

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Issue Date	nn/nn/2018
		Review Date	
		Approved by	
		Page	1 of 18

# Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists

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[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	3 of 18

## Contents

	<b>Page No.</b>
1. Objective	4
2. Scope and Definition	4
3. Core values	4
4. Prevention of bribery	4
5. Solicitation and acceptance of advantages	
6. Advantages offered to members in their official capacity in HKICP	6
7. Sponsorship for attending events offered to members in their official capacity	7
8. Acceptance of entertainment	7
9. Offering of advantages	8
10. Records, account and other documents	9
11. Managing conflict of interest	9
12. Use of confidential or privileged information	10
13. Members' business dealings with HKICP	10
14. Misuse of official position	11
15. Indebtedness	11
16. Compliance with the code	11
17. Review	12
18. Enquiry	12
19. Attachments	
19.1 Appendix 1: Extracts from the Prevention of Bribery Ordinance (Cap. 201)	13
19.2 Appendix 2: Record of Advantages Received for Handling by HKICP	17
19.3 Appendix 3: Declaration of Conflict of Interest	18

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	4 of 18

**(Distribution list: This Policy shall be read by all staff and members of HKICP, Professional Council and its committees, and the general public.)**

## 1. Objective

This Code sets out the basic standard of conduct to guide the decisions and procedures of the Hong Kong Institute of Clinical Psychologists (HKICP), and to provide the personnel of HKICP with clear and helpful parameters to guide their behavior when carrying out their official duties.

## 2. Scope and Definition

- 2.1 This Code applies to all personnel of HKICP including the Board of Directors, employees, staff, members of the Professional Council and its Committees (and sub-committees, if any).
- 2.2 In this Code, the term “member(s)” refers to all personnel of HKICP.

## 3. Core values

- 3.1 HKICP is fully committed to the following principles in the delivery of services to the public:
  - 3.1.1 Honesty and integrity,
  - 3.1.2 Objectivity and impartiality,
  - 3.1.3 Accountability for decisions and actions, and
  - 3.1.4 Dedication, professionalism and diligence.
- 3.2 Members should uphold the above core values. They should always act in the best interest of HKICP, place public interest above private interest and ensure that their conducts do not bring HKICP into disrepute.

## 4. Prevention of bribery

- 4.1 All members are bound by Section 4 of the Prevention of Bribery Ordinance (POBO) (Cap. 201).

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited	Document No.	HKICP-ECI-PO-002-R0
	香港臨床心理學家公會有限公司	Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	5 of 18

- 4.2 All members shall be regarded as agent in accordance with Section 2 of POBO.
- 4.3 The Board of Directors (The Board) of HKICP shall be regarded as principal in accordance with Section 2 of POBO.
- 4.4 The POBO seeks, among other things, to enforce against any abuse of entrusted power or official position by public servants through the solicitation or acceptance of a bribe or an advantage. All members should thoroughly understand the legal requirements.
- 4.5 “Advantage” is defined in Section 2(1) of the POBO to mean almost anything, which is of value, except entertainment, which will be covered under a separate heading below. Common examples of advantages include any gift (both of money and in kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc.
- 4.6 All members shall understand that they may have committed an offence under POBO irrespective of whether they, or any other persons acting on their behalf, directly or indirectly solicit or accept any advantage, and whether for themselves or for any other persons.

## 5. Solicitation and acceptance of advantages

- 5.1 HKICP prohibits its personnel from soliciting or accepting any advantage from any persons or companies having official dealings with HKICP (e.g. service recipients, suppliers, contractors).
- 5.2 Even if the offeror does not have any official dealings with HKICP, a member shall decline an offer of an advantage if the acceptance could affect his/her objectivity in conducting HKICP’s business, induce him/her to act against HKICP’s interest or place him/her under an improper obligation, or where s/he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest.
- 5.3 Members shall consider the public perception when accepting an offer of advantage and ensure that the solicitation or acceptance of any advantages can stand up to public scrutiny and will not bring HKICP into disrepute.
- 5.4 When a member is in doubt, s/he shall write to the Board for prior approval of accepting advantage, which is defined in Section 2 of POBO. The Board shall inform the enquiring member in writing whether the approval is given. The Board shall also inform the Professional Council of HKICP of the Board’s decision.

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	6 of 18

## 6. Advantages offered to members in their official capacity in HKICP

6.1 An advantage (e.g. gift, souvenir) presented to a member by virtue of his/her official position or on an occasion attended in the member's official capacity is regarded as an advantage to HKICP (e.g. a souvenir presented by the organizer of a ceremonial occasion to a member representing HKICP to officiate at the ceremony).

6.2 Members shall as far as possible decline to accept advantages offered/presented to them by virtue of their official position. Where this cannot be done (e.g. owing to protocol reasons or the need to avoid causing offence or embarrassment, such as where a gift is offered/presented to a member when attending a ceremonial occasion in his official capacity), s/he should follow the following guidelines in handling the gifts/souvenirs received:

6.2.1 Contribution to HKICP's corporate inventory for the following item(s):

6.2.1.1 With cash prizes (e.g. red packets, cash coupons), or

6.2.1.2 With estimated value over HK\$500.

Members can fill in the forms of Record of Advantages Received for Handling by HKICP (as shown in Appendix 2) and Declaration of Conflict of Interest (as shown in Appendix 3), and submit the completed forms together with the gifts/souvenirs to the Professional Council via the Secretariat of HKICP. HKICP shall return such item(s) to the giving companies/organizations/persons if the item(s) are excessive in value.

6.2.2 Personal retention with no declaration required for the following item(s) with estimated value up to HK\$500:

6.2.2.1 Inscribed with the names of companies and/or recipients, the names of the functions, the names and/or logos of organizers, or

6.2.2.2 Given to most, if not all participants on a "most-favoured nation" treatment in functions.

If in doubt, members are advised to act on the side of caution to donate the advantages to corporate inventory for further handling.

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	7 of 18

## 7. Sponsorship for attending events offered to members in their official capacity

- 7.1 Members may be offered sponsorship in their official capacity by persons/organizations other than HKICP itself for official purposes such as attending local/overseas conferences, conventions and product trial activities. Such sponsorship should be regarded as sponsorship offered to HKICP and referred to the Professional Council Secretary for consideration of acceptance.
- 7.2 Members shall consider whether it is appropriate for them to accept the offer. When considering whether or not to accept the sponsorship offer, the following general criteria are relevant:
- 7.2.1 Acceptance of the sponsorship will benefit HKICP as a whole;
- 7.2.2 Acceptance of the sponsorship will not bring HKICP into any disrepute;
- 7.2.3 The sponsorship is not excessive in value or frequency;
- 7.2.4 Acceptance of the sponsorship will not give rise to any expressed or implied obligation towards the giving companies/organizations/persons;
- 7.2.5 To an average person, acceptance of the sponsorship will not give rise to any actual or perceived conflict of interest (e.g. the offeror is a supplier/contractor bidding for HKICP's contracts); and
- 7.2.6 The sponsorship shall not be given or be perceived to derive an unfair advantage over other persons or organizations.
- 7.3 If any speaker fees or monetary rewards are offered to members for delivery of speech or training session in their official capacity, members shall inform the Professional Council of HKICP and contribute the speaker fees or monetary rewards to HKICP.

## 8. Acceptance of entertainment

- 8.1 Section 2 of the POBO defines "entertainment" as 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 (e.g. the provision of stage performance at the same time as the meal is served).

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	8 of 18

8.2 Although entertainment when offered by way of a favour is not an advantage per se and its acceptance is generally not subject to the POBO, a free entertainment may, in certain circumstances, amount to “a discharge of an obligation to pay” which is an advantage under Section 2 of the POBO. For example, where a public servant visits a restaurant with which he has official dealings and at the end of the meal the restaurant owner waives the bill, this may amount to an acceptance of an advantage.

8.3 Members shall not accept lavish, or unreasonably generous or frequent entertainment, or indeed any entertainment which is likely to give rise to any potential or real conflict of interest, put the members in an obligatory position in the discharge of their duties, compromise their impartiality or judgement, or bring them or HKICP into disrepute bearing in mind public perception. When offered entertainment, a member should consider whether the entertainment offered could be regarded as:

- 8.3.1 Excessive – taking into account its value, substance, frequency and nature;
- 8.3.2 Inappropriate – taking into account the relationship between the member and the offeror (e.g. whether they have any direct official dealings); or
- 8.3.3 Undesirable – taking into account the character or reputation of the host or known attendees.

## 9. Offering of advantages

9.1 Members are prohibited from offering advantages to any director, or staff of any organization, for the purpose of influencing such person or organization in any dealings, or any public official, whether directly or indirectly through a third party, when conducting the business of HKICP. It is also an offence under the POBO for any person while having dealings with a public body to offer an advantage to the public body’s members and employees.

9.2 Members shall 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 number of gifts/souvenirs to be bestowed should be kept to a minimum and the exchange of gifts/souvenirs should be made from organization to organization. Gift/souvenir items should not be lavish or extravagant and standard souvenirs inscribed with HKICP’s logo are preferred.



[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	9 of 18

## 10. Records, account and other documents

- 10.1 Members should ensure, to the best of their knowledge, that any record, receipt, account or other documents they submit to HKICP, gives a true representation of the events or transactions reported in the documents.
- 10.2 Intentional use of documents containing false information to deceive or mislead HKICP, regardless of whether the Members may obtain any gain or advantage, may constitute an offence under the POBO (Appendix 1).

## 11. Managing conflict of interest

- 11.1 Managing conflict of interest is important to good governance and maintaining trust in HKICP. A conflict of interest situation arises when the “private interests” of a member compete or conflict with the interests of HKICP or the member’s official duties. Private interests include financial and other interests of the member him/herself, and those of his/her connections including family and other relations, personal friends, the clubs and societies to which s/he belongs, and any person to whom s/he owes a favour or to whom s/he may be obligated in any way. Use of official position, use of official information, private investment and outside employment are some common areas in which a conflict of interest may arise between a member’s official duties and private interests.
- 11.2 A fundamental integrity requirement is that all members should avoid situations, which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest.
- 11.3 When a situation involving a conflict of interest cannot be avoided, members should as soon as possible make full disclosure of all relevant interests which conflict, may conflict or may be seen to conflict with their official duties.
- 11.4 Members shall refer to Policy on Declaration and Handling of Conflict of Interest of HKICP (HKICP-ECI-PO-003-R0) for handling a situation involving conflict of interest.

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	10 of 18

## 12. Use of confidential or privileged information

- 12.1 Members shall not take advantage of, or let any person or organization benefit from, the confidential or privileged information obtained in his or her capacity as a member and which is not generally available to the public.
- 12.2 Members shall use confidential or privileged information only in respect of matters of public interest and shall not use such information for private or personal interests.
- 12.3 Members shall not disclose any confidential or privileged information obtained in his or her capacity as a member of the Professional Council or its committees and hence undermine the interest of HKICP.
- 12.4 Members shall refer to the Guideline on Information Management and Information Security (HKICP-ADM-GL-006-R0) of HKICP for the proper procedures in handling confidential information.

## 13. Members' business dealings with HKICP

- 13.1 Members should avoid entering into any business contract with HKICP in their personal capacity. Only where this is unavoidable, members should then adhere to the provisions as set out in 12.3 and 12.4.
- 13.2 For Members and/or their disclosed interested entities seeking provision of service of HKICP, the terms of the service should be determined according to HKICP's standard commercial terms.
- 13.3 In respect of bidding for HKICP's business contracts, members and/or their disclosed interested entities should adhere to the guidelines on managing possible conflict of interest in bidding for HKICP's business contracts as set out by the HKICP Policy on Declaration and Handling of Conflict of Interest (HKICP-ECI-PO-003-R0).
- 13.4 HKICP shall maintain a list of business contracts entered with members and/or their disclosed interested entities and report the relevant information to the Chairperson of Professional Council. Members (including the Council Chairperson), must as soon as practicable after they have become aware of, notify the Professional Council any business dealings entered into by them and/or their disclosed interested entities with HKICP.

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited	Document No.	HKICP-ECI-PO-002-R0
	香港臨床心理學家公會有限公司	Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	11 of 18

## 14. Misuse of official position

- 14.1 Members holding offices in HKICP are placed in a position of trust and entrusted with certain powers by the public. HKICP expects a member in such a position to exercise the powers and discretions with integrity and fidelity, and in an incorrupt manner to serve the public interest, and should not subordinate the public interest to private interests.
- 14.2 Members shall act impartially and should not use their official position for personal gains nor accord preferential treatment to organizations or persons with whom they have connections. They should not use or permit the use of their official position or title or an authority associated with their office in a manner that is intended to coerce or induce another person to provide any benefit to themselves or their relations, friends or associates. Nor should they use their official position or title in a manner that could reasonably be construed to imply that HKICP sanctions or endorses their personal activities or those of another.

## 15. Indebtedness

Members are required to notify the Chairperson of Professional Council of HKICP, if proceedings are taken against them with a view to bankruptcy. The Chairperson is required to notify the Vice Chairperson if any bankruptcy proceedings are taken against him/her. Members (including the Council Chairperson) who become insolvent or bankrupt, even though no proceedings have been taken against them yet, should also report their case to HKICP.

## 16. Compliance with the code

- 16.1 Members should understand and comply with this Code when performing duties of HKICP. They should adhere to the spirit and the letter of any rules or orders made for HKICP's practices and procedures or for members' behaviour in relation to the business of HKICP.
- 16.2 Any breach of the Code by member that comes to attention of HKICP will be reported by the Professional Council to the Board. In case of suspected corruption or other criminal offences, a report will be made to the ICAC or the appropriate law enforcement agencies.

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	12 of 18

## 17. Review

This Code is subject to review and revision from time to time by the Professional Council. Any necessary change shall be approved by the Board.

## 18. Enquiry

Any enquiries, comments or suggestions in relation to this Code may be referred to the Professional Council of HKICP.

## 19. Attachments

### 19.1 Appendix 1

Extracts from the Prevention of Bribery Ordinance (Cap. 201)

### 19.2 Appendix 2

Record of Advantages Received for Handling by HKICP

### 19.3 Appendix 3

Declaration of Conflict of Interest

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	13 of 18

## Appendix 1: Extracts from the Prevention of Bribery Ordinance (Cap. 201)

### Section 2 – Definition

#### Definition of an Advantage

“Advantage” means:

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e), but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), particulars of which are included in an election return in accordance with that Ordinance.

#### Definition of Entertainment

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, such provisions.

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	14 of 18

## Section 4 – Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's -

(a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;

(b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

(c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body, shall be guilty of an offence.

(2) Any public servant who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his -

(a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;

(b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by himself or by any other public servant in his or that other public servant's capacity as a public servant; or

(c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body shall be guilty of an offence.

(3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission, which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.

(4) For the purposes of subsection (3) permission shall be in writing and -

(a) be given before the advantage is offered, solicited or accepted; or

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
		Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	15 of 18

(b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance, and for such permission to be effective for the purposes of subsection (3), the public body shall, before giving such permission, have regard to the circumstances in which it is sought.

### **Section 8 - Bribery of public servants by persons having dealings with public bodies**

(2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

### **Section 9 - Corrupt transaction with agents**

(1) Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his –

(a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or

(b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business, shall be guilty of an offence.

(2) Any person who, without lawful authority or reasonable excuse, offers any advantage to any agent as an inducement to or reward for or otherwise on account of the agent's –

(a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or

(b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business, shall be guilty of an offence.

(3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document -

(a) in respect of which the principal is interested; and

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited	Document No.	HKICP-ECI-PO-002-R0
	香港臨床心理學家公會有限公司	Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	16 of 18

(b) which contains any statement which is false or erroneous or defective in any material particular; and

(c) which to his knowledge is intended to mislead the principal, shall be guilty of an offence.

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[LOGO]	Hong Kong Institute of Clinical Psychologists Limited 香港臨床心理學家公會有限公司	Document No.	HKICP-ECI-PO-002-R0
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Issue Date	nn/nn/2018
		Review Date	
		Approved by	
		Page	17 of 18

## Appendix 2: Record of Advantage Received for Handling by HKICP

To: the Council of HKICP

From: \_\_\_\_\_ Position: \_\_\_\_\_ Date: \_\_\_\_\_

### Part A (to be completed by Member)

Function/Occasion			
Organizer			
Date (mm/dd/yyyy)			
Description of item(s)	(1)	Estimated value	(1)
	(2)		(2)
	(3)		(3)

Signature: \_\_\_\_\_ Name in Block Letters: \_\_\_\_\_

Date: \_\_\_\_\_

### Part B (to be completed by Council Secretary after receipt of the item/inventory) Confirmed the above items are received in order.

Description of item(s)	(1)	Handling of Item(s) Received (e.g. return to donor or others)	(1)
	(2)		(2)
	(3)		(3)

Signature: \_\_\_\_\_ Name in Block Letters: \_\_\_\_\_

Date: \_\_\_\_\_

### Part C (to be completed by Council Treasurer for receipt of cash)

Acknowledge receipt by Treasurer: \_\_\_\_\_

Total amount of cash: \_\_\_\_\_

Signature: \_\_\_\_\_ Name in Block Letters: \_\_\_\_\_

Date: \_\_\_\_\_

[LOGO]	Hong Kong Institute of Clinical Psychologists Limited	Document No.	HKICP-ECI-PO-002-R0
	香港臨床心理學家公會有限公司	Issue Date	nn/nn/2018
	Code of Conduct for the Personnel of the Hong Kong Institute of Clinical Psychologists	Review Date	
		Approved by	
		Page	18 of 18

### Appendix 3: Declaration of Conflict of Interest

From: (Full Name) \_\_\_\_\_

To: Chairperson, the Council of Hong Kong Institute of Clinical Psychologists Ltd.

**Note:**  
 Council Members, Committee Members and staff members of Hong Kong Institute of Clinical Psychologists Ltd. are required to make a declaration by completing the form below if there is a existing/potential conflict of interest. Conflict of interest is defined as a set of conditions in which professional judgment concerning a primary interest (such as patients' welfare, the validity of research or programme) tends to be unduly influenced by a secondary interest (such as financial gain).

#### Declaration

I would like to report the following existing / potential # conflict of interest situation in relation to the discussion item –

(i) Matter(s) / Application(s) / Complaint(s) to be considered by the Council / Committee

(ii) Description of my connection with the matter in (i) above (e.g. working in the same organization / institution or having collaboration with the applicant / registrant / complainant)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

Full Name:

# delete where appropriate