

**General Guidelines on the Acceptance of Advantages
and Related Matters**

Section 9 of the Prevention of Bribery Ordinance lays the responsibility on the school management committee (SMC), as an employer, to decide what advantages may or may not be accepted by school staff. In carrying out this responsibility, SMCs are reminded of the special position of schools in relation to their influence on young people and the need for their staff individually and the schools as a whole, to be in every way above suspicion of any trace of doubtful practice.

Advantages to Individual staff

2. Examples of advantages which SMCs might find difficult to disallow include:-
 - (a) small gifts by pupils or parents to teachers; it would be wise to set a maximum cash value on such gifts;
 - (b) gifts given at graduation ceremonies to individual teachers (if management policy permits); a maximum cash value may be set to these gifts also;
 - (c) gifts from parents, colleagues, pupils or former pupils on the occasion of retirement or resignation of school staff (if management policy permits); a maximum cash value should be set to these gifts; and
 - (d) gratuities paid to minor staff for extra-curricular use of school premises or facilities.

3. There are certain advantages which SMCs should never accept or permit. These are advantages connected with:-
 - (a) the appointment or promotion of school staff;
 - (b) the admission or promotion of pupils (other than registration fees approved by the Education Department);
 - (c) the conduct of any test or examination (except for payments by the Hong Kong Examinations Authority);
 - (d) nominations for courses of training or study-trips, scholarships or other academic awards, involving either teachers or pupils;
 - (e) donations to an individual rather than to the school;

- (f) commissions or gifts by a supplier or contractor to an individual rather than to the school;
- (g) payments for the use of school premises or facilities to an individual rather than to the school; and
- (h) holidays for principals or other teaching staff, sponsored by textbook publishers or booksellers, suppliers or contractors.

4. Additionally, schools subsidized under the Codes of Aid should not permit their staff to accept the following advantages:-

- (a) fees for private tuition of pupils of the same school; and
- (b) payments by teachers on sick leave to other teachers to attend to their classes.

5. To facilitate a simple and effective control over requests from staff for the acceptance of advantages, an SMC may delegate the giving of permission or refusal to the supervisor or principal. However, advantages to the principal or to any member of the SMC should only be approved by the SMC. It should be emphasized that the SMC will continue to be responsible for the permission or refusal given under delegated authority. SMCs' delegation of authority should therefore be in writing and limited to specific types of advantage and it would be advisable to obtain regular reports on how that authority has been exercised. To help the supervisor or principal to discharge his delegated authority properly and to provide a formal guideline for all the school staff, it would be useful for the SMC to issue an internal circular setting out the school's policy on the types of advantages and the circumstances under which staff may or may not accept them. At Annex 1 to this Appendix is a sample of an internal school circular which schools may consider using, subject to modifications in the light of their individual circumstances.

6. Although advantages may be accepted, they must not be solicited.

Donations to the school

7. On the question of donations to the school, the SMC should exercise great care that: -

- (a) they are not in any sense a reward for a favour bestowed on an individual pupil such as admitting him to the school; and
- (b) in the case of donations by school suppliers, they should imply no standing commitment to continue to use that supplier or in any way to

restrict the freedom of the school or the pupils to obtain the most effective services at the best possible price.

In deciding whether a donation should be accepted, SMCs must balance their desire to improve school facilities against the danger of being obliged to the donor or bringing their schools into disrepute.

8. In this connection, particular care needs to be taken with regard to relations between the school supervisor or principal, and the publishers of textbooks, suppliers of textbooks and suppliers of uniforms or other items used by the pupils. In no circumstances may the supervisor or principal suggest to a publisher or bookseller that in return for a donation or discount, a particular textbook or series of textbooks will be chosen by the school in preference to others. (For guidelines prepared specifically for the selection of textbooks and acceptance of publishers' donations by schools, please refer to Appendix B). Similarly, in no circumstances may the supervisor or principal suggest to a supplier of uniforms or other items used by the pupils that, in return for a donation or other favour, a particular supplier will be chosen by the school in preference to others.

9. Another important point in connection with contacts between schools and textbook publishers concerns cash grants from a publisher for the purchase of equipment or teaching aids, to be used with a particular textbook or series of textbooks. Any such grant constitutes an advantage. It may not be accepted without the special permission of the SMC.

10. The decision on whether or not donations to the school could be accepted should normally be taken by the SMC and should not be delegated to the school principal. If for any reason the SMC should feel it necessary to delegate this authority, clear guidelines and criteria should be established and the school principal should be required to report at regular intervals any donations accepted and the reasons for accepting them.

11. SMCs of schools subsidized under the Codes of Aid must also ensure that, as laid down in the Codes, all donations to the school, if accepted, are expended for school or educational purposes only.

12. For schools subsidized under the Codes of Aid, prior approval must be sought from the Education Department before they can accept donations which would result in additional recurrent expenditure either from government or school funds. If no additional expenditure is involved, schools need not seek the Education Department's prior approval. However, acceptance of donations should continue to be reported quarterly to the Education Department and to be fully recorded in the schools' subscription/general funds account for audit purpose. At [Annex 2](#) to this Appendix is a

standard form which schools should use to report donations to the Education Department. Nil returns are required.

Gifts Unconnected with School Affairs

13. Nothing in the Prevention of Bribery Ordinance prohibits the exchange of gifts between private individuals so long as it is not in connection with the affairs of the schools.

Conflict of Interest

14. SMCs should require their members and school staff to report any situations where they or their immediate family have an interest, financial or otherwise, in any matter under consideration by the school or in any company or organization which has or likely to have business dealings with the school.

15. On receipt of any disclosure of interests, the SMC should consider whether or not the member or school staff concerned should be directed to withdraw from participating in the further consideration of the matter in respect of which the conflict arises.

Outside Employment

16. SMCs should require school staff to seek the written approval of the supervisor/principal if they wish to take up paid outside work including part-time teaching posts at tutorial schools. Please refer to Administration Circular No. 18/97 and 19/97 issued on 26 March 1996 on “Outside Work of Teachers of Aided Primary Schools” and “Outside Work of Teachers of Aided Secondary Schools” respectively for details. Approval should not be given if the outside employment may give rise to a conflict of interests or adversely affect the teachers’ normal duties. Teaching staff should be reminded that the Hong Kong Examinations Authority does not allow serving members of its subject or moderation committees to work in tutorial schools. Those who have previously served on these committees should not publicise their experience if they are allowed to take up appointments at tutorial schools. A register should be used to record all permission given.

Corruption Prevention Department

17. If further guidance is needed, schools may contact the Corruption Prevention Department of ICAC on telephone No. 2526 6363 or the District Education Officer, who may refer the school’s query to the Corruption Prevention Department of ICAC.