

番禺會所華仁小學法團校董會
The Incorporated Management Committee of Pun U Association Wah Yan Primary School

Guideline for Declaration and Disclosure of Interest in IMC Meetings

法團校董會會議中的利益申報及利益披露指引

(adopted 4/10/2018)

Introduction (介紹)

- 1 With the establishment of Incorporated Management Committee (IMC), it is important to ensure school managers have taken reasonable measures to avoid any conflict of interest and declare any pecuniary or other personal interests when necessary. Section 40BF and Section 40 BG of the Education Ordinance (Cap. 279) as well as Article 31 of the Constitution of this IMC have provisions in this aspect. The IMC is also required to keep a register of interest in accordance with Section 40BH of the Education Ordinance. (Please see Annex for reference.)

法團校董會成立後，應確保校董們已採取合理的措施避免利益衝突，並在有需要時披露任何金錢或其他個人利益。《教育條例》(香港法例第279章)第40BF條與第40條BG以及本法團校董會章程第31條，在這方面有規定。法團校董會亦須按照“教育條例”第40BH條的規定備存利益登記冊。(請參閱附件以便參考。)

Declaration of Conflict of Interest (利益衝突申報)

- 2 When planning the agenda for an IMC meeting, the IMC Chairman should make reference to the legislation/ articles listed in the Annex and discuss with the Principal to see (i) which agenda item(s) may involve potential conflict of interest and (ii) if any manager(s) should be informed that there will be a conflict of interest. If possible, the manager(s) concerned should be informed about that in advance.

法團校董會主席在計劃會議議程時，應參考在附錄中提及的條例/條款，並與校長討論(i) 哪些議程項目可能涉及潛在的利益衝突，以及(ii) 是否須要通知個別校董有關的利益衝突。如有可能，應事先告知有關校董。

- 3 When a known direct pecuniary interest exists, the IMC Chairman may withhold circulation of relevant papers to the managers concerned. Names of managers whom a paper is not distributed should be clearly marked on the relevant paper. Where a manager is in direct receipt of a paper for discussion that he/she knows presents a direct conflict of interest, he/she should immediately inform the Secretary and return the paper. The Secretary should acknowledge receipt of the document with a note of thanks, and should record this in the minutes of the IMC meeting.

如已預知有存在的直接金錢利益，法團管校董會主席可避免向有關校董分發相關文件，而該校董的姓名應清楚標註在相關文件中。如校董收到存在直接利益衝突的討論文件，應立即通知秘書並歸還該文件。秘書收到文件時，應確認收妥及表謝意，並記錄在會議紀錄中。

- 4 Include an agenda item on "Declaration of Conflict of Interest" in each IMC meeting.

在每次法團校董會會議上列入關於「利益衝突申報」的議程項目。

- 4.1 In the first IMC meeting every year, every manager is reminded to declare conflict of interest in accordance with S40BF using the standard declaration form accompanied by a list of companies with which the school is having business. If any managers are absent in the first meeting, the Secretary of the IMC should follow up by sending them the declaration form and list of companies by mail with a stamped return envelope to ensure that the declaration is made as soon as possible.

在每年的第一次校董會會議上，每位校董應按S40BF填寫附有與學校有業務往來的公司名單的利益衝突申報表格，作出申報。如有校董缺席第一次會議，秘書應把有關表格和公司名單郵寄予有關校董，並附上回郵信封，以便校董盡快作出聲明。

- 4.2 In the subsequent meetings, managers should be reminded to go through all the agenda items and make declaration of conflict of interest as needed. Chairman of the IMC may remind the members again when starting specific items where there may be potential conflict of interest.

在其後會議中，應提醒校董詳細閱覽議程，並按需要作出利益衝突申報。主席亦可在進入存在潛在利益衝突的議程項目前再作提示。

- 4.3 The IMC can decide what constitutes a personal and pecuniary interest requiring withdrawal from meetings, and the decision with justification should be by a simple majority of the Managers attending the meeting, before the relevant item of the agenda is to be considered (i.e., discussed, deliberated or decided).

在進入(即討論，審議或決定)有關議程項目前，法團校董會可透過出席校董簡單大多數作出具合適理據的議決，決定什麼是構成應要求校董避席的個人和金錢利益。

Justification to exclude a Manager from the IMC Meeting (校董退席法團校董會會議的理據)

- 5 When deciding whether a Manager should be excluded from a meeting, the IMC may make reference to:

在決定校董是否須要避席會議時，法團校董會可參考：

- 5.1 the provision given in S40BG of the Education Ordinance and Article 31 of the IMC Constitution;

《教育條例》第S40BG條及法團校董會章程第34條的條文；

- 5.2 whether a school manager's private interests interfere with the proper discharge of his/her duties in the school. Managers should put the interests of students before all other interests in the course of carrying out their duties. Conflict of interest may arise in cases where they exercise authority, influence decisions and actions, or gain access to confidential information, e.g., in the following cases, which are by no means exhaustive:

- admission of students;
- staff appointment and promotion;
- complaints and disciplinary actions against staff and students;
- selection of textbooks, sale of exercise books and other school accessories;
- supply of school uniforms;
- provision of school bus service;

- approval of tuck shop operations;
- provision of catering service e.g. lunch boxes;
- purchase of furniture and equipment e.g. award of tenders;

個別校董的私人利益是否妨礙其在學校正確地履行其職責。校董們在履行職責時，應把學生的利益凌駕所有利益之上。如在下列情況舉隅中，校董們行使權力影響決策和行動，或獲得機密資料，則可能會產生利益衝突：

- 錄取學生；
- 教職員的聘任及晉升；
- 教職員及學生遭投訴及紀律處分；
- 甄選課本、售賣習作簿及其他教育用品；
- 校服供應；
- 校車服務；
- 食物部的批准經營；
- 提供膳食服務(例如午餐飯盒)；
- 購置買家具和設備(例如批出標書)；

5.3 whether the Manager as a staff member of the school will have his/her loyalty to the school conflicts with his/her own financial or personal interests or those of his/her:-

- family and other relations;
- personal friends;
- any person to whom he/she owes a favour or is obligated in any way; and

當校董為學校員工時，其對學校的忠誠，會否因以下情況而引起利益衝突：其自身的財務或個人利益，或其

- 家庭和親屬的利益；
- 私人朋友的利益；或
- 因人情或義務而需作出承擔的任何人士的利益；和

5.4 any other justification considered by the IMC as reasonable within the judiciary system.

法團校董會在司法制度內認為合理的任何其他理由。

Actions to be taken when a Manager has made Disclosure of Interest (校董作出利益披露後應採取的措施)

6 After a manager has disclosed the nature of any interest in a matter, the manager shall generally not –

當校董就某事件作出任何性質的利益披露後，一般不得—

6.1 be present during any deliberation of the committee with respect to the matter; or
在校董會就此事進行審議期間在場；或

6.2 take part in any deliberation or decision of the committee with respect to the matter.
參與校董會就此事進行的任何審議或決定。

The Chairman should ask generally the manager concerned to leave the meeting.

主席一般應要求有關的校董避席。

- 7 The Chairman should ensure that the quorum is met for the meeting to continue upon the exclusion of the manager(s) upon disclosure of interest.

在披露利益的校董避席後，主席應確保會議有足夠的法定人數繼續舉行。

- 8 In the absence of the manager who has disclosed any conflict of interest, the IMC may deliberate and determine whether that manager could be present to discuss and/or to take part in the decision on the matter concerned. In any event, the IMC may call upon such a manager to give factual evidence.

在已披露利益的校董缺席下，法團校董會可以審議並決定該校董是否可以出席會議作出討論及/或參與有關事項的決定。無論如何，法團校董會亦可要求該校董出席提供事實證據。

- 9 The Chairman should inform the manager concerned the determination made by the IMC.

主席應通知有關校董法團校董會的決定。

Register of Conflict of Interest (利益衝突登記冊)

- 10 The IMC shall maintain and update from time to time a register or record of any declaration and disclosure of interests made by all Managers.

法團校董會須保留及不時更新所有校董作出任何利益申報及利益披露的登記冊或記錄。

- 10.1 The Declaration Forms collected in accordance with S40BF of the Education Ordinance should be filed in a register.

根據《教育條例》第40BF條收集的申報表應存放於登記冊內。

- 10.2 The disclosure of any pecuniary or other personal interest by managers in a meeting shall be recorded in the minutes of the meeting concerned with the names of the managers clearly stated.

校董在會議上披露任何金錢或其他個人利益，應記錄在會議紀錄中，並與明確列出有關校董的姓名。

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