made by using the form at **Appendix G**. Any officer who fails to obtain the required permission shall be liable to disciplinary action.

38. It is important that outside work should not affect the officer's performance and should not give rise to a conflict of interest. An example of outside work which may give rise to a conflict of interest is outside work with a trade mark/patent agent or companies which provide services to the Department.

Free service

39. Although free service is regarded as an "unrestricted advantage" under the AAN for the purpose of Section 3 of the PBO, an officer should ensure that he/she has no official dealings with the service providers before accepting the service so that he/she will not be obligated to arbitrarily favour the service providers in his/her official dealings with the Department. An officer should avoid accepting free service from colleagues, especially subordinates or people with whom they have official dealings. It is a corruption offence for an officer to accept free service if he/she is obliged to abuse his/her official position to reciprocate the service provider.

40. If an official relationship between the officer and the service provider arises after acceptance of the service, it is advisable for the officer to report the acceptance to the Director of Intellectual Property via the Departmental Secretary to avoid a perceived conflict of interest.

V PERSONAL CONDUCT

Misuse of the department's assets and resources

41. An officer should make the best use of the Department's assets and resources in terms of money, property, goods or services economically, effectively and only for official purposes and authorized activities.

42. Making false claims of allowances is a criminal offence. Any appropriation of the Department's property by an officer for personal use or for resale is strictly prohibited. Any such acts may amount to an offence under the Theft Ordinance.

Gambling

43. An officer should not engage in gambling of any kind, or any games of chance involving high stakes, with persons with whom the officer has official dealings. Even in social occasions with these persons, an officer must exercise judgement and withdraw from any high stake games.

Indebtedness

44. It is the responsibility of an officer to ensure that he/she lives within his/her means and is prudent in managing his/her personal finance. He/she should not allow himself/herself to get into a position where any debts he/she owes become unmanageable and that his/her financial difficulties may adversely affect his/her performance at work. The guidelines on dealing with cases of pecuniary embarrassment and indebtedness are set out in CSB Circular No. 4/2002.

45. Supervisors should note that in the absence of a statutory power, it is up to a subordinate to decide whether he/she wishes to disclose any information concerning his/her personal finance or the causes underlying his/her poor performance. The subordinate concerned should be reminded that serious pecuniary embarrassment that results in an impairment of an officer's performance/efficiency or an officer's misconduct may form the basis of administrative action or disciplinary sanction in accordance with CSR 455. Proper record of any such enquiries/discussions should be maintained on file to facilitate subsequent decisions on administrative/disciplinary action.

46. If an officer's efficiency is impaired or if there is misconduct as a result of indebtedness (e.g. frequently absent from work without permission), the officer may be liable to disciplinary or administrative action (e.g. stoppage/deferment of increment or even retirement in the public interest). Among the common causes of an officer becoming insolvent or bankrupt are excessive gambling and borrowing, speculative investment and leading a life style beyond his/her means.

47. In accordance with CSRs 457 and 458, any officer who becomes insolvent or bankrupt is required to report the matter to the Civil Service Bureau through the Head of Department.

48. Supervisors should offer early counselling to an officer suspected to have financial problems and monitor his/her performance. They should review the posting of a heavily indebted officer to decide whether he/she should be transferred to a job which does not have access to sensitive information. In any case, they should ensure that no such officer remain on a job which involves the handling of public money. They are required to report to the senior management cases where there are reasons to believe that deterioration in a subordinate's performance is the result of indebtedness.

Loans

49. Examples of sources of finance from which an officer may borrow money at interest include licensed banks, registered deposit taking companies, credit unions, and co-operative societies etc. as listed at CSR 482(2). An officer may also apply for an advance of salary from the Treasury. Permission is also given under the AAN for an officer to accept loans from relatives or friends under certain restricted circumstances as described at **Appendix A**. An officer may be charged for breach of Section 3 of PBO if he/she obtains a loan from other sources or not in accordance with the provisions of AAN especially if the person from whom he/she obtains the loan has official dealings with the Department.

50. As stipulated under CSR 483, unless prior permission has been given by the Director of Intellectual Property, an officer shall be liable to disciplinary action if he/she requires a subordinate or a junior officer of the same grade or working in the Department as a guarantor for a loan or hire purchase agreement. He/she shall also be so liable if he/she acts as a guarantor for a superior or senior officer of the same grade or working in the Department.

51. Under CSR 482(3), a new appointee must within two months of appointment declare and seek special permission from the Director of Intellectual Property for any loan which is not covered by the general permission under the AAN, using the form at **Appendix H**. If a new appointee is found to have serious financial difficulties, he/she should be counselled and his/her performance of duties closely supervised to facilitate subsequent management decisions on his/her posting, welfare needs or continued employment.

Diligence

52. An officer should use official time at work in an honest effort to perform official duties. Besides, he/she is required to make his/her best efforts in promoting the interests of the Government. He/she should be committed and dedicated to his/her work and should discharge his/her duties and responsibilities with care, diligence and thoroughness in accordance with established procedures and instructions.

53. An officer should be punctual in reporting for duty. An officer who is required to clock-in his/her attendance should do so in person. Under no circumstance should he/she ask colleagues to clock-in on his/her behalf nor should he/she clock-in on behalf of others. Non-compliance is liable to disciplinary action.

54. An officer who is absent from duty without permission is deemed to have committed a serious misconduct if he/she cannot satisfactorily account for his/her unauthorized absence and is thus liable to disciplinary action. Prolonged unauthorized absence of an officer may result in him/her being summarily dismissed from the service. An officer who is summarily dismissed from the service will forfeit all claims to his/her pension, gratuity or similar benefits.

Respect for intellectual property rights

55. The Government has a good reputation for control and management of intellectual property. As part of the Civil Service and more importantly, as members of the Intellectual Property Department, we should regard ourselves as role-models for the Hong Kong society in our respect for intellectual property rights. We should go the extra mile to achieve the highest standards.

56. The use of unauthorized computer software and pirated goods are strictly prohibited. Unauthorized use of computer software, movies, music or television entertainment broadcasts for the purpose of Government work is a criminal offence. Staff who breach the guidelines laid down in Intellectual Property Department General Circular No. 2/2000 on the proper use of software will be liable to disciplinary action as well as potential criminal liability.

Report of involvement in criminal proceedings

57. All staff should behave decently and comply with the law at all times. An officer who commits a criminal offence is bound to bring the Government into disrepute. If he/she is convicted by a court of a criminal offence, he/she may be liable to disciplinary action in addition to the court sentence, in accordance with section 11 of the Public Service (Administration) Order.

58. It is the responsibility of an officer to report, using the form at **Appendix I**, to the Department if any criminal proceedings are being instituted against him/her, irrespective of whether such proceedings would lead to a criminal conviction. This requirement does not extend to a fixed penalty under Section 3 of the Fixed Penalty (Criminal Proceedings) Ordinance, Cap. 240, i.e. an officer is not required to make a report to the Department if he/she is given an opportunity by the Police to discharge his/her liability to conviction for an offence he/she has committed by payment of a fixed penalty. However, an officer is required to report to the Department if he/she is summoned to appear in court, including such traffic offence as "careless driving", even if the offence is committed outside his/her normal duty hours and is not duty-related. For punishment of staff who are guilty of a criminal offence, reference should be made to the Public Service (Administration) Order, the Public Service (Disciplinary) Regulation and the relevant CSRs.

VI REPORTING OF ATTEMPTED BRIBERY / CRIME

59. A government officer is obliged to report to the appropriate authority all instances of attempted bribery or other crime/alleged crime that he/she may come across in the course of his/her duties or in his/her official capacity. Attempting to bribe a government officer is a criminal offence under the PBO. All such attempts should therefore be reported **immediately** to either the officer's Section Head or the Departmental Secretary or the ICAC without taking action that may hinder or frustrate

action by the ICAC. All such reports should be treated promptly and in the strictest confidence.

60. A government officer is also encouraged to carry out his/her civic duty and to report all instances of crime or alleged crime which he/she may come across in his/her private capacity.

VII RELATIONS WITH THE PUBLIC

Courtesy and good faith

61. Courtesy is the first impression given to the public and is essential for good customer service. The adoption of a polite and helpful attitude will avoid misunderstandings and facilitate the smooth transaction of our daily work. In dealing with the public, staff should not -

- (i) ignore any request or enquiry put forth to them;
- (ii) behave in an acrimonious or offensive manner; and
- (iii) use any foul language even when a degree of bad feeling has emerged.

62. It is the Government's aim to serve the community. Staff should treat members of the public with respect, courtesy, consideration and reason. They should conduct themselves in a manner consistent with their position and refrain from engaging in conduct that might bring discredit or embarrassment to the Government.

63. All staff should act in good faith towards the public. In their dealings with the public in their official capacity, they should act to facilitate and to reflect their eagerness to assist the public by providing good customer service at all times.

Fairness and impartiality

64. It is essential that staff should be and be seen to be impartial in their official dealings. Any acts or situations that may give rise to possible perception or criticism of favoritism should be avoided. For example, an officer should not involve himself/herself frequently in the promotional activities of a particular firm which has

official dealings with the Department or accept entertainment offered by such firm frequently.

Disclosure of identity

65. Under all circumstances, members of the public have the right to know whom they are dealing with. Staff must therefore make proper identification of themselves when coming into contact with the public, whether through correspondence, by telephone calls or meeting in person. If asked, staff should not refuse to give their full names to the public.

VIII ENQUIRY ON THIS CODE

66. This Code will be subject to review as and when necessary. Clarification, problems encountered in enforcement as well as comments or suggestions on the Code should be addressed to the Departmental Secretary.

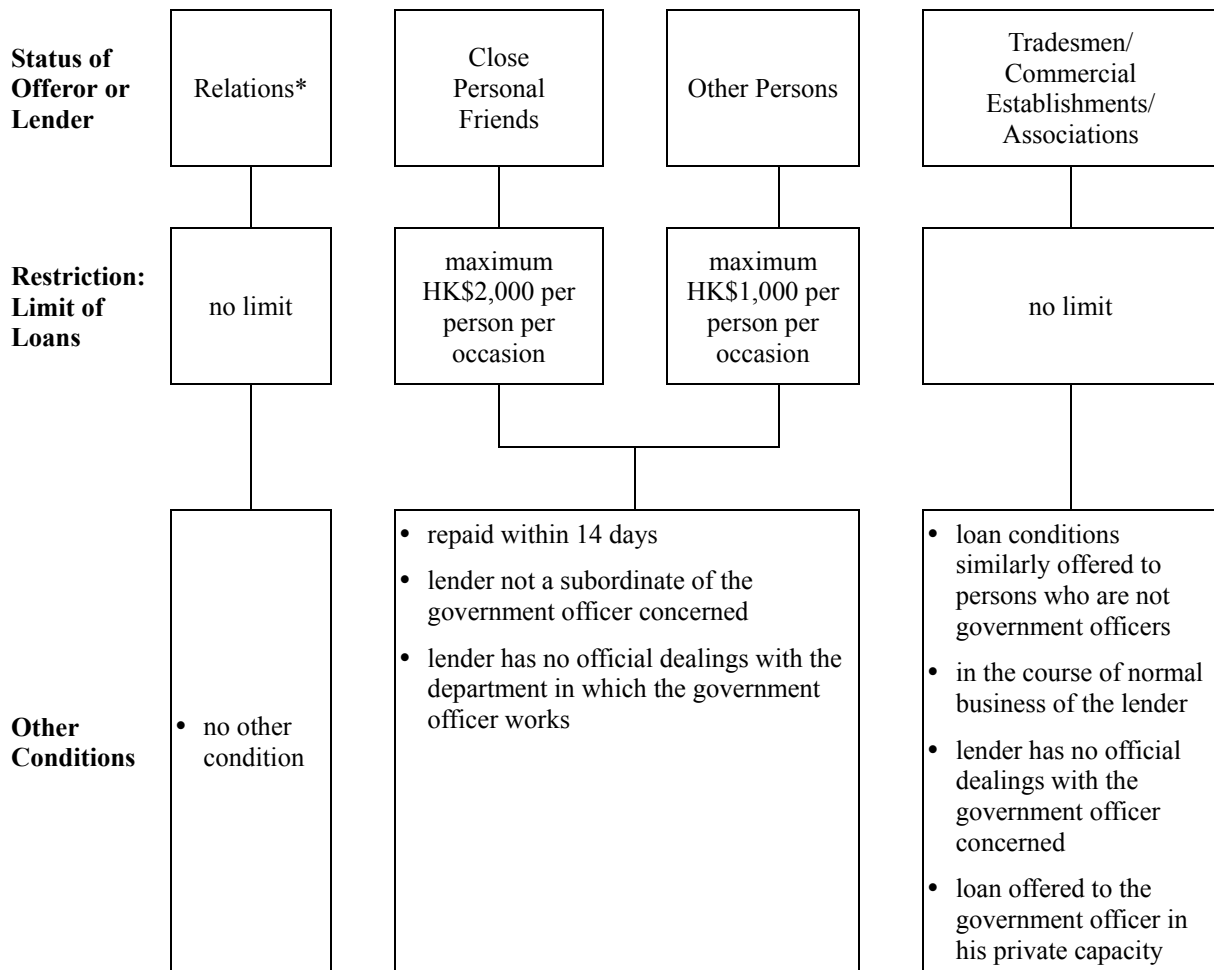
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**Circumstances Under Which General Permission Has Been Given
for Accepting Restricted Advantages**

A) Gifts/Discounts/Passages

Status of Offeror	Relations*	Close Personal Friends	Other Persons	Tradesmen/ Commercial Establishments/ Associations
Restriction: Limit of Monetary Value	may solicit or accept any gift/ discount/ passage of any value	may only accept a gift/ passage of a value not exceeding HK\$2,000 (on special occasion, e.g. birthday) and HK\$400 (on any other occasion)	may only accept a gift/ passage of a value not exceeding HK\$1,000 (on special occasion)	may solicit or accept any gift / discount / passage of any value
Other Conditions	<ul style="list-style-type: none"> no other condition 	<ul style="list-style-type: none"> offeror not a subordinate of the government officer concerned offeror has no official dealings with the department in which the government officer works advantage offered to the government officer in his private capacity 		<ul style="list-style-type: none"> the offer is equally available to persons who are not government officers offeror has no official dealings with the government officer concerned advantage offered to the government officer in his private capacity

B) Loans of Money



* "Relations" means:

- spouse (including a concubine)
- any person with whom the government officer is living in a regular union as if man and wife
- financé, fiancée
- parent, step-parent, lawful guardian
- spouse's parent, spouse's step-parent, spouse's lawful guardian
- grandparent, great-grandparent
- child, ward of court
- spouse's child, spouse's ward of court
- grandchild
- child's spouse
- brother, sister
- spouse's brother, spouse's sister
- half-brother, half-sister
- step-brother, step-sister
- brother's spouse, sister's spouse
- brother's child, sister's child
- parent's brother, parent's sister
- parent's brother's spouse, parent's sister's spouse
- parent's brother's child, parent's sister's child

To: Director of Intellectual Property
(Attn.: Departmental Secretary)
via _____ (Section/Unit Head)

**Application for Special Permission to
Accept Restricted Advantages in an Officer's Private Capacity**

Part I (To be completed by the applicant)

I wish to apply for special permission to accept in my private capacity restricted advantage(s) as detailed below -

Description of the advantage(s) and its (their) estimated value(s) -

Relationship between the offeror and me -

Close personal friend

The offeror *is / is not my subordinate

Other person

The offeror *is / is not my subordinate

Tradesman / company (Name: _____)

The advantage(s) *is(are) / is(are) not equally available on equal terms to persons who are not government officers.

I have *no official dealings with the offeror. (Please specify the official dealings with the offeror, if any.)

Additional information (if any): _____

Name of applicant: _____

Rank/Post: _____

Signature of applicant: _____

Date: _____

* delete as appropriate

Part II (To be completed by the Section/Unit Head)

To: Director of Intellectual Property
via Departmental Secretary

I confirm that the applicant *has / has no official dealings with the offeror and the offeror *is / is not the subordinate of the applicant.

I *support / do not support the application.

(Section/Unit Head)

Date / /

Part III (To be completed by Director of Intellectual Property)

To: Departmental Secretary

This application *is / is not approved. Please notify the applicant of my decision.

Director of Intellectual Property

Date / /

* delete as appropriate

**Intellectual Property Department
Report on Acceptance of
Gift Presented to an Officer in His/Her Official Capacity**

Part I: (To be completed by the recipient)

To: Director of Intellectual Property
(Attn.: Assistant Departmental Secretary)

I wish to report the following gift(s) which was (were) presented to me on _____ (date/month/year) in my official capacity on the occasion specified below -

Item No.	Description of Gift	Estimated Cost (HK\$)	Donor	Description of occasion

Subject to your approval, I suggest to dispose of the above gift(s) in the following way(s) -

Item No.

- () to be returned to the donor with a carefully worded explanation that government regulations do not permit the acceptance of gifts and a polite word of gratitude for the thought behind the gift;
- () to be shared among *the Department / my Section / my Unit as the gift(s) is / are of perishable food or drink;
- () to be donated to the Department's social function as lucky draw prize as the cost is below \$1,000;
- () to be put on display in my office as the gift(s) is / are suitable for display;
- () to be sent to a *charitable organization / school / library / museum as the gift(s) is / are *useful item(s) / of historical or other interest;
- () to be given to me for **personal retention** as the gift(s) is / are -
 - (i) souvenir item(s) that is / are personally inscribed with my name and of a value over \$300 but not exceeding \$1,000 each;
 - (ii) souvenir item(s) that I received at the official function(s) as the Guest of Honour or one of the officiating guests and that the cost for each item is over \$300 but not exceeding \$1,000;
 - (iii) souvenir item(s) that bear the name or logo of the organiser of the event, the event itself or the donor and that the value of each item is over \$50 but not exceeding \$300.
- () to be sent to the Treasury for disposal;
- () Others (please specify) _____.

Name: _____ Signature: _____

Rank/Post: _____ Date: _____

* delete as appropriate

Part II: (To be completed by the Administration Unit)

To: Director of Intellectual Property
via Departmental Secretary

The suggestion in Part I *is / is not supported in line with paragraphs 9 to 12 of CSB Circular No. 16/2002. (If not supported, ways of disposal will be recommended in paragraph 2).

2. All of the gift/gift(s) item no. _____ are recommended to be disposed of in the following way -

Assistant Departmental Secretary

Date / /

Part III: (To be completed by the Director of Intellectual Property)

To: Assistant Departmental Secretary

The recommendation *is / is not approved. Please notify the recipient of my decision.

Remarks (if any): _____

Director of Intellectual Property

Date / /

* delete as appropriate

Intellectual Property Department
Record on gift retained by an officer received in his/her official capacity
Covered by DIP's blanket permission in accordance with
paragraph 13 of CSB Circular No. 16/2002

To: Assistant Departmental Secretary
via _____ (officer's supervisor)

I wish to report the following gift presented to me in my official capacity on the following occasion. The gift is retained by me under the blanket permission given by DIP in accordance with paragraph 13 of CSB Circular No. 16/2002.

Name of donor	
Event/Occasion	
Date	
Description of gift	
Estimated value (\$)	

The gift falls under the following category -

- The gift is personally inscribed and the cost of the gift is \$300 or below.
- The gift was received by me as the Guest of Honour or one of the officiating guests at the official function stated above and the cost of the gift is \$300 or below.
- The gift bears the name or logo of the organiser of the event, the event itself or the donor and the cost of the gift is \$50 or below.

Additional information (if any) -

Name of recipient _____ Signature _____
Rank & Post _____ Date _____

√ as appropriate

* delete whichever is inapplicable

CIVIL SERVICE REGULATIONS 431 - 435

431 (1) Entertainment is not itself an advantage as defined by section 2 of the Prevention of Bribery Ordinance. (Cap.201).

(2) An officer is permitted to accept any entertainment from any person except such entertainment as is prohibited by Regulation 434 or under Regulation 435.

432 (1) Entertainment is defined by section 2 of the Prevention of Bribery Ordinance to mean -

"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 provision."

For the purposes of Regulations 431 - 435, the same definition applies.

(2) The following are examples of what constitutes entertainment -

(a) a meal;

(b) an occasion at which drinks of any kind are provided;

(c) attendance at a cinema, theatre or other public entertainment before or after a meal;

(d) dancing or other entertainment before, during or after a meal;

(3) Officers are warned that notwithstanding Regulation 431(1) and paragraph (2) above, the acceptance of free food, drink, show, etc., may in certain circumstances be regarded as "an advantage", which may constitute a criminal offence under the Prevention of Bribery Ordinance. For example, when an officer visits a restaurant with which he has official dealings and at the end of the meal the restaurant owner waives the bill, the free meal may amount to "a discharge of obligation" which is an advantage under the Prevention of Bribery Ordinance, in that the officer is discharged from the obligation to pay the bill. If in doubt about such provision, the officer should reject it, or seek advice from his Head of Department.

- 433 An officer who accepts entertainment otherwise than in accordance with Regulations 431 - 435 may be subject to disciplinary proceedings.
- 434 (1) An officer may not, without the permission of the Head of his Department, accept entertainment from any person if the entertainment is likely, for example by reason of its excessive nature or of the relationship between the officer and the other person or of the character of that person -
- (a) to lead to the embarrassment of the officer in the discharge of his functions; or
 - (b) to bring the officer or the public service into disrepute.
- (2) In this regulation, reference to the Head of a Department means -
- (a) in relation to a person who is himself the head of department or is an ex officio member of the Executive Council, the Secretary for the Civil Service;
 - (b) in relation to any other officer -
 - (i) the Head of the Department in which that officer is serving at the time when the entertainment is offered to the officer;
 - (ii) any other officer of that department authorized in writing by the Head of the Department to act on his behalf for the purposes of this regulation.
- 435 (1) A Head of Department may, with the approval of the Secretary for the Civil Service, issue directions to the officers serving in that department.
- (2) Such directions may prohibit an officer serving in that department from accepting, or from accepting without the permission of the Head of the Department or another officer of the department authorized by the Head for this purpose, any entertainment which such officer would, but for such prohibition, be permitted to accept, or to accept with permission.
- (3) An officer who contravenes any direction applicable to him issued under this regulation shall be deemed to have accepted entertainment otherwise than in accordance with these regulations.
- (4) Any directions issued under this regulation shall be supplementary to Regulation 434.

**Declaration of Existing/Potential Conflict of Interest
Between Officer's Official Duties and Private Interests**

- Notes: (1) The information provided will be used for the administration of reported cases of conflict of interest situation and other related purposes. It may be disclosed to government bureaux/departments and other organizations for the purposes mentioned.
- (2) You have the right to request access to or correction of personal data provided on this form in accordance with the provisions of the Personal Data (Privacy) Ordinance. Such requests should be made by letter together with the duly completed Data Access Request Form and sent to the Departmental Secretary for processing.
-

Part I (To be completed by the reporting officer)

To: Director of Intellectual Property
via Departmental Secretary

_____ (Section/Unit Head)

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

- (a) Persons / companies with which I have official dealings and / or private interests :

- (b) Brief description of my duties and the circumstances which involve / will likely involve the persons / companies mentioned at item (a) above giving rise to conflict of interest :

Signature: _____

Rank and Post: _____

Name: _____

Section/Unit: _____

Date: _____

* delete as appropriate

Part II (To be completed by the officer's Section/Unit Head)

To: Director of Intellectual Property
via Departmental Secretary

The conflict of interest situation mentioned at Part I is noted and the following measure is recommended -

- Relieve the officer concerned from performing or getting involved in performing the work which may give rise to a conflict of interest. The detailed arrangements are _____

- Transfer the officer concerned to another post. The details are _____

- Others (please specify) _____

Signature: _____
Name: _____
Rank/Post: _____
Section/Unit: _____
Date: _____

Part III (To be completed by Director of Intellectual Property)

To: _____ (Section/Unit Head)
via Departmental Secretary

- The recommendation made in Part II is approved. Please take follow-up action.
- The recommendation is not approved. The proper course of action should be _____

Director of Intellectual Property

Date / /

Application for undertaking outside work

(Please note that this application only covers a period of six months. Another application must be submitted at least 2 weeks before the expiry of the approval if the applicant wishes to continue undertaking the outside work.)

Part I (To be completed by the applicant)

To: Director of Intellectual Property
 (Attn.: Assistant Departmental Secretary)
 via _____ (Section/Unit Head)

I wish to -

1. *(i) apply for permission to engage in outside work with effect from _____.
- *(ii) continue my outside work with effect from _____. Previous approval has been given under ref. () in _____ dated _____.

2. The particulars of the outside work are given below -

Name and address
 of employer :

Nature & capacity :

Frequency / hours
 of work per week :
 (please specify if there is a fixed working pattern / per week or on each day)

Remuneration to be : \$ _____ per hour / month / session
 received : Total sum for the period: \$ _____

Normal working hours in IPD :

3. I am at present already undertaking the following outside work -
 (not required if it is the same as at 2 above)

Item	Name & address of Employer	Nature & Capacity	Period, Date & Time	Remuneration

4. I confirm that the work involved will not adversely affect or interfere with my official duties. I have read and understood CSR 550-559 / the relevant provision of my employment contract regarding outside work.

Name: _____ Signature: _____
Rank: _____ Tel. No.: _____
Post: _____ Date: _____

Part II (To be completed by the applicant's immediate supervisor / Head of Section)

To: Director of Intellectual Property
(Attn.: Assistant Departmental Secretary)

In recommending the application of _____, I confirm that -

- (a) there is no conflict of interest between the outside job and his/her duties in this office;
- (b) his/her performance of duties has not been/is not likely to be affected by his/her undertaking of outside work;
- (c) his/her involvement in the outside job is not likely to cause embarrassment to Government or Intellectual Property Department; and
- (d) he/she will not use Government equipment for his/her outside work.

Signature: _____

Name: _____

Post: _____

Date: _____

Part III

To: _____
via _____ (Section Head)

Approval has been given under CSR _____ for you to undertake / to continue to undertake the outside work for six months with effect from _____. If you wishes to continue the employment at the end of this six months' period, a fresh application must be submitted again on or before _____ by completing Part I of this form. Otherwise, the approval for outside work will lapse at the end of the six months' period.

Signature: _____

Name: _____

Post: _____

Date: _____

**Declaration and Application for Special Permission by
New Appointees for Loans which fall outside the Categories Permitted under the
Acceptance of Advantages (Chief Executive's Permission) Notice**

To: Director of Intellectual Property
via Departmental Secretary

- I do not have any loans* outstanding.
- I have the following loans* outstanding for which I wish to apply for special permission under CSR 482(3) -

<u>Lender</u>	<u>Outstanding Amount</u> (\$)	<u>Monthly Repayment</u> (\$)	<u>Nature of Loan</u>
---------------	---------------------------------------	--------------------------------------	---------------------------

I declare that all information in this form is true and complete. I understand that I will be liable to disciplinary action if I wilfully furnish false or incomplete information.

Name: _____ Signature: _____

Rank & Post : _____ Date: _____

Note 1 The above personal data will be used by the relevant Bureau Secretary/Head of Department to monitor civil service indebtedness. Those who are found to have serious financial difficulties would be counselled and closely supervised in the performance of their duties during their probation/trial periods to facilitate management decisions on their posting, welfare needs or continued employment.

Note 2 Data subject will have a right to request access and to request correction to the data given above. Such requests can be made in writing to the Departmental Secretary.

* please see explanation overleaf.

* Requirement under CSR 482(3)

An officer on first appointment is required under CSR 482(3) to within two months of appointment report to his Head of Department and to seek special permission for his outstanding loans and debts for which general permission has not been given under the Acceptance of Advantages (Chief executive's Permission) Notice (AAN).

2. Under the AAN, general permission has been given for civil servants to obtain loans from a number of sources and in certain circumstances. For instance, a civil servant may obtain loans from his relatives as defined in the AAN without restrictions and, in circumstances specified in the AAN, loans from friends. An officer may also borrow money in his private capacity from any organisations that offer loans in the course of normal business provided that he has no official dealings with the organisations and that the loans are equally available on equal terms to persons who are not civil servants. These include banks, licensed money lenders, credit unions, pawn brokers, and insurance companies. Examples of such sources of finance are listed in CSR 482(2).

3. Officers should seek advice from the Departmental Secretary in case they have doubts as to whether any loan requires special permission.

Report of Criminal Proceedings

Note: (1) Under section 13(1) of the Public Service (Disciplinary) Regulation, an officer against whom criminal proceedings are being instituted is required to report the fact to his/her Head of Department. The information provided in this form may be disclosed to government bureaux/departments and other organizations for that and other related purposes.

(2) You have the right to request access to or correction of personal data provided on this form in accordance with the provisions of the Personal Data (Privacy) Ordinance. Such requests should be made by letter together with the duly completed Data Access Request Form and sent to the Departmental Secretary for processing.

To: Departmental Secretary
via _____ (Section/Unit Head)

I would like to report the criminal proceedings brought against me with details as follows -

Date and time of offence : _____

Brief description of the case : _____

Date on which criminal proceedings were instituted : _____

Charge : _____

Condition of bail (if applicable) : _____

Date of hearing : _____

Signature: _____ Section/Unit: _____

Name: _____ Date: _____

Rank & Post: _____