

Integrity for Youth



Case 1

Tony, a fresh university graduate, joined a Japanese fast food restaurant chain as an assistant store manager. Members of a fraud syndicate approached Tony for producing inaccurate sales records by deliberately omitting entries of meal orders into the restaurant's cashier computer system so ultimately they could deceive money. They offered Tony a reward of \$4,000 every month.

Facing the temptation of monetary reward, what should Tony do? If Tony has acceded to the request, will he breach the Prevention of Bribery Ordinance?

(Modified from a real case)

The **4"A"s** Constituting a Bribery Offence

According to the **Prevention of Bribery Ordinance**, there are four major elements (4"A"s) which constitute a bribery offence:

4"A"s		In Tony's Case
1	Agent: Any agent (a common example is an employee)	Agent: Tony (an assistant store manager)
2	No Approval: Without the approval of his principal (a common example is an employer)	Without the approval of the principal (the employer of the restaurant)
3	Advantage: Solicits or accepts an advantage*	Accepts a reward of \$4,000 every month
4	Act: Doing something in relation to his principal's (employer's) affairs or business	Producing inaccurate sales records by deliberately omitting entries of meal orders into the restaurant's cashier computer system

In this case, Tony is guilty of a bribery offence for accepting an advantage while the offeror of the advantage has also committed a bribery offence.

* **"Advantage"** refers to anything of value, such as any gift, reward, commission, loan, office, service and favour, but it does not include entertainment (i.e. the provision of food or drink for consumption on the occasion when it is provided).

Case 2

Tiffany, a postgraduate student, would take the final examination very soon. She was pressured to get good grades. A friend of Tiffany suggested her to provide \$10,000 to the associate professor in order to obtain the examination questions and answers in advance. Getting good results seemed so easy this way.

If you were Tiffany, how would you make the decision?

(Modified from a real case)

Ethical Decision Making Model

When facing an ethical dilemma, we must think thoroughly and avoid making a hasty decision. The Community Relations Department of the ICAC has designed the following model to help young people to arrive at sound decision in the face of ethical challenges:

Step One – Analysis of the Issue

- ✓ Establish the facts, and identify the ethical issues
- ✓ Take stock of the stakeholders or parties involved, and assess each stakeholder's position
- ✓ Identify the alternatives and their effects on the stakeholders

Step Two – Evaluation of the Alternatives

Compare and evaluate possible consequences of each alternative with reference to the following standards:

- ✓ Legal requirements – For example, is it unlawful under the Prevention of Bribery Ordinance to accept a job-related advantage or commission? Will I breach the Theft Ordinance if I take the company's property without permission?
- ✓ Company, professional and trade-related codes of conduct – Does the alternative comply with my profession's code of conduct/ ethics? Does it meet the standards of behavior which my company and my trade expect?
- ✓ Uncompromising self-values – Does the alternative fit my values such as integrity, loyalty, honesty and trustworthiness even though it is not forbidden by law or guidelines?

Step Three – Sunshine Test

You may ask yourself:

- ✓ Am I willing to discuss the issue openly?
- ✓ Can I disclose my decision without misgivings to my supervisors, colleagues, family members and friends, etc.?

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