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| Sample Code of Conduct for Managers and Staff for Kindergartens  Foreword   1. This Code is applicable to all Managers[[1]](#footnote-1) (including Supervisor) and staff (including Principal, full-time, part-time and temporary staff) of [*Name of Kindergarten*] (hereafter referred to as “the Kindergarten”).   *[Kindergarten is recommended to include the “tone at the top”, e.g. the management’s commitment to being honest and ethical, in its Code of Conduct and relevant documents, e.g. Staff Handbook.]* |
| Core Values   1. The Kindergarten is fully committed to the following principles -  * integrity and honesty; * fairness and impartiality.   *[Kindergarten may wish to include other core values relevant to its duties and business.]*   1. A Manager or staff member should act in the best interest of the Kindergarten, place the Kindergarten’s interest above private interest when carrying out his[[2]](#footnote-2) official duties and ensure that his conduct would not bring the Kindergarten into disrepute. |
| Prevention of Bribery   1. Managers and staff are agents of the Kindergarten and governed by section 9 of the Prevention of Bribery Ordinance (POBO). Under the POBO, any Manager or staff who, without the permission of the School Management Committee of the Kindergarten, solicits or accepts an advantage as a reward for or inducement to doing any act or showing favour in relation to the Kindergarten’s business, commits an offence. The person offering the advantage also commits an offence. 2. “Advantage” means almost anything which is of value, except entertainment (see paragraph 11 below), including any gift (both in money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour. |
| Solicitation and Acceptance of Advantages   1. The Kindergarten prohibits Managers and staff from soliciting or accepting any advantage from any persons or companies having official dealings with the Kindergarten (e.g. parents, suppliers, service providers), and (for Managers) from staff to whom the School Management Committee may have an influence, and (for staff) from any subordinates. However, Managers and staff may accept, but not solicit, the following advantages when offered on a voluntary basis - 2. advertising or promotional gifts or souvenirs of a nominal value; 3. discount or other special offers given by any person or company to them as customers, on terms and conditions equally applicable to other customers in general.   Managers and staff are permitted to solicit or accept from a relation (e.g. spouse, parent, child) any advantage. This, however, does not relieve the Managers and staff from observing the POBO (see paragraph 4 above) and the requirements on avoidance and declaration of conflict of interest (see paragraphs 14 – 18 below). |
| 1. If a Manager or staff member wishes to accept from the above persons/parties any other advantages not listed in paragraph 6, he should seek permission from the approving authority using **Form A(*Annex 1*)**. In case of doubt, the Manager or staff should refer the matter to the School Management Committee, the Supervisor or the Principal for advice and instruction.   [*Kindergarten may wish to issue a notice/letter to inform parents, suppliers or service providers of its policy on acceptance of advantages imposed on the Managers/staff. Sample notice and sample letter are at* ***Annexes 2*** *and* ***3*** *respectively.*]   1. Even if the offeror does not have any official dealings with the Kindergarten, a Manager or staff member should decline an offer of an advantage if the acceptance could affect his objectivity in conducting the Kindergarten’s business, induce him to act against the Kindergarten’s interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. |
| ***Advantages Offered to Managers and Staff in their Official Capacity***   1. An advantage presented to a Manager or staff member by virtue of his official position or on an occasion attended in the official capacity of the Manager or staff (e.g. a souvenir presented by the organiser of a ceremonial occasion to a staff member representing the Kindergarten to officiate at the ceremony) is regarded as an advantage to the Kindergarten. 2. Managers or staff should as far as possible decline such gifts. Where this cannot be done (e.g. owing to protocol reasons or the need to avoid causing offence or embarrassment), he should report the receipt of the gift or souvenir and seek direction on its disposal from the approving authority using **Form A** **(*Annex 1*)**. |
| Acceptance of Entertainment   1. Managers and staff should not accept lavish, or unreasonably generous or frequent entertainment (“entertainment” means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with or provided at the same time as the provision of food or drink), or indeed any entertainment which is likely to give rise to any actual or perceived conflict of interest, put the Managers or staff in an obligatory position in the discharge of their duties, compromise their impartiality or judgement, or bring them or the Kindergarten into disrepute bearing in mind public perception. When offered entertainment, a Manager or staff member should consider whether the entertainment offered could be regarded as -    * excessive – taking into account its value, substance, frequency and nature;    * inappropriate – taking into account the relationship between the Manager/staff member and the offeror (e.g. whether they have any direct official dealings); or    * undesirable – taking into account the character or reputation of the host or known attendees.   *[The Kindergarten may insert additional guidelines/requirements on acceptance of entertainment such as requirements to seek permission for or record any acceptance of entertainment from persons having official dealing with the Kindergarten.]* |
| Offering of Advantages   1. Managers and staff are prohibited from offering advantages to any person or any organisation, for the purpose of influencing such person or organisation in any dealings, or any public official[[3]](#footnote-3) while having business dealing with his employing organisation, whether directly or indirectly through a third party, when conducting the business of the Kindergarten. 2. Managers and staff should as far as possible refrain from bestowing gifts/souvenirs to others during the conduct of official activities. Where it is necessary or unavoidable due to operational, protocol or other reasons, the gifts/souvenirs to be bestowed should not be lavish or extravagant, and be kept to a minimum in quantity and the exchange of gifts/souvenirs should be made from organisation to organisation. |
| Managing Conflict of Interest   1. A conflict of interest situation arises when the “private interests” of a Manager or staff member compete or conflict with the interests of the Kindergarten or the official duties of the Manager or staff member. Private interests include financial and other interests of the Manager or staff member himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, and any person to whom he owes a favour or to whom he may be obligated in any way. Some common examples of conflict of interest are described at ***Annex 4***. |
| ***Avoidance and Declaration of Conflict of Interest***   1. A fundamental rule is that all Managers and staff should, as far as possible, avoid any actual and perceived conflict of interest from arising in the first place. When a situation of conflict of interest cannot be avoided, Managers and staff should as soon as possible declare all relevant interests which conflict, may conflict or be seen to conflict with their official duties by using **Form B** (***Annex 5)*** and **Form C (*Annex 6*)** respectively. In case of doubt, they should consult the School Management Committee, the Supervisor or the Principal, as appropriate. 2. All Managers and staff should be vigilant and make their best effort at all times to avoid or declare, as appropriate, any conflict that may arise or has arisen. Failure to take the necessary steps to avoid or declare a conflict of interest situation may constitute misconduct. |
| ***Managing Declared Conflict of Interest***   1. Upon receipt of a report on conflict of interest situation, the approving authority should, as soon as practicable, decide on the appropriate course of action to be taken such as to relieve the Manager or staff member of his involvement in the task, and give clear direction/instruction to the Manager or staff concerned. The declaration and the management decision/action should be properly recorded. The School Management Committee, Supervisor or Principal should ensure the compliance by the Manager or staff concerned with the instruction so as to effectively remove/mitigate the conflict of interest. 2. In deciding the course of action to be taken, the approving authority should take into account the seriousness of the conflict, the public interest involved and public perception, etc. Mitigating measures for consideration are at ***Annex 7***. |
| Misuse of Official Position   1. Managers and staff should carry out their duties fairly, faithfully and impartially, and not misuse or permit others to misuse their official position for their personal cause, interest or gain, or to favour, benefit or disfavour others. |
| Confidentiality of Information   1. Managers and staff should not disclose any classified or proprietary information of the Kindergarten without authorisation or misuse any the Kindergarten’s information (e.g. using the information for personal gain or the benefit of others). Managers and staff who have access to or in control of such information should ensure its security and prevent any abuse, unauthorised disclosure or misuse of the information. Managers and staff should continue to observe their duty of confidentiality after they have left the Kindergarten. |
| Use of the Kindergarten’s Assets and Resources   1. Managers and staff in charge of or having access to any assets of the Kindergarten, including funds, property, information, and intellectual property, should use them solely for the purpose of conducting the Kindergarten’s business or authorised purposes. Any misappropriation or unauthorised use of the Kindergarten’s properties for personal use or personal gain is strictly prohibited. |
| Managing Relationship with Parents   1. Managers and staff should foster and maintain a courteous, collaborative and arms-length working relationship with parents to further the education, care and development of students.   Management of Voluntary Services by Parents   1. The Kindergarten encourages parents to provide voluntary services to help organise and assist in kindergarten activities for the benefit of students. While appreciating parents’ enthusiasm in their care for students, staff should impress on parents that their voluntary services are enlisted out of their free will and passion for serving the students and should in no way be perceived or taken that the Kindergarten would reciprocate with preferential treatment to their children or it would constitute an edge for their children over other students in any aspects. There should not be pressure created for parents to feel obligated to provide voluntary service to the Kindergarten. |
| Compliance   1. It is the responsibility of every Manager and staff member of the Kindergarten to understand and comply with this Code, whether performing duties of the Kindergarten in or outside Hong Kong. Managers and supervisors should also ensure that the staff members under their supervision understand well and comply with this Code. 2. Any Manager or staff member in breach of this Code will be subject to disciplinary action, including termination of appointment. In case of suspected corruption or other criminal offences, a report will be made to the appropriate law enforcement agencies.   Enquiry   1. Any enquiries, comments or suggestions in relation to this Code may be referred to the School Management Committee, Supervisor or Principal. |

***Annex 1 - Form A***

**SAMPLE REPORT ON GIFTS RECEIVED IN OFFICIAL CAPACITY**

*[The Kindergarten may consider specifying the timeframe for reporting acceptance of gifts (e.g. within [please specify an appropriate duration according to actual situation] working days after such acceptance).]*

**Part A** – **To be completed by recipient**

To: (School Management Committee (*generally applicable to Managers/Supervisor/Principal*) or Supervisor/Principal (*generally applicable to staff*)\*)

|  |  |
| --- | --- |
| Description of Offeror  Name & Title :  Company :  Relationship (Business/Personal) : | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Occasion on which the Gift  was/is to be Received : |  |
| Description & (Assessed) Value of the Gift : |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Suggested Method of Disposal :** | | | **Remark** |
| ( ) | To be Retained by the Recipient | |  |
| ( ) | To be Retained for Use/Display in the Kindergarten | |  |
| ( ) | To be Shared among Staff and Students | |  |
| ( ) | To be Reserved as Lucky Draw Prize at Kindergarten/Staff Functions | |  |
| ( ) | To be Donated to a Charitable Organisation | |  |
| ( ) | To be Returned to the Offeror | |  |
| ( ) | Others (please specify) : |  | |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Recipient :

Date :

**Part B – To be completed by School Management Committee/Supervisor/Principal**\*

To : (Name of Recipient)

The recommended method of disposal is ***approved / not approved***\*.

The gift concerned should be disposed of by way of : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

(Chairperson (or the Manager authorised by the School

Management Committee)/Supervisor/Principal\*)

Date :

\* Please delete as appropriate

**Guidelines for Handling Gifts/Souvenirs**

**Given to Managers and Staff in their Official Capacity**

All gifts/souvenirs received by Managers (including Supervisor) and staff (including Principal) in their official capacity should be forwarded to the School Management Committee (for Managers/Supervisor/Principal) or Supervisor/Principal (for staff) for disposal in the following manner -

1. If the gift/souvenir is of perishable nature (e.g. food, drink), it may be shared among staff.
2. If the gift/souvenir is a useful item (e.g. stationery, office items), it may be retained for use by the Kindergarten.
3. If the gift/souvenir is suitable for display (e.g. a painting, vase, trophy), it may be displayed at appropriate locations of the Kindergarten.
4. If the gift/souvenir is of low value, it may be donated as a prize in functions organised by the Kindergarten.
5. If the gift/souvenir is a personal item of low value, such as a plaque or pen inscribed with the name of the recipient presented on special occasions (e.g. staff retirement, graduation), it may be retained by the recipient.
6. Any gift/souvenir of high value should be returned to the offeror.

***Annex 2***

**Sample Notice to Parents regarding   
Policy on Acceptance of Advantages by Kindergarten Managers/Staff**

(Date)

Dear Parents,

**Policy on Acceptance of Advantages by Kindergarten Managers/Staff**

I am pleased to inform you that our Kindergarten has a policy on the solicitation and acceptance of advantages (including gifts, souvenirs, “lai sees”) by Managers/staff in their official dealings.

To uphold the integrity of our Managers/staff and to set a good example to our students, it is our policy that no Managers/staff in our Kindergarten should solicit or accept gifts, money or any other form of advantages in the course of their duties; otherwise he may risk contravening the Prevention of Bribery Ordinance; the offeror may also risk the same.

Although we understand that parents’ offers are usually a gesture of goodwill and customs, the acceptance of which, however, may turn it into a common practice among parents who feel obligated to do so. This may in turn cause speculations by outsiders, and bring disrepute or embarrassment to the Kindergarten, our Managers/staff as well as the parents. To avoid unnecessary allegations or disrepute to the Kindergarten, may I therefore appeal to your support for our commitment to managing our Kindergarten in a fair and just manner by not offering any advantage to our Managers/staff. Should any member of our Managers/staff approach you for an advantage, please let me know immediately.

Thank you for your cooperation.

Yours sincerely,

School Management Committee/Principal

***Annex 3***

**Sample Letter to Suppliers/Service Providers regarding**

**Policy on Acceptance of Advantages by Kindergarten Managers/Staff**

(Date)

Dear Sir/Madam,

**Policy on Acceptance of Advantages by Kindergarten Managers/Staff**

I am pleased to inform you that our Kindergarten has a clear policy on the solicitation and acceptance of advantages (including gifts, souvenirs, “lai sees”) by Managers/staff in their official dealings.

We are fully committed to maintain a team of clean and honest Kindergarten Managers/staff at all times. Therefore, it is our policy that no Managers/staff should solicit or accept gifts, money or any other form of advantages in their course of duty; otherwise he may risk contravening the Prevention of Bribery Ordinance; the offeror may also risk the same.

All our Managers/staff must observe this policy and are fully aware that any breach of the policy will result in disciplinary action. Where the situation warrants, the case will even be reported to the Independent Commission Against Corruption for further action.

We earnestly appeal for your support to our commitment of managing our Kindergarten in a fair and just way by not offering any advantage to our Managers/staff. Should any member of our Managers/staff approach you for an advantage, please let me know immediately.

Thank you for your cooperation.

Yours sincerely,

School Management Committee/Principal

##### *Annex 4*

##### Examples of Conflict of Interest

Some common examples of conflict of interest are described below but they are by no means exhaustive -

***Procurement***

1. A Manager/staff member, or his spouse, relative or personal friend has financial interest in a company which is a bidder in a quotation/tender exercise under consideration by the Kindergarten.
2. A staff member accepts frequent or lavish entertainment from the Kindergarten’s suppliers or service providers.
3. A staff member undertakes part-time work with a service provider whom he is responsible for monitoring.

***Staff Recruitment***

1. A Manager appoints his relative or friend to take up a post in the Kindergarten without following the established recruitment procedures.
2. A Manager/staff member interviews and recruits his relative or friend applying for a job in the Kindergarten.

***Student Admissions/Assessment***

1. A Manager requests the Principal to directly admit his niece as a student without following the established admission procedures.
2. A staff member interviews and recommends admission of a student who is his child or the child of his close personal friend/relative.
3. A Manager/staff member intends to influence the performance assessment of an applicant who is his child or the child of his close personal friend/relative.

***Confidentiality of Information***

1. A staff member leaks privileged information relating to the Kindergarten’s operations (e.g. questions set for admission assessment, bidding price of a works contract) to favour his friends or relatives.

***Others***

1. A Manager/staff member enters into business relationship with students’ parents.
2. A Manager/staff member leases or sells his property to the Kindergarten.

[*The Kindergarten may include other conflict of interest examples.*]

***Annex 5 - Form B***

**Sample Form for Declaration of Conflict of Interest by Managers**

**Part A** – **Declaration** *(To be completed by Declaring Manager)*

To : School Management Committee

I would like to report the following existing/potential\* conflict of interest situation in relation to the discussion item -

|  |
| --- |
| **(i) Matter to be discussed by the School Management Committee** |
|  |
|  |
| **(ii) Brief description of my connection with the matter in (i) above (e.g. directorship in a company which is connected with the matter)** |
|  |
|  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Declaring Manager :

Date :

**Part B** – **Approval** *(To be completed by School Management Committee)*

To : (Declaring Manager)

1. The information contained in your declaration of (Date) is noted. It has been decided that -

❑ You may continue to speak and vote on the matter as described in Part A, provided that there is no change in the information declared above.

❑ You may continue to speak but should not vote on the matter as described in Part A, provided that there is no change in the information declared above.

❑ You may remain in the meeting as an observer (but not to speak or vote) on the matter as described in Part A, provided that there is no change in the information declared above.

❑ You should withdraw from the meeting when the matter is being discussed and immediately return any documents regarding the matter sent to you earlier.

❑ Others (please specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(b) The justification(s) for the measure(s) as described in Part B(a) above is/are:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

(Chairperson (or the Manager authorised by

the School Management Committee\*))

Date :

\* *Please delete as appropriate.*

***Annex 6 - Form C***

**Sample Form for Declaration of Conflict of Interest by Staff**

**Part A** – **Declaration** *(To be completed by Declaring Principal/Staff Member\*)*

To : (School Management Committee/Supervisor/Principal\*)

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

|  |
| --- |
| **Person(s)/organisation(s) with whom/which I have official dealings** |
|  |
| **My relationship with the person(s)/organisation(s) (e.g. relative)** |
|  |
| **Relationship of the person(s)/organisation(s) with our Kindergarten (e.g. supplier)** |
|  |
| **Brief description of my duties which involved the person(s)/organisation(s)**  **(e.g. handling of bid/tender price or quotation/tender exercise, processing applications of student admission)** |
|  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Declaring Principal/Staff Member\* :

Date :

**Part B** – **Approval** *(To be completed by School Management Committee/ Supervisor/Principal\*)*

To : (Declaring Principal/Staff Member\*)

1. The information contained in your declaration of (Date) is noted. It has been decided that:

❑ You may continue to handle the work as described in Part A, provided that there is no change in the information declared above, and you must uphold the Kindergarten’s interest without being influenced by your private interest.

❑ You should refrain from performing or getting involved in performing the work as described in Part A which may give rise to a conflict (e.g. prohibiting from handling the specific duty that you have conflict, withdrawing from discussion on a specific issue/case).

* You may continue to handle the work as described in Part A, but an independent staff member would be recruited to participate in, oversee or review part or all of the decision-making process (e.g. another staff member with the required expertise is tasked to provide objective assessment on the matter).
* You are relieved of your duty as described in Part A, which will be taken up by another staff member through redeployment.

❑ Others (please specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(b) The justification(s) for the measure(s) as described in Part B(a) above is/are:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

(Chairperson (or the Manager authorised by the School

Management Committee)/Supervisor/Principal\*)

Date:

*\* Please delete as appropriate.*

***Annex 7***

##### Mitigating Measures for Managing Declared Conflict of Interest

1. **Record** – Where the risk in a conflict of interest situation is indirect, remote or insignificant, and the occurrence of such a situation is infrequent, it may be sufficient to take note of the conflict only.
2. **Restrict** – Where a conflict is not likely to arise frequently and the Manager/staff member can be effectively separated from the part of activity or process in which the conflict arises, it may be suitable to restrict the Manager/staff member’s involvement in the task in which he has a conflict (e.g. withdrawing from discussion on a specific issue, abstaining from voting on the decisions) and access to the related information.
3. **Recruit** – Where it is impractical to restrict a Manager/staff member’s involvement, an independent Manager/staff member/expert may be recruited to participate in, oversee, or review part or all of the decision-making process if appropriate (e.g. engaging expert in the selection of highly specialised items).
4. **Redeploy** – Where it is inappropriate to allow the Manager/staff member who has declared a conflict of interest to handle a specific matter, it may be suitable to relieve of the Manager/staff member’s duty which may then be taken up by another Manager/staff member through redeployment. For serious conflict of interest cases with a high likelihood of relapse, it may be suitable to post out the Manager/staff member to avoid negative public perception.
5. **Relinquish** – Where a Manager/staff member’s commitment to the public duty outweighs his attachment to his private interest, and adoption of other mitigating measures is not appropriate or possible, he may be asked to relinquish his personal or private interests (e.g. divesting the investments, ceasing to be a member of a club/association).

1. “Managers” (校董) are persons who are registered as Managers of the kindergarten under the Education Ordinance. Members of the School Management Committee of the Kindergarten are Managers. [↑](#footnote-ref-1)
2. A reference to the masculine gender in this Code covers both the feminine and masculine gender. [↑](#footnote-ref-2)
3. Examples of public officials include officers of the Education Bureau, Social Welfare Department and Equal Opportunities Commission. [↑](#footnote-ref-3)