

「誠」本管理 生「才」有道

金融服務業實務錦囊

A Tool Kit on Managing Staff Integrity
for Financial Services Sector

管理職員操守實務指引

A Practical Guide on Managing Staff Integrity



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編輯小組按

本實務指引專為金融服務業管理人員編寫，旨在提高業內管理人員對職員操守問題的警覺性及探討所需的管理技巧。

本刊物只提供一般的指引，不會就每種情況下可能出現的所有事件提出討論。刊物中有關法例規定的解釋，亦只屬一般和概括性質，不可取代原本的法律條文。因此，讀者不論遇到任何情況，均應細閱有關法例，或在有需要時徵詢法律意見。任何人士因為本刊物的內容作出或放棄作出任何行動而招致損失，廉政公署概不承擔任何責任。

指引內列出的個案是綜合真實案例和虛構情況而編成，僅供參考之用。

在本刊物中，代名詞「他」同時包括男性及女性，並沒有任何性別歧視的含義。

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序言

穩健、可靠及有效的銀行體系和金融市場是維持香港經濟穩定的重要基石。財經市場要予人信心絕非易事，稍有不慎，這些得來不易的信譽便會蕩然無存。

完善的制度及誠信的企業文化，將有助於保障各方的利益及繼續保持香港作為國際金融中心的地位。預防勝於治療，如能確保金融服務業各級從業員的道德操守符合監管機構的最高要求，便可防止貪污舞弊的出現。這樣不但可保障各方的利益，更能提高銀行及金融機構的商譽和競爭力。

金融服務業是一門專業，從業員的誠信是不可或缺的。而管理階層則任重道遠，他們有責任推行有效的管理策略，以確保職員的操守達到專業水平。

近年來，全球化、多元化、電子化和不斷創新的發展方向，也為傳統銀行和金融服務業帶來不少挑戰。面對這些挑戰，管理人員需要進一步提高商業道德水平和管理技巧，以確保所有職員都能行事方正、重誠信和明法理。

本實務指引旨在提高有關水平，內容共分五章，第一章協助管理人員認識其管理角色，為「以人為本」的管理工作定位；第二章就職員操守管理問題作出分析，以協助管理人員檢視其所屬機構；第三章提供「職員操守管理」的鑰匙及要訣；第四章臚列廉署製作有關「職員操守管理」的培訓工具及資料；第五章列出廉署提供的服務及協助。

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第 1 章

固本定位 身兼二職

雙重職責

管理人員要做好管理工作，必先要為其管理角色定位。每位肩負管理責任的職員均擔負著雙重職責。要做好這雙重職責一點也不容易。管理人員一方面要做好其本職工作，履行其專業、技術上或行政上的職責，保證其管轄的業務按公司的目標穩步健康發展；另一方面就是要管理好下屬。管理下屬不單要協助下屬發揮所長，還需履行「管理問責」，即預防和處理下屬犯錯誤，並在一定程度上為他們所犯的嚴重錯誤承擔責任。

管理問責

職員可能因為各種原因而犯錯誤，管理人員必須善於辨別所犯錯誤是否因下屬的能力、經驗不足，抑或其誠信出了問題所致。若屬前者，管理人員可通過培訓及輔導糾正有關錯誤；但如果是下屬的誠信出了問題，就絕不能姑息縱容，必須按法規謹慎處理。這樣才能有效建立起公司的誠信文化，讓員工從公司處理個別員工違法或違規的行動中，加深對公司立場及政策的認識。如果公司對誠信出了問題的員工放任不管，其他人也就可能因此而藐視法規。

事實上，管理下屬並非易事，而且充滿種種挑戰。管理人員固然不需要為下屬因一時疏忽或經驗不足所犯的每一個錯誤負責，但假若對於一些嚴重、經常性的或普遍出現的不當行為不察覺或容忍，管理人員就難辭其咎。如果管理人員置身事外，視而不見，不單會被懷疑其管理能力，甚至會被視為同流合污。

以人為本

因此，管理人員必須知己知彼，對自己及下屬所面對的挑戰瞭如指掌。今天，金融服務業的發展瞬息萬變，由於資訊科技廣泛的應用，業務已突破地域上的限制，日趨全球化，跨境業務也相應增加。此外，業內的產品也因應市場的需求不斷創新，而變得多元化，期權、窩輪、一籃子房地產基金亦相繼出臺。為增加市場上的佔有率，同業間的競爭十分激烈，機構對職員的要求亦相應提高。

除了外在環境因素所帶來的挑戰之外，就工作性質而言，金融服務業確實是一個充滿金錢誘惑的行業。從業員日常要處理大量的金錢，也掌握不少客戶、公司或市場上的機密資料；因工作的需要，從業員需與客戶保持密切的聯繫，外勤工作及到境外工作的情況也十分普遍。除此之外，從業員因其所處的專業地位，不時要作出分析及判斷，為客戶提供意見或向公司作出推薦。基於上述種種原因，從業員面對更多道德兩難及利益衝突的情況，所承受的壓力也大大增加，這些都可能導致一些貪污舞弊等非法行為的出現。與此同時，亦加大了管理人員在管理職員操守方面的難度。

面對這些挑戰，金融服務機構不僅需要保持現有的專業技巧，並且需要不斷提高管理水平。要有效防止貪污舞弊的出現，管理人員必須高瞻遠矚，落實「以人為本」的誠信管理，因為優秀忠誠的職員只有在公平的工作環境下才能發揮他們的長處，他們不僅要贏得客戶的信任，也要為機構爭取更多生意及提高機構的競爭力。

從宏觀的角度來看，一個能為客戶提供高質素的專業服務、重視誠信、穩健可靠的金融機構，有助於維持本土的金融體系及經濟的穩定發展；進一步而言，可積極確立及鞏固香港作為國際金融中心的地位。



第 2 章

個案透視 前車可鑑

金融服務業的從業員在工作中經常遇到各種各樣的法律及專業道德問題，例如賄賂、不當使用機密資料、利益衝突及其他灰色地帶。若涉及違規違法，其背後的成因也十分複雜。但綜合過去廉署調查有關金融服務業案件的經驗，可將問題的成因概括分為兩方面：

員工因素

無知

員工對法規要求一知半解，加上掉以輕心，易被引誘，誤墮法網。

無奈

員工面對個人的問題，如因生活揮霍或投資失敗，導致經濟拮据，債台高築；或因力不從心，未能滿足機構所指定的業績要求，無奈之下，被迫鋌而走險。

無助

員工因業務需要，與客戶保持密切的聯繫，在本港或境外交際應酬在所難免。離開了辦公室，甚或離境工作，獨自面對外地文化上的差異，在處理客戶所提供的利益或一些灰色地帶的問題，或會覺得孤立無援、無所適從。

無誠信

員工處心積慮，為求一己私利，罔顧機構利益，漠視法規要求，任意妄為。這類員工所帶來的破壞性最大，也是最壞的情況。

機構因素

無明確制度/指引/程序

機構就利益收受、利益衝突等問題上缺乏明確的申報機制或指引，員工因而錯誤以為機構在該等問題上並無規定，因此按照個人喜好或方便處理。此類處理方法，往往是約定俗成，缺乏法規上的依據。

缺乏有效溝通

機構在訂立或修訂有關政策、規定的過程中，缺乏與員工溝通，未能將政策精神或內容解釋清楚。員工遇上不明白的地方，亦不主動向管理層尋求協助。

未落實監管

機構雖訂立有關制度或指引，但沒有切實執行，形同虛設。由於管理鬆懈，心懷不軌的員工更容易任意妄為，違規情況更加明目張膽，此等歪風會逐漸蔓延，其他守法循規的員工也會深感無奈。

不論是由於 **員工因素** 或 **機構因素** 引發違法違規的情況，往往是冰凍三尺非一日之寒，問題皆有跡可尋，從管理的角度而言，可加以防範或避免。以下的個案研究，主要就管理人員在職員操守管理上所需要注重的問題及處理的技巧作出分析。至於個案中的人物可能觸犯反貪法例或其他法規的情況，則不會詳加討論。有關防貪法例的內容，可參考實務錦囊內的《「知法守法」金融服務業法律指引》。

專業技能 濫用成禍

在銀行推行電子化初期，並非所有管理人員都能全面掌握足夠的電腦知識及操作技巧。因此大部分的電腦操作只能依賴電腦技術人員。

小王是銀行內的電腦操作員，加入銀行工作數年，熟悉銀行內的電腦運作，並深諳機構內的電腦系統程式只向存款客戶提供小數點後2位數字的利息資料。在神不知鬼不覺的情況下，小王利用系統的漏洞及自己的電腦知識謀取私利，編寫電腦程式，將一些不動戶小數點後2位數字的利息轉入自己的私人戶口，歷時多年，共盜取港幣50萬。

期間，小王表現得十分勤奮，又經常超時工作或在假日加班，其上司並未察覺小王的奸計，還以為他是不可多得的人才。其實，小王是利用獨自留在辦公室的時間去作案。後來小王因急病告假，其罪行才被一位誠實的替假同事揭發。



闡釋重點

這雖是一個舊的個案，案發距今已有二十年，自銀行運作逐步全面電子化後，管理人員的電腦知識及操作技巧亦全面提高，以上的犯案手法已鮮有所聞。但個案本身仍十分具有啟發性，所帶出的教訓亦十分深刻。

這個個案顯示，不定位高權重或需要做決策的職員才面對金錢的誘惑，任何職員若心懷不軌，也會找到鑽空子的機會。故此，管理人員必須留意下屬是否誠實及正確地運用其專業知識及技術。擁有專業知識及技術但心術不正的職員，其破壞力是難以想像的。試想在個案中的替假同事，雖擁有足夠的知識及技術識破小王的罪行，但假若他同樣缺乏誠信，隱瞞罪行，甚至與小王同流合污，銀行必將蒙受更嚴重的損失。



錦囊

在職員管理中，員工的專業知識或技能跟他的操守及價值取向同樣重要，彼此相輔相成，缺一不可。因此管理人員不應只顧投入資源提升員工的專業知識和技能，更要做好職員的操守管理，培養他們建立正確價值觀。

面對日新月異的科技發展，管理人員必須時刻提高警覺，善於應用資訊科技，才能更有效地發揮管理的角色。在技術層面，實施資訊保安全管理，為電腦硬件及軟件加設保護設施，例如於電腦系統中加入審計尾蹟的功能，以偵查每個電腦的運作事項，從而監察是否有人濫用存取權限。

管理人員須抽時間親自了解下屬的實際工作情況，作出不定時及突擊檢察。並洞察職員可疑的行為徵兆，無合理解釋不願接受調職或晉升安排，拒絕改變工作時間或休假等。

管理人員亦可透過親自接觸下屬工作上的夥伴，例如供應商、客戶等，進一步了解下屬的工作表現，並作適當的指引及輔導。

個案二

過份信任 未能客觀

銀行信貸部李主任家境富裕，入行工作十多年，人際關係極好，人脈網絡也很廣，值得一提的是其父親與現任上司莫經理是深交，加上李主任的工作表現一直不錯，因此深受管理層的信任。

李主任嗜好收藏古董名畫，在友人介紹下認識了一位與自己志趣相投，從事古董生意的陳老闆。陳老闆與李主任一見如故，後來更將一幅珍藏名畫贈予李主任。

陳老闆近日因拓展業務，遂向銀行申請借貸，透過李主任這位好朋友的推薦作出申請，最終獲得批核。陳老闆為酬謝李主任的友情幫忙，別出心裁地安排免費為李主任印製一本個人珍藏名畫集。

陳老闆開始時還款一直正常，後因投資失利，資金周轉不靈，遂透過李主任向銀行再作出借貸申請。由於再度借貸，加上古董行業風險偏高，莫經理對陳老闆的申請有所質疑，但李主任一心為幫助朋友渡過難關，故向莫經理大力推薦，力陳陳老闆過往的還款表現理想，並細數陳老闆私人珍藏古董的價值。最終基於對李主任的信任，莫經理行使酌情權同意再次批出借貸予陳老闆。最後陳老闆因無力償還債項，宣佈破產，使銀行蒙受損失。



闡釋重點

表面沒有貪污誘因或動機的職員，也會在與「熟客」的交往中掉以輕心，因而未能客觀處理他們以「友情聯繫」為借口所提供的禮物或其他利益，在不知不覺間跌入陷阱，因人情關係、「朋友」間的信任或幫忙而影響工作上的公正和客觀性。



錦囊

機構應就職員「收受利益」和「利益衝突」方面制訂政策，給予明確的指引。並提醒下屬切勿因受人恩惠、欠債，或其他「利益衝突」而影響工作上的客觀性，甚至減低對貪污舞弊行為的警覺，墮入貪污的陷阱。

管理層授權下屬並予以信任是需要的，但絕不能因人情關係、該同事的背景，或工作表現理想而過份信賴或倚重其意見。管理人員必須依照客觀、既定的程序辦事並作出獨立及突擊的審查。

上樑不正 無所適從

張主任是銀行的高級信貸主任，負責審核客戶的貸款申請資料。何老闆為某品牌手錶在國內設立生產線，以購買一批新機器為理由，向銀行申請租購信貸。張主任喜獲此申請，因銀行正拓展內地業務市場，也要求信貸部增加其營業額。為了避免失去此客戶，張主任便立即按銀行的審批程序，相約上司同去實地視察。

視察中他們發現機器實為二手貨，並非申請資料列明的全新機器。但何老闆強調機器性能仍然良好，此外其業務很有市場潛力，是一盤賺錢的生意，並聲稱公司與銀行日後有更多的合作機會，隨即拿出「貨板」名貴手錶作為見面禮。

張主任疑惑之際，見上司在半推半就下，最終把手錶收下。事後上司若無其事，再沒有跟張主任談及收受手錶一事。最近，張主任得知何老闆已成功獲取信貸，而他的上司因為在提高營業額方面有好的表現，得到管理層的嘉獎。對於上司收了何老闆的禮物一事，張主任心存疑問，但覺得多一事不如少一事，故沒有向第三者透露事件。



闡釋重點

上司未能按銀行守則規定，當場巧妙地婉拒禮物，亦沒有向下屬透露會向公司申報，更可能濫用酌情權為客戶取得貸款，不僅以身試法，更為下屬立下壞榜樣。如果管理人員其身不正，影響深遠，正所謂上樑不正下樑歪，機構的誠信文化就難以建立。此外，離境工作的職員不單要適應兩地文化上的差異，身在外地工作，更需自覺地遵從機構的規定及指引。



錦囊

培訓有助職員加深對法規的認識，提高對糖衣誘惑的警覺性，並掌握處理與公事有關禮物的技巧及申報程序。機構可定時舉辦入職簡介會、在職工作坊或使用內聯網提醒職員公司有關「收受利益」及「利益衝突」的要求。

具有規模的銀行及金融企業一般已制訂了「收受利益」及「利益衝突」的政策。但是，如果管理人員不切實遵守和執行，良好的政策只會變為形同虛設。

其實，落實機構政策並非僅是法規部的職責，每位管理人員在日常管理上必須以身作則，並要即時提醒下屬如何處理，否則下屬只會感到無所適從。

此外，管理人員在滿足營業額的壓力下，仍須以誠為本，守法循規，為下屬樹立良好榜樣。

個案四

缺乏溝通 誤走捷徑

因為證券行董事局近日的人事調動，行政部接到通知，需在短時間內翻新董事局會議室，行政部主管吳經理委派剛獲晉升的鍾主任處理此項工程。鍾主任因剛獲晉升，很想大展拳腳，可惜缺乏經驗，對工作程序，例如投標、報價等要求並未完全掌握。此外，由於人脈關係薄弱，鍾主任未能與各部門配合，又加上工程時間緊迫，頓覺力不從心。

鍾主任為免其辦事能力受到懷疑，為求達標，向身為設計公司老闆的老同學求助。此老同學「拔刀相助」，為求滿足機構的投標程序，協助鍾主任偽造足夠份數的報價單，以獲得工程合約，可惜鍾主任遇人不淑，工程以爛尾收場。

此事引起同事間竊竊私語，謂吳經理默許其下屬在工程中僱用「自己人」，必有收受利益，吳經理一方面要收拾工程爛尾的殘局，另一方面被同事誤會，深感腹背受敵，鬱鬱寡歡。



闡釋重點

在訂立工作目標時，管理人員應考慮員工的實際能力及工作情況，以求目標清晰合理，切實可行。面對不切合實際的工作要求，例如太激進的盈利和業績指標，職員可能為保飯碗，被迫鋌而走險或走捷徑。此外，職員的能力及經驗往往影響其價值判斷及工作表現。因此，管理人員在分配工作時，必須對經驗少或新接手工作的同事多加指導，從旁指引，提醒下屬小心處理利益衝突問題。管理人員也須提醒下屬被視為有利益衝突的情況，跟有實際利益衝突的情況所產生的負面影響的嚴重性是一樣的，均會引起別人的批評及懷疑。



錦囊

管理人員應與下屬保持密切溝通，體諒下屬可能遇到的實際困難，給予適當的指引及輔導。

在分配工作時應該考慮工作的性質及複雜性，以及員工的經驗和能力，因材任用。否則，下屬在缺乏上司的支持及指引下，為求完成工作，不擇手段，甚至會作出違法違規的行為。

管理人員應不時提醒下屬留意「利益衝突」的情況及機構內部守則中列明的處理及申報方法，並解釋處理「利益衝突」不當的嚴重後果。

個案五

公私不分 徇私枉正

胡主任是銀行高級信貸主任，正處理一份海外投資公司的貸款申請，投資公司欲大量收購本港某上市電訊公司股份，預期電訊公司股價會大幅上升。

胡主任上司的太太十分喜愛股票投資，胡主任見此乃賺大錢機會，認為機不可失，特別向她透露該內幕消息，目的在於間接討好上司。

胡主任的上司經常公開稱讚胡主任辦事能力高。不過部門上下的同事把胡主任時刻對上司太太的阿諛奉承全看在眼裏，並不屑胡主任的奉承行為及上司的偏袒。



闡釋重點

銀行職員因職務關係，獲得可影響股價的非公開資料時，直接或間接進行涉及有關上市公司的任何證券或其衍生工具之交易，將違反保密的原則，嚴重影響金融市場的公平運作，此舉不僅違反銀行的指引，更會觸犯金融監管機構就有關「內幕交易」所訂立的法例。管理人員如明知而不採取行動，儼如默許，更會助長奉承的歪風，大大影響管理人員的公信力及員工的士氣。



錦囊

管理人員須廉潔自持，公私分明，遏止奉承之風。更應避免接受下屬所餽贈的禮物或利益，或向下屬借錢，共同投資，以減少因金錢上的瓜葛導致利益衝突情況，徇私偏袒。

管理人員應向下屬解釋資料保密是金融行業一項最基本的營運原則。職員應切實執行金融機構的政策，致力保護所有機密或專有資料。在任何情況下，均不得利用此類資料謀取私利。

管理人員須時刻提醒下屬機密資料包括所有因職務關係而獲得非公開的資料，例如客戶的個人資料、帳戶結餘、交易資料、財務狀況，未來管理層變動、商業計劃、對前景的預測等。

管理人員可通過以下問題來協助下屬評估資料是否屬公開性質：

- 資料是否在市場公開？
- 披露有關資料會否對於這些股價或市場走勢造成實質影響？
- 這些資料是否影響投資者決定買入/賣出某些公司的股份或期貨合約？

個案六

逞強好勝 不擇手段

歐經理任職銀行分行經理已近十年，極度渴望晉升，但苦於沒有機會。相反，與他同輩的同事，都已獲得晉升，部分更位居高層要職。剛巧區內一個私人樓盤開售，歐經理的分行準備推出一個優惠按揭計劃，用以吸引買家。

歐經理的妹夫是一名地產經紀，也視新樓盤為拓展生意的黃金機會。在某次家庭聚會中，歐經理向妹夫表示其上司終於考慮擢升他，並稱若在短期內取得可觀的按揭生意，必將對他的晉升有莫大幫助。因此歐經理不惜自掏腰包付茶錢給妹夫，以求妹夫推薦買家向他申請銀行按揭，增加業績，博取好的表現。

其實，歐經理的銀行及其妹夫的地產公司都有明確的規定，不允許員工為爭取生意而濫用職權，提供或收受非法利益。最後事件曝光，歐經理及其妹夫分別觸犯行賄罪及受賄罪。不僅毀了自己的前途，還大大影響了銀行及地產公司的聲譽，破壞了市場公平競爭的原則。



闡釋重點

職員有上進心、積極進取，努力表現，爭取晉升是無可厚非的，但如果是逞強好勝、為求表現不擇手段，管理人員需要正視問題及小心處理，給予下屬適當的引導。



錦囊

在輔導下屬，扶持後輩時，管理人員應時刻提醒下屬守法循規的重要性，並小心監察下屬的日常工作表現。不能達標的，固然要給予照顧引導；達標或超標的，也要留意下屬是否按法規和既定程序辦事。

管理人員應提醒職員爭取生意時必須依照法規進行。以行賄手段爭取生意，表面看似公司不會損失分毫，但事實上，行賄受賄同樣犯法。公司不會包庇行賄的職員，而職員本身也要面對法律的制裁。

個案七

利益衝突 掉以輕心

銀行分行的一名客戶主任潘主任與一家貿易公司的陳董事關係十分密切。陳董事經常大灑金錢宴請潘主任到私人會所消遣，並常相約打高爾夫球，陳董事更免費借出公司名下的單位給潘主任的女朋友居住。潘主任的上司周經理早從同事口中得悉這些事情，但覺得這是同事的私人生活，不便干涉。

後來陳董事的公司陷入經濟困境，並在申請銀行信貸方面遇上困難。為此，陳董事相約潘主任晚膳，席間表示只要得到潘主任的幫忙，他的申請必定能夠順利批出，陳

董事還答應事成後贈送兩套歐洲旅遊機票給潘主任及他的女朋友渡假。最後潘主任因欠人情債，協助陳董事提交不合格的借貸申請，使銀行蒙受損失。銀行管理層追究責任，周經理被牽連在內，後悔沒有及早處理下屬與客戶之間過份密切的關係。



闡釋重點

職員因工作關係與客戶應酬，原本無可厚非，但過份密切或奢華的應酬，很容易令職員進退失據。如果個別職員本身的警覺性不高，加上職員如投資失利、理財不善、處理客戶或對工作夥伴所提供的小恩小惠、款待或利益衝突等問題掉以輕心，便很容易跌入貪污陷阱。



錦囊

管理人員需心明眼亮、耳聽八方，認識每位同事的個性，了解他們處理與公事有關利益的態度和手法，並留意下屬異常的生活方式，例如消費模式與收入和資產不符，個人財務管理及道德水平。

假若發現職員操守出現問題，應當機立斷，迅速處理，拖延只會讓問題進一步惡化。管理人員若猶疑不決，其管理能力不單會被懷疑，更有可能被視為同流合污。

個案八

文化差異 加倍小心

吳經理在港任職分行經理已達十年，在他的帶領下，上下一心，分行的業績穩步上升，同事們亦得到客戶的讚賞。因此，吳經理甚得管理層的賞識，管理層決定調派吳經理擔任內地一間分行的行長。

接獲任命後，吳經理既喜又驚，一方面慶幸工作上得到管理層的賞識，另一方面又害怕人地生疏，在管理上不能像在香港一樣得心應手。履新一個月後，剛巧辦公室要添置一批傢俬。吳經理因為人生地不熟，委派助手李主任處理採購事宜，土生土長的李主任很快就把事情辦妥。

後來吳經理在一次偶然的機會中得悉李主任聘用自己弟弟所開設的公司作為傢俬的供應商。吳經理見事情涉及利益衝突，立即約見李主任，詢問細節。李主任解釋因混水摸魚的奸商彼彼皆是。李主任稱自己沒有從中得到任何利益，而弟弟亦以折扣價將傢俬售予分行。李主任因其好意被誤解，又遭吳經理懷疑而忿忿不平。



闡釋重點

文化差異給管理人員帶來很大的挑戰。在某些地方，雖然靠賴人事關係被視為正常，但機構的政策、守則及指引在不同地方應建立在同一原則上，採用一致的標準。任人唯親，私相授受，不僅會使有關同事的誠信受到懷疑，還會影響機構的商譽。



錦囊

管理人員不論在香港或境外均應與下屬保持良好的溝通，有需要時加強培訓，詳細解釋公司的政策及其精神。有關政策不論在母公司、分公司或任何地方都應採用相同的原則，要求的標準亦應一致，以致員工不論在任何地方、環境都對機構的要求瞭如指掌，並心悅誠服地遵守。

管理人員應小心下屬濫用風俗習慣或以文化的差異為借口，漠視公司的政策或指引，謀取私利。

管理人員亦應提醒下屬遇上利益衝突情況時，必須申報避嫌，以保障自己及機構的聲譽。



第 3 章

「職員操守管理」 鑰匙

職員操守管理應以人為本。此外，職員操守管理不單是機構培訓部或法規部的責任，而是有賴於每一位管理人員做好日常的管理工作，樹立誠信榜樣，主動留心下屬工作表現及操守，作出適當的輔導及培訓，在問題的初期就加以杜絕。

本章會從實務的角度探討如何落實職員操守管理，並從「人事管理」流程、「處理利益衝突」及系統監控中的「資訊系統管理」幾個範疇舉例，闡述如何在每一階段、每一層面加入誠信管理之要素。

人事管理

階段	建議
▶ 招聘	<ul style="list-style-type: none">● 將「忠誠、誠實」等質素納入為所有職級員工必須具備的核心能力（附表一），並設定為挑選條件之一，讓申請人知道有關要求
▶ 遴選	<ul style="list-style-type: none">● 按擬定的核心能力作出評核，在筆試及面試環節中加入與誠信有關的處境問題，以測試應徵者的道德價值取向● 如資源許可，聘請顧問設計道德取向測試，亦可參考附表二所提供的「職員個人道德操守測試」題目
▶ 新員工培訓	<ul style="list-style-type: none">● 介紹各項法規要求● 解釋公司政策及員工守則，提供諮詢渠道
▶ 在職培訓	<ul style="list-style-type: none">● 為管理人員介紹職員操守管理的重要性及技巧● 向管理人員介紹「企業誠信管理檢視表」（附表三）以制定誠信管理的方案及措施● 加強與法規部的溝通，提醒員工及早預防一些日新月異的貪污手法。並為派駐內地及海外、從事銀行各項核心業務的職員提供法規須知及防貪技巧的培訓● 定期提醒職員在工作上可能遇到的各種陷阱，如客戶/供應商提供的利益、款待等，提高職員對貪污誘惑的警覺性及如何處理道德兩難

問題及「利益衝突」的技巧

▶ 監察及輔導

- 對異常跡象提高警覺：
 - 匿名電話或書面投訴
 - 文件經常被無故改動
 - 公司紀錄無故被複印
 - 職員與可疑人物接觸，例如放高利貸人士
 - 職員無故拒絕時間較長的休假

（上述情況雖然可能只顯示職員工作態度散漫或力有不逮，但根據廉政公署多年的經驗顯示，這些跡象也可能是職員舞弊行為的一些早期徵兆。）

▶ 評核

- 就職員能否以誠信為原則處理日常職務作出評核
- 作出不定時或突擊檢查，以了解職員的工作表現
- 在提拔或晉升時，除工作能力及表現外，還應考慮職員的個人操守及品格

▶ 懲處

- 若發現違規行為，作出紀律處分
- 若發現違法行為，即時交予執法部門處理；事件如涉及貪污，則轉交廉署跟進
- 表明公司絕不容忍、依法辦理的立場，以收阻嚇之效
- 繼續透過培訓讓職員知道貪污的風險，並積極預防

處理利益衝突

各種利益衝突的情況

▶ 真實的利益衝突情況

- 真實的利益衝突情況是指僱員在公事上的行為和決定確實受其「私人利益」所影響
- 這類利益衝突常涉及濫用權力和瀆職，如果當中涉及收受利益，更可能是貪污罪行

- ▶ 被視為有利益衝突存在的情況
 - 被視為有利益衝突存在的情況是指僱員在公事上的行為和決定，實際並未考慮其私人利益，但其他人看來卻認為他有徇私之嫌
 - 儘管這類情況未必涉及濫用權力和瀆職，或對公司造成實際的經濟損失，但公司的聲譽卻會因有關行為或決定而受到損害，削弱投資者的信心

一些利益衝突的例子

- ▶ 銀行業務
 - 審批親屬或好友提交的申請，例如信貸、信用證、按揭、信用卡
 - 審批親屬或好友提交的標書或報價單
 - 與所屬機構的客戶私下建立商業夥伴關係或有金錢瓜葛
 - 擔任可能與機構產生衝突的兼職工作或投資
- ▶ 金融業務
 - 建議客戶投資在職員有個人財務利益的公司，例如經紀行的營業董事建議客戶購入某公司的股票，而他則在該公司擁有股份
 - 撰寫市場研究報告時，主觀地偏袒自己擁有股份的公司
 - 基金經理在客戶帳戶和公司帳戶之間進行買賣
 - 金融中介機構的董事同時從事股票及期貨買賣、資金管理和企業融資等業務

如何處理利益衝突 — 避嫌與申報

- ▶ 原則
 - 僱員設法避免涉及利益衝突的情況，在履行職務過程中時刻將公司及客戶的利益放在首位，對待客戶亦應一視同仁，管理層應明令禁止員工捲入任何可能誘發貪污的利益衝突
 - 如果遇到某些情況確實無法避免利益衝突，受影響的僱員必須向僱主及客戶作出申報，交由高層人員決定適當的處理方法。申報利益有助於增加機構的透明度及贏取投資者的信心。這種申報機制應適用於機構內所有級別的人員，包括董事、經理以至前線員工
 - 為保障自己免受指責涉及利益衝突，採取「有疑則報」的原則是較明智的做法。換句話說，任何人若不能肯定某種情況是否涉及利益衝突，最謹慎的做法便是作出申報，以表明自己公正無私

- 最佳的辦法是避免員工捲入任何利益衝突，務使他們遠離貪污的誘惑，更不會惹人懷疑牽涉不當行為。倘若確實無法避免衝突，則應考慮禁止有關僱員參與相關決策，甚至暫時調動有關人員的職責或改為授權其他人負責
- 實用建議
- 應向僱員發出明確指引，說明須申報利益衝突的各類情況，並定期傳閱有關資料
 - 制定處理申報事宜的程序
 - 制定簡便易用的申報表，方便員工申報利益
 - 委派適當職級的人員處理申報事宜
 - 審慎處理每項申報，並盡量縮短處理時間，以顯示管理層對申報利益衝突的重視
 - 將管理層的決定適時通知有關員工
 - 定期覆核員工所申報的資料，以檢查任何不尋常情況

資訊系統管理

範疇	建議
► 硬件管理	<ul style="list-style-type: none"> ● 管制和查核進入存放電腦裝置範圍人士的身份，如存放工作站、伺服器、資料儲存工具及其他有關器材 ● 替電腦系統和通訊網絡等硬件設置保安措施

範疇

建議

► 技術管理

存取管制

- 根據員工的工作需要，訂明各級員工使用系統及存取資料的權限
- 避免共用戶口，並為所有授權人士提供專有用戶名稱和密碼，以核實進入系統人士的身份。對高度保安要求的系統，更可考慮利用生物統計特徵鑑定器材，核實登入人士的身份
- 提醒員工妥善保存密碼，並定期更改
- 規定只有獲授權人士於指定時段內通過專用終端機，才可使用系統中的敏感功能

數據管制

- 根據外洩數據的風險，將數據分成不同的保安級別，並相應地制定存取權限
- 在傳輸及儲存機密數據時予以加密；在棄置資料前，應先將所有機密文件切碎，及將資料儲存工具進行格式化及實體毀壞，以確保所有資料完全銷毀
- 經常將最新資料備份，以便在儲存工具失靈時，可以復原運作

應用程式管制

- 輸入控制：檢查輸入系統的數據，確保它們有效、準確、完整、符合格式規定
- 處理控制：確保經處理的數據保持完整，並且和系統內的主數據一致
- 輸出控制：如有需要，應禁止使用「列印屏幕」功能，並確保系統輸出的報告及資料只分發予獲授權的用戶

審計尾蹟

- 系統記錄 —— 所有系統存取記錄、操作員及數據庫活動
- 應用程式記錄 —— 所有應用系統存取及運作事項記錄，包括時間、地點、操作員等資料
- 把審計尾蹟記錄保留一段預定時間，以備日後複查及監察系統使用
- 禁止更改審計尾蹟記錄，只准高層系統管理及查核人員查閱

範疇	建議
▶ 行政管理	<p>保安政策</p> <ul style="list-style-type: none"> ● 制定電腦系統保安政策及運作指引 ● 根據資料遭外洩的風險及其敏感程度，將電腦資源（如應用程式及數據）分類及設定相應的保安要求 ● 明確訂出獲授權使用系統的員工之職務及責任 ● 基於「需知方知，需用方用」的原則，限制員工的存取權限 ● 推行「案頭整潔」政策，要求員工在使用載有機密資料的文件及磁碟等之後，加以鎖好，以減低機密資料被未經授權的職員或訪客讀取的風險 ● 禁止在電腦系統使用盜版軟件及處理私人檔案或資料 <p>人事資料保安</p> <ul style="list-style-type: none"> ● 就招聘甄選、崗位調配及紀律處分（包括因觸犯機構的安全規則而遭解僱員工）等事宜，制定明確的政策及程序 ● 在派發給員工的職責說明書內，列明員工對資料保安的責任 ● 制定程序，確保被革職、辭職或調職的員工使用電腦系統的權限被即時撤銷 <p>分工</p> <ul style="list-style-type: none"> ● 盡量調派不同職員進行輸入、驗證、修訂數據等工作，防止有人偽造或竄改資料 ● 將分配使用權限、系統發展、系統操作、數據管理、執行應用程式等工作交由不同員工負責，以減少出現越權舞弊的機會 <p>教育及訓練</p> <ul style="list-style-type: none"> ● 經常為員工提供資料保安教育及有關技術培訓 ● 定期派發通告，提醒員工注意資料保安的重要性
▶ 獨立審查程序	<ul style="list-style-type: none"> ● 如有需要，電腦系統的保安工作應定時交予獨立專業人士作定期檢討，以評估各項管制措施的效能



第 4 章

培訓工具及資料

1. 「知法守法」金融服務業法律指引 (備中文及英文版)

簡介 / 目的：

為派駐內地分行/負責跨境業務之職員提供兩地防貪法規知識

建議用途：

作為參考資料

2. 《見微知著》管理職員操守培訓教材 (DVD光碟)

(備廣東話、普通話及英語版)

簡介 / 目的：

為中層管理人員解釋管理職員操守之重要性及提高管理職員操守之技巧

建議用途：

可用於課堂討論或上載於內聯網作自行培訓之用，備有培訓指南

3. 《誘惑邊緣》證券及期貨業前線從業員專業道德培訓教材

(VCD光碟) (備廣東話及英語版)

簡介 / 目的：

提高從事證券、期貨及投資業務之前線人員對業內常見貪污舞弊行為的警覺性，及介紹有關的法律知識和處理技巧

建議用途：

可用於課堂討論或上載於內聯網作自行培訓之用，備有培訓指南

4. 《糖衣誘惑》銀行業管理人員培訓教材 (DVD光碟)

(備廣東話配有中、英文字幕版)

簡介 / 目的：

提醒管理人員留意下屬的操守，以減少下屬出現貪污舞弊行為的機會

建議用途：

可用於課堂討論或上載於內聯網作自行培訓之用。亦可引用故事內容，教導中層管理人員如何輔導下屬處理貪污的引誘，備有培訓指南

5. 《悔不當初》金融服務業道德培訓教材 (DVD光碟)

(備廣東話、普通話及英語版)

簡介 / 目的：

解釋如何處理道德兩難情況及舉報貪污的重要性，並提醒管理層與執法機構合作的好處

建議用途：

可用於課堂討論或上載於內聯網作自行培訓之用，備有培訓指南

6. 誠信管理技巧培訓教材

甲) 「他人的故事」—— 職員個人道德操守測試

(備中文及英文版)

簡介 / 目的：

讓管理層更了解下屬的道德取向

建議用途：

可配合日常培訓，在課堂進行小測試。公司亦可考慮聘用專業人士度身設計一套適合公司的道德取向測試，作為聘用或升職的考慮因素之一

乙) 「廉政搜查課之一個好人」連環圖故事 (備中文及英文版)

簡介 / 目的：

提醒基層或前線員工小心處理「糖衣誘惑」的情況

建議用途：

可上載於內聯網或於課堂播放，進行討論

丙) 「道德兩難」處境漫畫 (備中文及英文版)

簡介 / 目的：

透過漫畫就以下四個課題進行討論：

- | | |
|---------------|---------------|
| ● 盡忠職守 毋須額外獎賞 | ● 提高警覺 免墮糖衣陷阱 |
| ● 弄虛作假 破壞公平原則 | ● 瓜田李下 避免利益衝突 |

建議用途：

可用於課堂討論或刊於職員通訊



第 5 章

廉政公署服務及協助

推廣誠信管理

廉政公署社區關係處可按個別公司的需要，協助它們推廣誠信管理，服務範圍包括：

- 制定或完善公司紀律守則，並建議如何有效地實行
- 加強系統監控及制定有效的工作程序，以預防貪污、詐騙及其他舞弊行為
- 為各級職員就特定主題提供培訓課程，內容包括香港監管貪污及詐騙的法例、管理員工操守的措施、處理道德操守難題的技巧等

以上服務均免費，廉署對客戶所提供的資料絕對保密。對此服務有興趣的機構，可與廉署任何分區辦事處或社區關係處轄下香港道德發展中心聯絡。

防貪顧問服務

防止貪污處設有私營機構顧問組，專責向各機構提供免費的防貪顧問服務，以加強內部監控。所有的建議均會保密，而機構可自行決定是否採用及如何實施顧問組的建議。

電話：(852) 2526 6363

電郵：asg@cpd.icac.org.hk

舉報及諮詢服務

執行處負責調查貪污案件，對所有投訴及諮詢均予以保密。任何人士可利用以下途徑向廉政公署舉報或查詢：

電話：(852) 25 266 366 (24小時)

郵遞：香港郵政信箱1000號

親臨：舉報中心 (24小時)

或

各分區辦事處

廉署各分區辦事處及香港道德發展中心的地址、電話號碼及電郵地址

西港島及離島辦事處 (中西區、南區、離島)	香港上環干諾道中124號 海港商業大廈地下 (852) 2543 0000 hkw@crd.icac.org.hk
東港島辦事處 (灣仔、東區)	香港灣仔軒尼詩道201號 東華大廈地下 (852) 2519 6555 hke@crd.icac.org.hk
東九龍及西貢辦事處 (觀塘、黃大仙、西貢)	九龍藍田啟田道67號 啟田大廈地下4號 (852) 2756 3300 kesk@crd.icac.org.hk
西九龍辦事處 (九龍城、油尖旺、深水埗)	九龍油麻地彌敦道434-436號 彌敦商務大廈地下 (852) 2780 8080 kw@crd.icac.org.hk
新界東辦事處 (沙田、大埔、北區)	新界沙田上禾輦路1號 沙田政府合署地下G06-G13室 (852) 2606 1144 nte@crd.icac.org.hk
新界西南辦事處 (荃灣、葵青)	新界荃灣青山公路271-275號 富裕樓地下 (852) 2493 7733 ntsw@crd.icac.org.hk
新界西北辦事處 (元朗、屯門)	新界元朗青山公路元朗段230號 富興大廈地下 (852) 2459 0459 ntnw@crd.icac.org.hk
香港道德發展中心	香港灣仔軒尼詩道199-203號 東華大廈1樓 (852) 2587 9812 hkedc@crd.icac.org.hk

廉署網站

如欲查詢廉署服務的最新資料，可瀏覽廉政公署網站 (www.icac.org.hk) 或以電郵與廉政公署的香港道德發展中心(hkedc@crd.icac.org.hk)聯絡。基於保安理由，請勿以電郵方式舉報貪污。



附表

職員表現評核之核心能力清單

● 對機構及工作的認識、專業知識及技能

- 具備及應用有關知識，以達到機構的目標

● 與工作夥伴及客戶的關係

- 以客為本，建立良好的人際關係，贏取客戶或承包商的信任及支持

● 分析及決策能力*

- 根據掌握影響機構的環境因素及資訊，作出分析及決策

● 策劃及資源管理*

- 計劃及監察工作進度，有效運用資源，採納意見及新工作方法，以提高工作效果

● 領導才能*

- 與同事建立良好的工作關係，訂立所屬單位的工作方向及培養同事的歸屬感

● 管理下屬*

- 為下屬訂立明確的工作目標及標準，並進行培訓，以協助下屬發揮所長

● 溝通技巧

- 具備良好的語文及語言能力
- 能與人保持良好的人際關係

● 自發性

- 樂於承擔責任
- 在任何情況下都堅持誠信，對機構忠誠
- 勇於面對挑戰和壓力，化危機為轉機

● 力求進步

- 終身學習，追求卓越

(* 只適用於管理人員)

「他人的故事」—— 職員個人道德操守測試

（整個測試共有20個「他人的故事」，請就以下的處理手法，表達你是否贊同當事人的做法。）

處境	完全贊同	贊同	無意見	反對	堅決反對
1. 今早彼得上班時出門晚了，到巴士站時發現排隊的人很多，要再等數班車才能上車，很有可能會遲到。此時，彼得見到一個熟悉的街坊在隊伍前頭，於是他借故走前「插隊」，沒有理會其他人是否不滿，結果彼得準時到達公司。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. 蘇珊到流動電話公司交費，有職員誤會她合乎該公司用戶優惠計劃的資格，給予她月費減半的優惠，她猶豫了一會，然後提醒該職員應向她收取全費。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 米高就讀小學的兒子參加了學校的砌模型比賽，學校批准學生在家中完成作品，米高是砌模型的高手，為了讓兒子有機會勝出，他便代替兒子完成作品。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. 珍妮的哥哥因為賭博欠下大筆高利貸，向家人借錢時則訛稱因為生意問題需要現金週轉，並要求珍妮替他保守秘密。珍妮不想家人跟哥哥的關係再惡化，最後答應代他隱瞞。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. 瑪莉和朋友到海鮮酒家吃晚飯，結帳時其中一位朋友發現帳單上漏算了數道小菜，結果價錢便宜了20%，瑪莉把真相告知部長並付原價。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. 史提芬在公司看見同事有意或無意間把文具帶回家自用，違反公司守則，但其他同事均不以為然，史提芬將此事告訴上司。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. 阿發是運輸工人，今天替客人送傢俬時，不小心弄花了其中一張名貴的酸枝茶几，阿發決定裝作什麼也看不見，不打算告知客人。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. 姐姐的女兒即將入讀小學，娘家的住址位於名校網之內，姐姐於是借用父母的地址去為女兒報讀心儀的學校。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. 前鋒偉強在一場關鍵的足球賽事中，在對方禁區「馬失前蹄」，裁判卻誤以為他給對方絆倒，直指十二碼點。此時球賽已進入補時階段，只要射入這球便能晉級，偉強因此沒有向裁判解釋對方其實沒有犯規。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

處境	完全贊同	贊同	無意見	反對	堅決反對
10. 榮伯是大廈的管理員，負責保管該大廈業主立案法團的財物。法團主席經常擅自「借用」電梯大堂備用的電燈泡，並要榮伯不要記錄在案。榮伯拒絕了主席的要求。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. 家榮上網時無意中發現一個網站可以免費下載流行歌曲；後來卻得知這是個非法網站，但家榮認為只不過是每月下載數首流行歌曲而已，而且聽過後亦會將歌曲刪除，因此決定繼續下載。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. 安琪在公司無意中發現同事利用空閒時間賺外快，安琪認為事不關己，而且那位同事平時對自己不錯，所以替他保守秘密。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. 國鋒是公司人事部經理，正在進行招聘面試。在一次家庭聚會時，國鋒發現他的外甥應徵了其中一個職位，閒談間外甥問及國鋒有關遴選條件。國鋒雖然知道其他應徵者不會得到這些資料，但此舉又不是洩露面試題目，因此樂意助外甥一把。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. 蘭茜跟朋友打網球時不慎弄傷手部，為了得到額外的病假，蘭茜向醫生誇大傷勢，並成功取得一個星期有薪病假。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. 威信是車行的職員，佣金是收入的重要一部分。近期有兩款新車推出，其中一款跑車的銷售佣金較高。為了賺取較高佣金，威信雖然知道一位顧客剛剛才考得駕駛執照，並不適合駕駛跑車，但仍極力遊說他購買該款跑車。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. 健邦是夜更的士司機，近日認識了一名經常需要工作到深夜的長途「熟客」。有一次健邦接載他回家的時候，該熟客要求健邦給予八折，但卻要求原價的收費單據，讓他可以向公司申報車費津貼，該熟客並答應以後每次夜歸都會電召健邦。健邦拒絕了他的要求。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. 朋友生日，大伙湊錢委託婉珍去買禮物，碰巧禮物店舉行周年誌慶，購物滿\$500可得保暖杯一隻。婉珍認為保暖杯價值不高，於是沒有告訴其他朋友，並把禮物據為己有。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

處境	完全贊同	贊同	無意見	反對	堅決反對
18. 公司的競爭對手高薪向艾迪「挖角」，條件是要艾迪將最新研發的生產技術帶到新公司。艾迪雖不是生產部的研究員，但對該技術十分了解，而且現公司的僱傭合約又沒有離職的限制，艾迪即時答應「跳槽」。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. 夜深人靜，丹尼到櫃員機提款，排在他前面的人竟然忘記從櫃員機取走提款。他見到金額只是數百元，那人又已匆忙離開，丹尼決定不追上去提醒他，亦沒有拿走鈔票。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. 翠蓮在銀行貸款部任職，有一相交多年的好友，因需要一筆現金做手術，向銀行借錢。貸款程序已經接近完成，但翠蓮在最後關頭發現他遞交的資料不齊全，缺少了一份核實性的文件，但基於朋友關係，翠蓮即時批出了貸款，並請朋友儘快補交該文件。	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

計分方法

題目	完全贊同	贊同	無意見	反對	堅決反對
1	1	2	3	4	5
2	5	4	3	2	1
3	1	2	3	4	5
4	1	2	3	4	5
5	5	4	3	2	1
6	5	4	3	2	1
7	1	2	3	4	5
8	1	2	3	4	5
9	1	2	3	4	5
10	5	4	3	2	1
11	1	2	3	4	5
12	1	2	3	4	5
13	1	2	3	4	5
14	1	2	3	4	5
15	1	2	3	4	5
16	5	4	3	2	1
17	1	2	3	4	5
18	1	2	3	4	5
19	1	2	3	4	5
20	1	2	3	4	5

分析

- 81至100分** 你是一個公私分明、誠實可靠的人，絕對不會為小便宜而犧牲大原則，亦不隨波逐流，即使面對誘惑亦能堅定不移，值得老闆對你委以重任。
- 61至80分** 你是一個謹慎的人，不會輕易因眼前的利益而犯錯誤，但偶然會對一些缺德的事「睜隻眼閉隻眼」，未能堅持原則或按規矩辦事，但如能對道德價值判斷方面多加留意，將可成為一個值得信賴的職員。
- 41至60分** 你是一個缺乏主見的人，面對道德抉擇時經常左搖右擺，你亦太着意其他人的想法，而且拿不定主意，有時只能看到事情的短期後果，沒有從長遠及多方面的角度考慮問題，容易「好心辦壞事」，你需要學習客觀判斷事情的技巧，及堅持正確原則的態度。
- 20至40分** 你的性格貪小便宜，往往因利益而放棄原則，也忽略了自己的行為會對公司、朋友或家人帶來的不良影響。如果想獲得上司及同事的信任，必須改變你的價值觀，在日常待人接物時恪守公平、誠實等原則。

企業誠信管理檢視表

1. 管理層堅信企業誠信比其他商業考慮更為重要。
2. 在計劃長遠的發展策略時，會考慮對所有利益相關者（包括客戶、員工、社會整體）的影響。
3. 訂立員工守則並進行定期檢討，以清楚界定公司對職員道德操守的要求及為他們在工作中遇到道德兩難時提供明確的指引。
4. 為所有員工提供如何落實員工守則的培訓。
5. 在新員工訓練、在職培訓及其他員工進修的課程裏，提供機會讓員工與其他工作伙伴討論公司的企業道德政策。
6. 在提升經理及行政人員領導才能的課程裏，提供有關企業管治、商業道德及職員操守管理的深入培訓。
7. 個人的道德操守是招聘及升遷時考慮的重要因素。
8. 提供方便的渠道，讓對企業道德或相關法例有疑問的員工進行查詢。
9. 提供獨立的渠道，讓發現同事或上司有違法違規行為的員工提出投訴。
10. 任何人如違反公司有關商業道德的政策都會受到嚴正處理。

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From the Editor

This practical guide is written for managers in the financial services sector. It aims to heighten their awareness of the importance of staff integrity and to explore the management techniques required to handle the issue.

This publication aims to provide general guidance only and does not purport to deal with all possible issues that may arise in any given situation. Explanations of legal requirements under any relevant legislation are necessarily general and cannot be relied upon to relieve the need to review relevant legislation in detail, and where appropriate, to obtain specific legal advice on any issue which may arise. The ICAC accepts no liability or responsibility for any loss caused to any person acting or refraining from acting in any way as a result of any material contained in this publication.

The scenarios given in this practical guide are based on a mixture of past prosecutions and hypothetical cases and are for illustration only.

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

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Foreword

A sound, reliable and efficient banking system and financial market is the cornerstone for sustaining the economic stability of Hong Kong. Nurturing trust in a financial market is not an easy task as any slip can ruin the hard-earned reputation almost overnight.

Comprehensive systems as well as an ethical corporate culture can help to protect the interests of all stakeholders and uphold Hong Kong's status as an international financial centre. Prevention is always better than cure. Ensuring that people of all ranks within the financial services sector observe the highest ethical requirements of their regulatory bodies can help to curb corruption and malpractice. This will in turn protect everyone and enhance the goodwill and competitiveness of banks and financial institutions.

The financial services industry is a professional trade which requires unparalleled integrity from everyone within it. Management has the ultimate responsibility of implementing effective policies to ensure that the performance of its staff reaches the highest professional and ethical standards.

In recent years, globalization and diversification, coupled with the electronic age and other innovative developments, have posed numerous challenges to traditional banking and financial industries. To meet all these challenges, managers should further enhance their ethical standards in conducting business as well as their management skills to ensure that all staff perform their duties, with integrity and in accordance with the law and regulations. This **Practical Guide** comprising five parts aims to strengthen these skills. Part 1 helps managers to understand their role and position their "people-oriented" management work. Part 2 analyses ethics management in detail to help managers review the systems in their organizations. Part 3 provides the keys and essentials for managing staff integrity. Part 4 lists the training tools and materials produced by the ICAC on managing staff integrity and Part 5 gives information on the ICAC services and assistance.

Community Relations Department
Independent Commission Against Corruption
Hong Kong Special Administrative Region
2007



Part 1

A Role with Dual Missions

Dual Responsibilities

In order to better carry out their work, managers must primarily take a firm stance in their role, with two important but not at all easy missions. First, they must fulfil their professional, technical and administrative duties to ensure that the business under their purview progresses healthily and steadily towards the company's goal. Second, they must shoulder the responsibility to develop the potential of their subordinates and to put "supervisory accountability" into practice. Supervisory accountability involves taking preventive measures against blunders by subordinates, rectifying erroneous situations and, to a certain extent, being accountable for any grievous recurring mistakes.

Supervisory Accountability

Staff may err for a variety of reasons in the daily course of business. It is the responsibility of managers to identify whether the mistake arises from a staff member's lack of ability, his inexperience or lack of integrity. If it is caused by the staff member's incompetence, managers should provide training or counselling. However, if it is related to the integrity of a staff member, managers should deal with it seriously in accordance with the law and regulations. Such a proactive approach not only helps to cultivate an ethical culture within the organization, but also demonstrates to staff members the company's stance and policy in handling any breach of laws or regulations. If no action is taken against unethical staff, other staff members may also defy the rule of law.

Undoubtedly, staff management is always a difficult and challenging task. While managers are not necessarily responsible for every mistake arising from the negligence or inexperience of staff, they can hardly absolve themselves from blame for serious, frequent or common errors that have been undetected or tolerated. Turning a blind eye to malpractices will invite criticism for their improper management. Worst of all, they might be suspected of being an accomplice in the misdeed.

People-oriented Approach

Managers should therefore have a full understanding of the prevailing challenges faced by them and their staff. With the fast development of the industry and the extensive use of information technology, the financial services sector, which is no longer bound by territorial constraints, has become more globalized and has attracted more cross-boundary business. In response to market needs, various new investment products, such as stock options, warrants and a basket of real estate funds have been launched in the market. This in turn has sparked off keen competition to gain a greater market share, thereby leading to higher demands on business performance by organizations from their staff.

Apart from the challenges brought about by various socio-economic factors, the financial services industry is itself infested with numerous temptations. The very nature of the work in the financial field basically revolves around money. On top of the substantial monetary transactions handled every day, personnel in the financial services sector also possess sensitive information about their clients, business entities and the market. They may also need to work outside or across the boundary to cultivate closer relationships with clients. Additionally, financial practitioners are from time to time in a position to offer professional advice and judgement to their clients or for their organizations. For these reasons, they may nowadays encounter more ethical dilemmas and conflict of interest situations. Such mounting pressures may eventually become the precursor of potential corruption and bribery, rendering the task of managing staff integrity even more onerous.

In light of the above challenges, organizations within the financial services industry are duty-bound not only to maintain but also to enhance the present standard of professionalism, and become even more vigilant in staff management. To effectively prevent corruption and malpractice, managers should be committed to the implementation of ethics management. Only in a fair working environment can committed and competent staff develop and give full play to their professionalism. These staff can win the trust of customers, and eventually attract more business to boost the competitiveness of their organizations.

From a macro perspective, a financial entity which provides high-quality, professional, ethical and reliable services to clients would contribute to maintaining the stability of the financial systems and economy. It would also further consolidate Hong Kong's status as an international financial centre.



Part 2

Cases in Perspective

Financial practitioners often encounter legal and ethical problems of various types at work. They include corruption, improper use of confidential material, conflict of interest and other "grey area" problems. Causes for breach of the legislation or regulations are usually very complicated. Drawing from the experience gained from investigations into corporate scandals in the financial services industry, the ICAC has summed up and classified the various causes into two categories as set out below:

Staff Factors

Ignorance

Staff have a shallow understanding of the legal or administrative requirements and can easily succumb to temptations and inadvertently commit an offence.

No alternatives

Staff who find themselves in financial plight due to squandering or failure in investment, or who fail to meet the organization's performance standards due to incompetence may feel cornered. Thinking that they have no alternatives, they may risk everything in times of desperation.

Helplessness

It is inevitable for staff to socialize with customers in order to maintain a close business relationship. However, away from the office or during business trips, when one has to cope with advantages offered by customers or other "grey area" problems by oneself whilst in a different culture, one may feel helplessly isolated and at a loss.

Lack of integrity

Staff harbouring ill motives and bent on achieving personal gains at the expense of the interests of the organization would have no regard at all for legal requirements. Damage done by such staff is the most serious and this is also the worst type of situation encountered.

Organizational Factors

Lack of clear systems, guidelines or procedures

An organization which fails to set up effective systems or clear guidelines on "acceptance of advantages" and "conflict of interest" may mislead staff into thinking that the organization does not have any firm stance on these issues. That in turn may lead them to believe they can handle such situations as they please or at their convenience. However, their handling of such situations may only be a commonly accepted practice without any legal basis.

Ineffective communication

Organizations do not maintain dialogue with staff in the process of formulating or revising relevant policies and regulations. Nor do they explain the spirit or content of the requirements. On the other hand, staff do not proactively consult management when in doubt.

Lax supervision and monitoring

If systems and guidelines established by the organization are not properly enforced, they are but empty shells. Staff harbouring ill intentions will play more tricks to defy the law and regulations more blatantly under lax supervision. Should such impropriety become an epidemic, other law-abiding staff members would become confused.

"Rome was not built in a day". Likewise, violation of the law or regulations, whether caused by the staff factors or the organizational factors, does not emerge suddenly and without traceable clues. From the management's point of view, this could be avoided and guarded against. In the following case analyses, we will focus on the major areas of concern in ethics management and the techniques which managers should acquire in practice. Detailed discussions on the relevant anti-corruption laws or regulations in connection with the scenarios are not within our focus of analysis. For the content of the anti-corruption legislation, readers can refer to *"Observing the Law" A Guide for Financial Services Practitioners* contained in this Tool Kit.

Abuse of Professional Skills Leads to Disaster

When banks were first introduced to the electronic age, not everyone in management was conversant with computer skills. Therefore, they had to rely on computer programmers to operate most of the computers in the banks.

WONG is a computer operator who has joined the bank for some years. He is well acquainted with the operation of the bank's computer system and knows very well that the bank's computer programming standard would only supply interest-paying details of up to two decimal places to its customers. WONG secretly exploits a technical loophole in the computer system to transfer the interest beyond two decimal places in some inactive bank accounts into his own personal account. The illegal practice continues for several years with WONG pocketing for himself HK\$500,000.

At all times, WONG presents himself as a hardworking member of the team by frequently performing overtime duty and even working on holidays. WONG's supervisor is fooled by such a scheme and considers WONG as a competent subordinate. As a result, he overlooks the fact that all the while this computer operator has been alone in the office playing out his numerical tricks. It is only when WONG calls in sick one day that his crime is exposed by an honest employee standing in for him.



Focus of Analysis

This case is over 20 years old. In fact, banks have since gradually computerized their systems with managers acquiring greater computer knowledge and skills. This kind of computer crime is therefore a rare occurrence today. Despite this, the case should provoke thought among managers and present them with a fresh lesson to learn in modern day management.

This case illustrates that temptations confront not just high-powered executives or decision-makers. In fact, any employee with bad intentions may unearth loopholes in the system which he can exploit. Therefore, managers are required to monitor their staff closely to ensure that they are honest and have used their professional knowledge and skills properly. Otherwise, if such knowledge and skills are misapplied by corrupt staff, the effects could be destructive and extensive. Imagine what could have happened if the employee who had stood in for WONG had colluded with him to conceal the illegal act. In that case, the bank would suffer even more.



Practical Tips

In respect of staff management, the ethical conduct and values of employees are as important as their specialized knowledge and technical skills. In fact, ethics and specialized skills to a large extent are complementary with and dependent upon each other. Therefore, managers should not only invest predominantly in resources to enhance the technical competence of their staff. They should also perform ethics management and foster positive values in their staff.

In view of the rapid advance in modern technology, managers have to stay vigilant at all times and optimize the use of information technology to perform their management functions more effectively. On a technical level, financial institutions should implement information security management. This can be done by installing protection facilities for both computer hardware and software. For example, establishing an audit trail function in the system to trace the operations of every computer so as to monitor any suspicious access or retrieval of data.

Managers need to get a grip on the actual working conditions of their subordinates by conducting random checks. Moreover, they should be alert to signs of suspicious conduct, e.g. unreasonable turning down of transfer or promotion offers, refusing changes in shifts or duties, unwillingness to take leave, etc.

Managers may also contact the business associates of their subordinates, such as suppliers or customers, to further comprehend their work performance with a view to providing suitable guidance and supervision.

Scenario 2

Too Much Trust Takes Away Objectivity

Mr LEE of the bank's loans department comes from a wealthy family. Having served in the industry for 10-odd years, LEE has established good customer relationships and maintained an extensive personal network. LEE's father is a close acquaintance of LEE's supervising manager, Mr MOK. Over the years, LEE has performed consistently well and has gained trust from the bank's management.

In private, LEE has acquired a taste for collecting antiques and famous paintings. Through a friend, LEE becomes acquainted with an antique shop owner, Mr CHAN. Due to their common interest, the two hit off like old friends and CHAN specially selects a famous painting from his personal collection as a gift for LEE.

CHAN has a business expansion plan and needs to apply for a bank loan. Naturally, he lodges his application on the recommendation of his good friend LEE. The loan application is later approved and CHAN is so grateful for LEE's help that he ingeniously arranges to print an album of his collection of famous paintings for LEE free of charge.

CHAN maintains a stable record of loan repayment. Unfortunately, he experiences some cash flow problems due to losses from his investment activities. This forces him to seek more loans from the bank through LEE in order to ease his tight cash flow condition. Since this is the second loan to be drawn by CHAN and the risk of the antique business is relatively high, MOK hesitates about this second application. However, solely out of his own sincere wish to help out a friend in trouble, LEE strongly recommends CHAN to his supervisor, citing his satisfactory repayment record and the precious value of his private collection of antiques. Trusting the judgement of LEE, MOK finally gives his approval to the loan, having to exercise his discretionary power. Unfortunately, CHAN subsequently defaults on repayment and has to be declared bankrupt, causing heavy losses to the bank.



Focus of Analysis

Honest people in the financial services industry may let down their guard when dealing with customers on "friendly" terms. As a result, they may fail to objectively cope with the gifts or other advantages offered by customers out of "friendship" or "courtesy", thereby inadvertently succumbing to the sweetener. In such situations, the act of returning a favour or simply trusting or helping out a friend, may compromise one's objectivity in his execution of duties.



Practical Tips

Financial entities should lay down policies on "acceptance of advantages" and "conflict of interest". They should promulgate clear guidelines to remind their employees of the dangers of accepting advantages, accumulating debts or being caught up in conflict of interest situations. Such improper conduct may weaken their objectivity or alertness to dubious motives, and may drag them into the corruption pitfalls because favouritism will make the recipients feel obliged to reciprocate.

It is essential for managers to have the power to delegate and to have trust in their subordinates. However, this trust should not become unconditional simply on account of an employee's good terms with particular customers, his background or past performance. Managers are obliged to handle all business decisions in accordance with objective criteria and established procedures, and should conduct independent and random inspections when necessary.

Supervisory Ineptitude Breeds Confusion Among Staff

CHEUNG, a senior credit officer of a local bank, has the responsibility of verifying information submitted by customers regarding applications for credit facilities. A factory owner, Mr HO, has a contract to run a wristwatch production line on the Mainland for a particular brand name. As the bank is seeking to expand their Mainland business, an increase in loan volume is expected from the credit department. Therefore, CHEUNG is glad when HO applies for hire purchase facilities at the bank to install a set of new machines in his factory. To secure this business, CHEUNG arranges a site visit together with his supervisor in accordance with the bank's assessment procedures.

Upon their inspection, they find that the machines are not "brand new" as specified in the loan application but are in fact second-hand machinery. HO pre-emptively queries by boasting a list of "favourable" factors such as the good condition of the machines, the marketability and profit-making potential of his business, future co-operation opportunities between his factory and the bank, etc. Then HO, out of "courtesy", presents CHEUNG and his supervisor with some expensive "sample" watches as souvenirs.

CHEUNG feels awkward about the whole "souvenir" matter. But since his supervisor eventually succumbs to the offer after some superficial gestures of declining, CHEUNG has little choice but to take the offer as well. There is no subsequent discussion about the "souvenir" matter between CHEUNG and his supervisor. Recently, CHEUNG learns that the loan application of HO has been successful and his supervisor has received a commendation from management for his contribution in securing more loan business for the bank. However, CHEUNG has all along been feeling rather dubious about the acceptance of the gift by his supervisor. As CHEUNG does not want to get into any trouble, he never divulges any details to anyone.



Focus of Analysis

The supervisor fails to tactfully decline the gift and declare it afterwards in accordance with the company's rules. He even abuses his discretion to facilitate the loan approval. This does not only set a bad example but may also violate the law. As the saying goes, "as the old cock crows, the young one learns". If managers cannot lead by example, the adverse impact created could be far-reaching and it will become virtually impossible to establish an ethical culture. There is a practical pressure for staff who take up duties outside Hong Kong to adapt to the cultural differences. At the same time, they should also conscientiously adhere to the company's policies and guidelines when working outside Hong Kong.



Practical Tips

Training can help improve staff's knowledge on legal requirements and heighten their awareness of the temptations of corruption. It can also teach them how to cope with the offer of gifts in the course of business, for instance, by complying with relevant declaration procedures. Financial institutions can regularly organize induction briefings, in-house workshops or make use of the Intranet to remind staff of company's requirements in relation to "acceptance of advantages" and "conflict of interest".

All sizeable financial institutions have in place policies on "acceptance of advantages" and "conflict of interest". Nevertheless, no matter how comprehensively they are drafted, these policies are useless if they are not properly enforced. In fact, it should never be the sole responsibility of the compliance department to implement these policies. Every single member of the management team should lead by example in day-to-day operations and give immediate advice to staff who are in doubt. This would avoid any uncertainty on the part of their subordinates.

Moreover, managers are at all times obliged to honour the principles of integrity, to abide by the law and to lead by example despite the pressure of meeting business targets.

Scenario 4

Lack of Communication Prompts Corner Cutting

The administration department of a securities company has been given short notice to renovate the boardroom after recent changes in the line-up of the board of directors. The manager of the administration department, Mr NG, appoints his subordinate, the newly promoted Mr CHUNG, to handle the renovation work. Not surprisingly, CHUNG would like to demonstrate his abilities in carrying out this new assignment. However, his lack of experience and ignorance of the established work procedures, such as tendering or quotation requirements, has prevented him from performing his duty properly. In addition, his weak network with other colleagues also affects inter-departmental co-ordination. The pressure of a deadline and the feeling of helplessness have left CHUNG completely isolated.

CHUNG is desperate to meet the project completion target and, more importantly, to avoid any raised eyebrows concerning his ability. He then seeks assistance from an old schoolmate who owns a design company. The schoolmate agrees to "help out" by assisting CHUNG to fabricate several quotation submissions, paving the way for him to be awarded the contract. Regrettably, CHUNG has placed trust in the wrong person and the renovation project is rendered incomplete.

This administrative flop attracts rumours within the company. One rumour is that NG must have accepted advantages in giving the green light to his subordinate to employ "close relations" to run the project. As a consequence, NG feels completely stranded. As unhappy as he is, NG now faces the unwelcome task of cleaning up the mess in the boardroom, while finding it impossible to eradicate the rumours and the misunderstanding.



Focus of Analysis

In setting work objectives, managers should consider the actual requirements of the assignment in relation to the practical ability of the staff concerned in order to ensure that the targets set are clear, reasonable and attainable. Unreasonable requirements, such as overly ambitious target profits and results, may compel incapable employees to take risks and cut corners. On the other hand, the ability and experience of the employees would also have a strong bearing on their value judgement and performance. Therefore, in assigning jobs to subordinates, managers should provide suitable guidance to inexperienced staff or new recruits and remind them to handle all conflict of interest situations cautiously. Subordinates should also be reminded that the consequences of perceived or actual conflict of interest could be equally devastating and be criticized and queried by others.



Practical Tips

Managers should maintain effective dialogue with their subordinates and be concerned about the practical difficulties faced by them so that proper guidance and supervision can be provided.

In allocating duties to subordinates, managers should consider the nature and complexity of the job so as to assign tasks to those with suitable experience and ability. Otherwise, subordinates who do not receive any guidance and support from their supervisors may resort to desperate measures or even illegal means to complete their tasks.

Managers should from time to time remind subordinates to be alert to possible conflict of interest situations in the workplace and to pay attention to the handling and declaration procedures as specified in internal guidelines. The serious consequences of improper handling of conflict of interest situations should also be explained to staff.

Conflicts Between Private and Official Interests Bring Favouritism

A senior credit officer, Mr WU, is processing a loan application from an overseas investment firm. The firm is considering a major acquisition of the shares of a communications company which is listed in Hong Kong and its share price is expected to rise dramatically.

The wife of WU's supervisor is a keen investor in the stock market. Seeing this as a good opportunity for a large profit, WU leaks insider information to her with a view to pleasing his boss indirectly.

Not surprisingly, WU's supervisor frequently lavishes praise on his subordinate, saying how efficient and capable he is. But other staff see otherwise since WU's obsequious strategy towards his boss and the boss's wife is too obvious. As a result, most staff in the office despise WU's sycophancy and the boss's favouritism.



Focus of Analysis

During the course of their duties, bank employees will have access to restricted information which is sensitive to share prices. Any use of such information to trade directly or indirectly in shares or derivatives related to the relevant listed company constitutes a breach of the confidentiality principle. This will seriously interfere with the fair operation of the financial market. Additionally, such conduct may also violate the internal guidelines and legislation against insider dealing. Managers knowingly refrain from taking action is tantamount to giving tacit approval. This will not just perpetuate a culture of obsequiousness, but also undermine the credibility of management and dwindle staff morale.



Practical Tips

Managers should uphold probity and impartiality to suppress any growth of an obsequious culture. They should also refrain from accepting any gifts, advantages or loans from subordinates, nor should they involve themselves in any joint investments with staff. The guiding principle is to minimize the risks of conflict of interest and favouritism arising from monetary disputes.

Managers should explain to their subordinates that confidentiality is one of the most fundamental operating principles in the financial services industry. Employees should conscientiously implement the company policies and try their utmost to protect all confidential or proprietary information. In no circumstances should employees be allowed to utilize such information for personal gain.

Managers should remind their subordinates from time to time that confidential information includes all classified information given to them in the course of their duties, e.g. clients' personal details, account balances, trading information, financial status, future management re-shuffles, commercial plans, business forecasts, etc.

Managers can go through the following checklist to help their subordinates assess whether the information is of an open nature:

- Is the information open to the market?
- Will disclosure create any substantial impact on share prices or market trends?
- Will the information affect investors' decisions on the buying or selling of shares or futures contracts of particular companies?

Scenario 6

Egoistic Ambition Breeds Unscrupulous Conduct

Mr AU has been a branch manager for the bank for nearly 10 years but his promotion prospects are slim. Meanwhile, all of his peers have been promoted, some to important senior management posts. As it happens, the sale of flats in a private residential complex in the district has recently begun and AU has prepared a special mortgage plan to attract new customers.

AU's brother-in-law is an estate agent. He too looks upon the sale of flats in this new complex as a golden opportunity for his company to generate more business. At a family gathering, AU tells his brother-in-law that his boss has finally decided to consider giving him a promotion on the condition that he could draw in a substantial amount of mortgage business within a short time. Therefore, AU pays some "tea money" to his brother-in-law out of his own pocket, hoping that he will recommend more new buyers to apply for mortgage loans from AU with a view to boosting results and showing off his ability.

In fact, AU's bank and the estate agency of his brother-in-law both have clear guidelines forbidding their employees from securing business by offering illegal advantages or from abusing their office by accepting illegal advantages. Subsequently, their secret conduct is exposed, and both AU and his brother-in-law are respectively convicted of the offence of offering and accepting a bribe. Their conduct has not just ruined their own careers, but also the reputations of the bank and the estate agency, thereby impairing the principle of fair dealing in the market.



Focus of Analysis

There is nothing wrong for employees to be ambitious and aggressive, and to try getting a promotion. But this does not mean being overly aggressive in satisfying one's own ego and sacrificing all moral principles for the sake of impressing others. Managers should take these matters seriously and cautiously, and provide their staff with proper guidance.



Practical Tips

In supervising and coaching subordinates, managers should constantly remind them of the importance of abiding by the law and should carefully monitor their day-to-day work performance. For individual subordinates who have not performed up to standard, managers should give them suitable guidance. For those who have performed up to or have even exceeded the standard, the attention of managers should be drawn to the legal and procedural compatibility of their actions.

Managers should remind their subordinates that it is imperative for them to secure business in a law-abiding manner. It would appear that the company would have nothing to lose by securing business through the means of bribery. In fact both the offeror and the recipient of bribes commit a criminal offence. The company should not condone any acts of bribery and the offenders will have to face legal sanctions.

Scenario 7

A Conflict of Interest Puts Oneself Off-guard

A branch customer service supervisor of a bank, Mr POON, has maintained a close relationship with the director of a trading company, Mr CHAN. CHAN frequently treats POON to lavish entertainment at a private club and invites POON to play golf with him. CHAN also "lent" to POON and his girlfriend one of the apartments owned by his company without charge. Mr CHOW, POON's supervisor, has long known of POON's close connection with CHAN. However, as CHOW considers these to be matters relating to the private lives of his subordinate, he has done nothing to intervene.

CHAN's business has subsequently experienced financial difficulties, including problems in relation to his loan application with the bank. CHAN then asks to see POON, hoping to find solutions to these problems. At the dinner meeting, CHAN expresses that if POON is willing to help, the bank will surely approve his loan application. CHAN also promises that

if successful, he will give POON and his girlfriend air tickets to Europe. In return for these favours, POON assists CHAN by submitting several loan applications by forgery to the bank which has consequently caused loss to the bank. The bank suspects that CHOW is a party to the crime. CHOW regrets that he has not dealt with his subordinate's unduly close connections with the client at a much earlier time.



Focus of Analysis

It is commonly acceptable to attend business-related social functions arranged by clients. However, the acceptance of excessively frequent or lavish entertainment may easily lead one to compromise one's integrity. Employees who have a low level of alertness may easily succumb to the temptations of corruption. The situation is worsened if some staff are experiencing failures in investment or, are inept in handling their own personal finances. Indeed, they may even be negligent in handling small favours, entertainment or advantages offered by clients or any conflict of interest situations.



Practical Tips

Managers need to have a quick mind and be sensitive to the personality traits of individual staff so as to understand their attitudes and actions in coping with advantages offered in the course of business. They should also pay particular attention to any abnormalities in the lifestyles of their subordinates, e.g. incompatibility between their spending habits and their income or assets; personal financial management; and ethical standards.

Managers should promptly and decisively deal with the ethical problems of their staff, since delay will aggravate the problems. Indecisiveness will not only lead to questions about the inability of management, it might also be misinterpreted as a sign of collusion.

Be Cautious When Cultural Differences Exist

Mr NG has worked as a branch manager for a local bank for ten years. Under his leadership, and with a dedicated team of staff, the branch gradually improves its performance and team members also receive commendations from customers. Management thinks highly of NG and decides to transfer him to a certain branch on the Mainland as branch manager.

NG accepts the appointment with mixed feelings. While rejoicing that he is in management's good books, he worries that being a total stranger in a new place would mean that his management performance may not come to hand as easily as in Hong Kong. About one month after he assumes his duty, the office needs to acquire more furniture. Being unfamiliar with the place, NG naturally delegates the procurement exercise to his assistant, Mr LEE, a local native. LEE accomplishes the assignment with great efficiency.

Later on, NG inadvertently comes to learn that LEE has appointed his brother's company as the furniture supplier. Noting that a conflict of interest is involved, NG immediately interviews LEE in order to find out the details of the transaction. LEE explains that patronizing a familiar company is in fact the best way to protect the company's interests as there are numerous unscrupulous merchants in the market. He affirms that he has never obtained any advantage in the transaction and his brother has also sold the furniture to the bank at a discounted price. LEE is disgruntled because his goodwill has been misconstrued due to the queries raised by NG.



Focus of Analysis

Cultural differences pose a great challenge to managers. Although it is a customary practice in some places for people to take advantage of "relationships", the policies, regulations and guidelines of an organization should always be built upon the same principles and standards around the world. Appointing people by favouritism and conducting private dealings will not only put the staff's integrity at stake but may also tarnish the goodwill of the organization.



Practical Tips

Whether within or outside Hong Kong, managers should always maintain regular dialogue with their subordinates. Strengthen training would help explain the spirit and details of the company's policies to staff. Policies implemented in the parent company, in branch offices or anywhere else should be consistent in terms of principles and standards. This will ensure that staff are fully aware of the company's requirements and are ready to comply with them under all circumstances.

Managers should be aware that subordinates may defy company policies or guidelines for personal gain on the pretext of tradition, custom or cultural differences.

Managers should remind subordinates of the need to declare any conflict of interest in order to avoid suspicion and to safeguard the reputation both of himself and the company.



Part 3

Keys to Managing Staff Integrity

Managing staff integrity is a people-oriented process. Instead of being the sole responsibility of the training department or the compliance department alone, it also requires the efforts of all members of the management. Apart from leading a role model, managers should actively keep a close watch on the performance and conduct of each subordinate and provide counselling and guidance as appropriate in order to nip any problem in the bud.

This chapter aims to explore practical ways to manage staff integrity in different areas, namely "staff administration", "handling conflict of interest situations" and "information system management" in system control. We seek to explain how the element of integrity management can be incorporated into different levels and stages.

Staff Administration

Stages	Recommendations
➤ Recruitment	<ul style="list-style-type: none">● Include the attributes of "loyalty and honesty" as a prescribed core competency and one of the selection criteria for appointment of staff of all grades (<u>Appendix I</u>). Inform applicants of the relevant requirements.
➤ Selection	<ul style="list-style-type: none">● Make assessment according to the prescribed core competencies and incorporate integrity-based scenarios into written tests or interviews in order to test the applicant's ethical standards.● If resources allow, engage a consultant to design an aptitude test. A sample test is at <u>Appendix II</u>.
➤ Induction Training	<ul style="list-style-type: none">● Brief trainees on relevant legal requirements.● Explain company policy and the staff code of conduct and provide a channel for enquiries.
➤ In-service Training	<ul style="list-style-type: none">● Brief all levels of managers on the importance and techniques of managing staff integrity.● Introduce to managers the "Checklist on Corporate Integrity Management" (<u>Appendix III</u>) for the formulation of ethics management policies and initiatives.● Strengthen communications with the compliance department; remind staff of the need to take timely preventive measures against the ever-changing tricks of corruption; and provide training to staff working on the Mainland and overseas on the relevant legislation in different regions and corruption prevention techniques.● Regularly remind staff of the possible pitfalls of corruption at work posed by the "sweetener", such as advantages or entertainment offered by customers or suppliers; heighten their vigilance against the temptations of corruption; and improve their skills in handling ethical dilemmas and conflict of interest situations.

- ▶ **Monitoring and Counselling**
 - Stay alert to symptoms of irregularities:
 - receiving anonymous telephone or written complaints
 - tampering with company documents
 - photocopying company records without justifications
 - making contact with undesirable characters such as loansharks
 - refusing to take long leave without good reasons(The above symptoms may only indicate a staff member's lax working attitude or inability. However, according to the ICAC's experience over the years, they may also be early warning signs of malpractice.)
- ▶ **Performance Appraisal**
 - Take into account whether the employee is a man of integrity in the execution of his duties.
 - Conduct random inspections to ascertain the employee's performance.
 - Consider the employee's character and moral standard in addition to his capabilities in promotion exercises.
- ▶ **Penalty**
 - Take disciplinary action against any irregularities.
 - Refer illegal behaviour to law-enforcement agencies. If corruption is involved, refer it to the ICAC.
 - Show zero tolerance and make it known that the company will handle such cases in accordance with the law to achieve deterrent effect.
 - Promulgate to staff that corruption is a high risk crime with dire consequences. Constantly provide training to staff on the risks of corruption in order to remind them to take preventive measures.

Handling Conflict of Interest Situations

Different Conflict of Interest Situations

- ▶ **Actual Conflict of Interest Situations**
 - In actual conflict of interest situations, actions and decisions taken by the employee in official business matters have in reality been affected by his personal interests.
 - This type of conflict of interest situation usually includes abuse of official authority and misconduct in office. If acceptance of an advantage is involved, it may constitute a corruption offence.
- ▶ **Perceived Conflict of Interest Situations**
 - In perceived conflict of interest situations, the employee may not have considered his own personal interests in his actions and decisions but may still be suspected by others of practising favouritism.
 - Although such a conflict of interest situation may not involve the abuse of official authority and misconduct in office or cause any actual financial loss to the company, both the company's reputation and the confidence of investors will be undermined by such acts or decisions.

Examples of Conflict of Interest Situations

- Bank Business
 - Approving applications for loans, letters of credit, mortgage, credit cards, etc. submitted by relatives and close friends.
 - Approving tenders or quotations submitted by relatives and close friends.
 - Developing private business relationships or having private financial dealings with clients of the bank.
 - Engaging in outside work or investment which is in conflict with the interests of the bank.

- Financial Business
 - Recommending clients to invest in a company in which the employee has a financial interest, e.g. a business director of a broker's firm recommends a client to buy shares in a company in which he has an interest.
 - Writing a market research report in favour of a company in which he has an interest.
 - Fund managers undertaking sale and purchase transactions between a client's account and a house account.
 - A director of a financial intermediary dealing in businesses of securities and futures, fund management and corporate finance at the same time.

How to Handle Conflict of Interest Situations — Avoid and Declare

- Principles
 - Employees should avoid getting involved in conflict of interest situations. They should put the interests of the company and the clients first in the performance of their official duties and treat all clients equally. Managers should explicitly prohibit their subordinates from getting involved in any conflict of interest situations which may bring about corruption.
 - If conflict of interest is unavoidable, the employee in question should make a declaration to both the company and the client to allow senior management to determine the appropriate course of action. Declaring the interest can help to enhance the transparency of the company and win the confidence of investors. The declaration system should apply to staff of all ranks, including directors, managers and front-line staff.
 - The wise step to take in protecting oneself against allegations of having conflict of interest is to adopt the principle of "reporting when in doubt". In other words, in the event of uncertainty as to whether any particular situation constitutes or may bring about conflict of interest, the prudent course is to make a declaration in order to show oneself to be fair and just.
 - The best practice is to avoid becoming involved in any conflict of interest situations, and to ensure that staff are removed from the temptations of corruption as far as possible so that they will not be suspected of any misconduct. If the conflict is unavoidable, consideration should be given to forbidding the staff member concerned from taking part in the decision-making process. A temporary transfer or delegation of his duties to another officer can also be considered.

➤ Practical Advice

- Issue and regularly circulate clear guidelines to employees to make clear the different situations that may warrant a declaration.
- Formulate a procedure for handling declaration.
- Design a user-friendly form of declaration for use by staff members to declare their interests.
- Appoint a staff member of an appropriate rank to handle the declarations.
- Treat every declaration promptly and carefully so as to show that management is taking the issue of declarations seriously.
- Notify the staff member of management's decision.
- Regularly review declarations made by staff to detect any irregularities.

Information System Management

Areas	Recommendations
➤ Hardware Management	<ul style="list-style-type: none"> ● Control and monitor physical access to areas housing computer resources such as workstations, servers, data storage media and other relevant equipment. ● Install measures to protect computer systems and communication networks.
➤ Technical Controls	<p>Access Controls</p> <ul style="list-style-type: none"> ● Provide clearly defined levels of access rights in accordance with the company's access control policy. ● Avoid common usage of any account; use unique logon IDs and associated passwords to verify the authenticity of each user, and for systems which require a high level of security, consideration should be given to using biometrics identification equipment for verification purposes. ● Remind staff of the need to regularly change their password and to keep it under safe custody. ● Restrict the use of sensitive functions of the systems through pre-determined terminals by authorized users only and at limited or prescribed hours. <p>Data Controls</p> <ul style="list-style-type: none"> ● Classify data into different security classes according to their risk exposure, and formulate corresponding access and retrieval rights. ● Encrypt transmissions and input of all confidential documents. Ensure that they are shredded, formatted or destroyed physically so as to completely erase all information before disposal. ● Maintain a comprehensive backup for data in order to minimize efforts in the event that it becomes necessary to rebuild the system. <p>Application Programme Controls</p> <ul style="list-style-type: none"> ● Input control: Ensure that only complete, correctly formatted and valid data are entered.

Areas	Recommendations
	<ul style="list-style-type: none"> ● Processing control: Ensure that data are processed accurately and that they correspond with the master data in the system. ● Output control: Prohibit the use of the "print screen function" if necessary, and ensure that reports generated by the system are for distribution to authorized users only. <p>Audit Trails</p> <ul style="list-style-type: none"> ● System log record: Maintain audit logs of all system access activities, operators' activities and database activities. ● Programme log record: Maintain logs of access activities and operation activities including the time, venue and particulars of the operators. ● Retain system log records for determined period to assist in future investigations and to access control monitoring. ● Prohibit any alterations to system log records which should only be accessible to high level system administrators and auditors.
<p>► Management Controls</p>	<p>Security Policy</p> <ul style="list-style-type: none"> ● Develop computer security policies and operational guidelines. ● Classify computing resources (e.g. application programmes and data, etc.) into different security classes depending on their risk exposure and degree of sensitivity, and establish corresponding security measures. ● Clearly define the duties and responsibilities of staff who have been granted access right. ● Grant access rights on practical application basis of the "need to know, need to use" principle. ● Establish a "clear-desk" policy to reduce the risks of unauthorized access to sensitive information by staff or visitors. All documents and diskettes with confidential information should be stored away under lock when not in use. ● Prohibit the use of pirated software and the processing of personal files or data on the system. <p>Personnel Security</p> <ul style="list-style-type: none"> ● Establish well defined policies and procedures on recruitment screening, job rotation and disciplinary action (including dismissals caused by breach of security regulations). ● List out any security responsibilities of staff in their job descriptions. ● Formulate procedures to immediately terminate the right of access to the computer system in relation to any employee who leaves the company on dismissal, resignation or transfer. <p>Segregation of Duties</p> <ul style="list-style-type: none"> ● Ensure data input, verification and updating are performed by different parties, where feasible, in order to minimize the opportunity for any forgery or tampering.

Areas	Recommendations
▶ Independent Review	<ul style="list-style-type: none">● Segregate the duties of authorization, system development, system operations, data management and execution of application programmes, so as to minimize any abuse of authority. <p>Education and Training</p> <ul style="list-style-type: none">● Regularly provide security education and technical training for all employees.● Circulate security reminders to all staff on a regular basis to remind them of the importance of data security.● Evaluate the effectiveness of control measures and regularly review the security of computer systems. Engage an independent and professional party in the review if so required.



Part 4

Training Tools and Materials

1. "Observing the Law" A Guide for Financial Services Practitioners
(Chinese and English versions available)

Brief Description / Objective

To provide staff posted to Mainland offices or engaged in cross-boundary business with knowledge of the anti-corruption legislation of both jurisdictions

Recommended Use

As reference material

2. "Small Clues Tell" Training Package on Managing Staff Integrity (DVD)
(Cantonese, Putonghua and English versions available)

Brief Description / Objective

To explain to middle management the importance of managing staff integrity and the relevant techniques in daily management

Recommended Use

For classroom discussions or self study on the Intranet (teaching guide available)

3. "Ethical Crossroads" Training Package for Front-line Employees in the Securities and Futures Industry (VCD)
(Cantonese and English versions available)

Brief Description / Objective

To heighten the vigilance of front-line employees in the securities and futures industry against common malpractices at work and to introduce relevant legal knowledge and techniques in handling corruption

Recommended Use

For classroom discussions or self study on the Intranet (teaching guide available)

4. "Sweet Temptations" Training Package on Ethics Management for Bank Managers (DVD)
(Cantonese version with Chinese and English subtitles available)

Brief Description / Objective

To remind managers to stay alert to the possible temptations of corruption faced by their subordinates in order to reduce the risk of corruption

Recommended Use

For classroom discussions or self-study on the Intranet. The story provides a case study for managers to discuss the skills in coaching their subordinates on how to handle the temptations of corruption (teaching guide available)

5. "Regrets" Training Package on Integrity for Financial Services Practitioners (DVD)
(Cantonese, Putonghua and English versions available)

Brief Description / Objective

To explain how to handle ethical dilemmas and the importance of reporting corruption; and to remind managers of the benefits of co-operating with law-enforcement agencies

Recommended Use

For classroom discussions or self-study on the Intranet (teaching guide available)

6. A Training Package on Ethics Management Techniques

a) "Thingummies' Stories" — Ethics Aptitude Test

(Chinese and English versions available)

Brief Description / Objective

To assist managers to gain an understanding of the aptitude of their subordinates in regard to ethics

Recommended Use

For use in classrooms to enrich training programmes

Can also consider engaging a consultant to design tailor-made ethics aptitude test for the purposes of selecting new recruits and promotions

b) "One Good Man — ICAC Investigations Diary"

(Chinese and English versions available)

Brief Description / Objective

To remind front-line employees of the need to handle "sweeteners" with caution

Recommended Use

For viewing on the Intranet or in classrooms to trigger discussion

c) "Ethical Dilemmas" Situation Comics

(Chinese and English versions available)

Brief Description / Objective

To initiate discussion on the following four themes:

● coping with offer of advantages	● identifying sweeteners
● handling procurement procedures	● dealing with conflict of interest situations

Recommended Use

For use in classrooms or publication in newsletters



Part 5

ICAC Services and Assistance

Promotion of Integrity Management

The Community Relations Department (CRD) of the ICAC is experienced in assisting individual companies to promote integrity management that caters to their specific needs.

Our services include:

- Formulating or revising corporate code of conduct and offering advice on how to effectively implement the code
- Strengthening system of control and work procedures to prevent corruption, fraud and other malpractices
- Providing thematic training courses for various levels of staff. Courses range from explaining the legislation that governs corruption and fraud in Hong Kong to providing measures to manage staff integrity and skills to handle ethical dilemmas at work

Services provided are free of charge and information provided by clients will be kept strictly confidential. Interested parties may contact any ICAC Regional Offices or the Hong Kong Ethics Development Centre (HKEDC) established under the auspices of CRD.

Consultancy Services on Corruption Prevention

The Advisory Services Group (ASG) of the Corruption Prevention Department provides free corruption prevention advice to organizations on how to tighten up areas of weaknesses. Its client has full discretion to decide whether or how to implement the recommendations that are given and this is done in strict confidence.

Telephone number: (852) 2526 6363

E-mail address: asg@cpd.icac.org.hk

Corruption Reporting and Enquiry Services

The Operations Department is the investigative arm of the ICAC. It handles corruption complaints and enquiries in strict confidence. Any party may lodge a complaint or make an enquiry with the ICAC through the following channels:

By phone: (852) 25 266 366 (24-hour service)

By mail: G.P.O. Box 1000, Hong Kong

In person: ICAC Report Centre (24-hour service)

or

Any ICAC Regional Offices

Addresses, telephone numbers and e-mail addresses of ICAC Regional Offices and the Hong Kong Ethics Development Centre

<p>Regional Office (Hong Kong West / Islands) (Central & Western District, Southern District, Islands)</p>	<p>G/F, Harbour Commercial Building, 124 Connaught Road Central, Sheung Wan, Hong Kong (852) 2543 0000 hkwx@crd.icac.org.hk</p>
<p>Regional Office (Hong Kong East) (Wan Chai, Eastern District)</p>	<p>G/F, Tung Wah Mansion, 201 Hennessy Road, Wan Chai, Hong Kong (852) 2519 6555 hke@crd.icac.org.hk</p>
<p>Regional Office (Kowloon East / Sai Kung) (Kwun Tong, Wong Tai Sin, Sai Kung)</p>	<p>Shop No. 4, G/F, Kai Tin Building, 67 Kai Tin Road, Lam Tin, Kowloon (852) 2756 3300 kesk@crd.icac.org.hk</p>
<p>Regional Office (Kowloon West) (Kowloon City, Yau Tsim Mong, Sham Shui Po)</p>	<p>G/F, Nathan Commercial Building, 434-436 Nathan Road, Yau Ma Tei, Kowloon (852) 2780 8080 kw@crd.icac.org.hk</p>
<p>Regional Office (New Territories East) (Shatin, Tai Po, North District)</p>	<p>G06-G13, G/F Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories (852) 2606 1144 nte@crd.icac.org.hk</p>
<p>Regional Office (New Territories South West) (Tsuen Wan, Kwai Tsing)</p>	<p>G/F, Foo Yue Building, 271-275 Castle Peak Road, Tsuen Wan, New Territories (852) 2493 7733 ntsw@crd.icac.org.hk</p>
<p>Regional Office (New Territories North West) (Yuen Long, Tuen Mun)</p>	<p>G/F, Fu Hing Building, 230 Castle Peak Road, Yuen Long, New Territories (852) 2459 0459 ntnw@crd.icac.org.hk</p>
<p>Hong Kong Ethics Development Centre (HKEDC)</p>	<p>1/F, Tung Wah Mansion, 199-203 Hennessy Road, Wan Chai, Hong Kong (852) 2587 9812 hkedc@crd.icac.org.hk</p>

ICAC Website

You may also visit the ICAC Website at www.icac.org.hk for the latest information or email HKEDC at hkedc@crd.icac.org.hk. For security reasons, it is not advisable to report corruption through electronic means.



Appendices

Checklist on Core Competencies for Assessing Staff Performance

- **Organizational or Job Knowledge; Professional Knowledge and Expertise**
 - Possess and apply the knowledge required to achieve organizational goals
- **Relationship with Business Associates and Clients**
 - Adopt a client-focused approach and establish an interpersonal network to gain the trust and support of clients and contractors
- **Analytical and Decision Making Skills***
 - Master information and external factors affecting the organization for analysis and decision making
- **Planning and Resource Management***
 - Improve work efficiency by adopting new ideas and implement new practices. Plan and monitor work progress so as to deploy resources effectively
- **Leadership***
 - Build up good working relationships with staff, set up departmental goals and nurture the sense of belonging of all staff
- **Staff Management***
 - Set up clear work targets and standards for staff compliance and provide adequate training to develop their potential
- **Communications**
 - Possess good spoken and written skills
 - Maintain sound rapport with people
- **Initiative**
 - Ready to take up responsibilities
 - Brace oneself for challenges/pressures and turn risks into opportunities
 - Uphold high ethical standards, devoted to one's organization under all circumstances
- **Strive for Excellence**
 - Strive for excellence through life-time learning

* Applicable to persons of management level only

"Thingummies' Stories" — Ethics Aptitude Test

The test comprises a total of 20 "Thingummies' Stories". Please tick the appropriate box to indicate if you agree or disagree on how the scenario is handled.

Scenario	Strongly agree	Agree	Neither disagree nor agree	Disagree	Strongly disagree
1. It is already very late when PETER leaves home for work. Noting the long queue at the bus stop, he knows he will probably be late for work as he has to wait for at least several buses. Therefore, when he spots a familiar neighbour at the front of the queue, he greets him and jumps the queue immediately, having no regard for the feelings of other people in the queue. As a result, he manages to get to work on time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. When SUSAN pays her mobile telephone bill at a telecommunications company, a staff member there mistakenly thinks she is eligible for the privileged plan, so he charges her 50% of the monthly fee. After having second thoughts, however, SUSAN tells the staff member that she should pay the full charges.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. MICHAEL's son has joined a model-making competition organized by his primary school. Participants are allowed to complete the models at home. In order to help his son win the competition, MICHAEL, who is adept in model making, finishes the model for his son.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Having heavy gambling debts, JENNY's brother borrows money from his family pretending that he needs cash flow for his business and asks JENNY to keep the secret for him. JENNY loathes seeing the relationship between her brother and other family members worsening, so she agrees to withhold the truth for him.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. MARY has dinner with her friends at a seafood restaurant. When settling the bill, one of her friends notices that the amount is 20% less than expected as several dishes have not been charged for. MARY tells the captain about it and pays the original price.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. STEPHEN often finds his colleagues, whether intentionally or otherwise, bringing home the company's stationery for personal use. Though his colleagues do not take it seriously, it is in fact a breach of the company's regulations, and STEPHEN decides to report it to his supervisor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Scenario	Strongly agree	Agree	Neither disagree nor agree	Disagree	Strongly disagree
7. FRED is a transportation worker. This morning when he moves the furniture for a customer, he carelessly leaves a scratch on a valuable rosewood coffee table. Pretending as if nothing has happened, FRED does not tell the customer about it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Your sister's daughter will start her primary education. Since your mother is living in a district with many prestigious schools, your sister uses your parents' address to apply for the desired school for her daughter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. During a crucial football match, RAYMOND suddenly loses his footing and falls within the other team's penalty area. The referee judges that he is tripped by a player of the other team and awards a penalty. RAYMOND realizes that they are into time added-on and that his team will advance to the next stage if only they can get one more chance with the penalty. He therefore does not tell the referee that the other team has not infringed the regulation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Uncle WING is the caretaker of a building and one of his tasks is to take charge of the property of the incorporated owners. The chairman of the incorporated owners often takes for self consumption, the spare electric light bulbs to be used for the lift lobby. He even asks Uncle WING not to put it on record. Uncle WING turns down his request.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. While surfing the Internet, NORMAN gets linked to a website offering free downloads of pop songs. He later learns that it is an illegitimate website, but he continues to use its service as he only downloads a few songs every month and will delete them after listening to them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. ANGEL accidentally comes to learn that her colleague has been "moonlighting" after office hours. As it has nothing to do with her and the colleague has been nice to her, she decides to say nothing about it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. ALFRED is the personnel manager of a company which is conducting a recruitment exercise. In a family gathering, he learns that his nephew has applied for one of the posts. In a chat, he tells his nephew about the company's selection criteria. While other candidates may not get hold of such information, ALFRED does not consider it to be a disclosure of examination questions and he is only too happy to do his nephew a favour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Scenario	Strongly agree	Agree	Neither disagree nor agree	Disagree	Strongly disagree
14. NANCY suffers from a hand injury when playing tennis with a friend. In order to get extra sick leave, she exaggerates her injuries and is eventually granted one-week paid sick leave.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Being a car salesman, WILSON's major source of income comes from commission. Two new car models have been put on sale recently and one of them is a sports car which offers a higher rate of commission. In order to earn more commission, WILSON recommends the sports car to a customer who has just obtained his driving licence and cannot manage the sports car.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. KEN is a night-shift taxi driver. Recently he has become acquainted with a customer who needs to travel a long way to get home after working late at night. On one occasion when KEN drives the frequent customer home, the latter asks for a 20% discount of the taxi fare. He further asks for the receipt with the original taxi fare printed on it so that he can claim travelling allowance from his company. In return, he promises to hire KEN for future late night trips, but KEN turns down his request.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. To celebrate a friend's birthday, JANE and her friends form a pool of money to buy a present for the friend. JANE is responsible for buying the present. The gift shop where JANE buys the present will give out a vacuum cup as a gift for every purchase of \$500 to mark its anniversary. As the vacuum cup is not of much value, she just keeps the cup to herself without telling her friends about it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. A competing company has agreed to pay EDDY a high salary on condition that he has to bring the existing company's newly developed production technique to the new company. EDDY accepts the offer immediately because he knows the new technique well, though he is not working as a researcher in the production unit. Besides, his current employment contract does not contain any regulations governing his conduct after he leaves the company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. When DANNY queues up at a bank's teller machine late one night, the man in front of him forgets to take the cash from the machine. Since it is only a few hundred dollars and the man has already gone, DANNY decides not to run up to tell him, nor does he take the money away.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Scenario	Strongly agree	Agree	Neither disagree nor agree	Disagree	Strongly disagree
<p>20. CHARLENE works with the loans department of a bank. One of her close friends applies for a loan from the bank to pay for a surgical operation. Nearing the completion of the loan processing formalities, CHARLENE discovers that the submitted documents are incomplete and that one verifying document is missing. However, based on their friendship, CHARLENE approves the loan without hesitation and asks her friend to submit the required document immediately afterwards.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Calculation of Scores

Scenario	Strongly agree	Agree	Neither disagree nor agree	Disagree	Strongly disagree
1	1	2	3	4	5
2	5	4	3	2	1
3	1	2	3	4	5
4	1	2	3	4	5
5	5	4	3	2	1
6	5	4	3	2	1
7	1	2	3	4	5
8	1	2	3	4	5
9	1	2	3	4	5
10	5	4	3	2	1
11	1	2	3	4	5
12	1	2	3	4	5
13	1	2	3	4	5
14	1	2	3	4	5
15	1	2	3	4	5
16	5	4	3	2	1
17	1	2	3	4	5
18	1	2	3	4	5
19	1	2	3	4	5
20	1	2	3	4	5

Analysis

- 81 - 100 points** You are an upright and honest person who will not give up your principles for personal benefits, nor will you drift with the tide. You can still uphold your principles even when faced with temptation. You deserve your employer's trust.
- 61 - 80 points** You are a prudent person who will not casually commit any breaches just for small advantages. However, you may sometimes turn a blind eye to irregularities, showing that you cannot always stick to your principles or follow regulations. If only you can be more cautious when making ethical judgements, you will be looked upon as an employee worthy of trust.
- 41 - 60 points** You are a person of loose principles who can never make up your mind when encountering ethical dilemmas. Being indecisive and too concerned about the perception of other people, sometimes you can only perceive the immediate consequences but fail to make proper judgement from different and long-term perspectives. Even with good intentions, you may end up with bad results. You need to learn how to make objective judgement calls and to adhere to positive values.
- 20 - 40 points** You are a person who covets small gains and is willing to do anything to obtain advantages. As a result, the negative impact of your acts on your company, friends and family are often neglected. You have to re-adjust your values by upholding fairness and honesty in order to gain the trust of your superiors and colleagues.

Checklist on Corporate Integrity Management

1. Management firmly believes that the integrity of the company is more important than any other commercial considerations.
2. When mapping out long-term development strategy, take into consideration the effects it may have on all stakeholders, including clients, employees, etc.
3. Formulate and periodically review staff code of conduct to set out the standards of behaviour expected of the employees and provide clear guidelines on how to handle ethical dilemmas at work.
4. Provide training to staff on the implementation of code of conduct.
5. Provide opportunities for staff to discuss the company's corporate integrity policy in induction, on-the-job and other training courses.
6. Provide in-depth training on corporate governance, business ethics and managing staff integrity in management development courses conducted for managers and executives.
7. Treat personal integrity as one of the major considerations in recruitment and promotion exercises.
8. Establish user-friendly channel for enquiries on corporate integrity issues and relevant legislation.
9. Establish independent channel for complaints against malpractices committed by colleagues or supervisors.
10. Any person in breach of the business ethics policy will be severely dealt with.