

The Hong Kong University of Science and Technology

GUIDELINES ON ACCEPTANCE OF ADVANTAGES

1. Since The Hong Kong University of Science and Technology was established on 10 April 1988, the University has been included in the Schedule to the Prevention of Bribery Ordinance (Cap 201) and has consequently become a "public body" governed by that Ordinance. All University employees, whether full-time or part-time, temporary or permanent, are therefore "public servants" for the purposes of the Ordinance and are subject to the provisions of that Ordinance which deals with, among other things, the acceptance of advantages.
2. All University employees, in their official capacity, should refrain from soliciting or accepting advantages of any kind including from their subordinates and any person having business dealings with the University. Since there are occasions, however, when advantages are offered to employees in circumstances when it might be impolite, inconvenient or embarrassing to refuse, rules governing the acceptance of advantages are considered necessary.
3. Members of staff are advised to take particular note of the following sections of the Ordinance:-
 - a. Section 2 (1): which defines the term "advantage" as including any gift, loan, fee, reward etc.;
 - b. Section 4: which prohibits both the offering of an advantage to, and the solicitation and acceptance of an advantage by, a public servant as an inducement to or reward for or otherwise on account of that public servant's abuse of official position;
 - c. Sections 5, 6 and 7: which prohibit the bribing of public servants in relation to certain specific dealings with public bodies, namely contracts, tenders and auctions;
 - d. Section 8: which applies also to public servants and prohibits the offering of a bribe by a person having dealings with a public body.

Authority to Accept Advantages

4. According to sub-sections 4 (3) and 4 (4) of Section 4 of the Ordinance, a public body may, if it deems fit, grant permission to its staff to accept designated types of advantages in certain circumstances.
5. Staff members should note that any gifts offered to them in their official capacity are regarded as gifts to the University. Having regard to the nature of work in the University, the Council has decided that general permission should be given to all staff in respect of

accepting certain designated types of advantages within defined limits on the provision that the acceptance of such advantages will not cause any embarrassment or conflict of interest.

6. Staff members are required to report the advantages accepted as listed in the designated types of advantages to the Vice-President for Administration and Business as soon as possible and not later than one month from the date of acceptance.
7. No staff members or their immediate family should make or guarantee a loan to or accept a loan from, or have borrowing guaranteed by, any individual or organization having official dealings with the University. This restriction does not cover normal banking loans or facilities.
8. If staff members wish to accept either an advantage outside the limit(s) stipulated in the designated types of advantages, or any advantage other than those listed therein, and which may be capable of being construed as a reward for or otherwise on account of performing or having performed any act in their capacity as a staff member of the University, they must, before or as soon as possible and not later than one month after it is offered or presented, seek the approval of the Vice-President for Administration and Business.

Entertainment

9. Entertainment is not regarded as an advantage, as defined in Section 2 of the Ordinance. However, staff members are reminded not to accept any entertainment which is likely, for example by reason of its excessively lavish or unreasonably frequent nature, to lead to embarrassment or loss of objectivity in the discharge of their functions. Entertainment in this context means "the provision of food or drinks, for consumption on the occasion when it is provided, and of any other entertainment normally connected with such provision".

General

10. Staff members are also warned that if they were to solicit or accept any advantage with a corrupt motive (including those advantages listed in the designated types of advantages), they may be guilty of offences against other sections of the Prevention of Bribery Ordinance. Whenever in doubt, staff members are urged to consult the Ordinance, or contact the respective Team in the Human Resources Office with responsibilities for your Department/Office/Center.
11. Staff members should take note that this is an abridged version of the guidelines and should read the full version available in the Staff Manual at Human Resources Office website [[Guidelines on Acceptance of Advantages](#)].

Source: Human Resources Circular No. 2/2020 on "Guidelines on Acceptance of Advantages"