

Research Grants Council

Code of Conduct

I. Preamble

1. The Research Grants Council (the Council) is fully committed to the principle of honesty, integrity and fair play in the conduct of its business. The Council, operating through subject panels and committees, invites, receives and approves applications for research grants and fellowships. To uphold public trust and protect public interest, it is important for all Council / Panel / Committee members to handle the Council's business in a just and impartial manner so that the Council's reputation will not be tarnished by dishonesty, impropriety or corruption. To this end, this Code of Conduct sets out the standard of behaviour expected of the (i) Council / Panel / Committee members in handling the Council's business (the members), (ii) reviewers in conducting peer-review for the Council (the reviewers); and (iii) applicants who apply for the Council funds (the applicants).

II. General Standards

2. A Council / Panel / Committee member and a reviewer shall :
- (a) ensure that his/her conduct would not bring the Council into disrepute;
 - (b) avoid at any time or in any respect doing anything which may compromise or impair his/her integrity, impartiality, objectivity or ability to perform Council duties. For instance, he/she should not contact the applicants directly for clarification/additional information relating to their applications or disclose information relating to the assessment; and
 - (c) adhere to the spirit and the letter of any rules or orders made for the Council's practices and procedures in relation to the business of the Council.
3. An applicant shall :
- (a) ensure that his/her conduct would not bring the Council into disrepute;
 - (b) restrain from communicating with the members and reviewers on the application submitted with a view to influencing the members and / or reviewer in assessing the application; and
 - (c) observe the prevailing guidelines and procedures relating to application for and implementation of RGC grants issued by the Council.

III. Specific Standards

4. The following specific standards of this Section shall apply in addition to the General Standards detailed above:

(A) Offer and Acceptance of Bribes or Advantages

(1) *Provisions of the Prevention of Bribery Ordinance (Cap 201)*

Members and reviewers are governed by Section 9 of the Prevention of Bribery Ordinance (Cap 201) (POBO) (and other provisions where appropriate). A member or reviewer commits an offence under POBO if he/she, without the Council's permission, solicits or accepts any advantage in connection with the Council's business. Members and reviewers shall not misuse their official capacity as such to gain benefit for themselves or others, or render favour to any person/organization. On the other hand, applicants should not offer gifts and advantages or intimidate the members and reviewers with a view to influencing the assessment of application for RGC grants. Attachment I provides the full text of Section 9 of the POBO and the legal definition of an advantage.

(2) *Acceptance of Advantages*

(a) Gift/souvenir presented to a member or reviewer in his/her capacity as such

A gift/souvenir presented to a member or reviewer in his/her capacity as such should be regarded as a gift/souvenir to the Council (e.g. a gift/souvenir presented by an applicant to a member or reviewer invited in his/her capacity as such or representing the Council to officiate at a ceremony). A member or reviewer shall report to the Secretariat for the disposal of gifts/souvenirs received in the above circumstances.

(b) Advantage offered to a member or reviewer in his/her private capacity

(i) Where a member or reviewer is offered an advantage in his/her private capacity, he/she may accept it if –

- the acceptance will not affect the performance of his/her duties as a member or reviewer; and
- he/she will not feel obliged to do something in return in connection with Council business for the offeror.

(ii) If a member or reviewer feels that he/she would be obliged to reciprocate an advantage by returning to the offeror a favour connected with any Council business, he/she should decline the offer.

- (iii) When a member or reviewer is in doubt as to whether he/she should accept an offer of advantage, it is advisable for him/her to apply the “sunshine test” (*In the sunshine test, the person concerned should ask himself/herself if he/she would be happy to openly discuss with the general public what he/she is doing. If he/she feels uncomfortable about that, what he/she is doing is probably conflicting with the ethical standard generally accepted.*) and consult the Council Chairman or the Secretariat.

(3) *Acceptance of Entertainment*

A member or reviewer should not accept entertainment from persons/organizations who/which have an interest in any matters under consideration by the Council or with whom/which he/she has official dealings, in order to avoid embarrassment or give the perception of the loss of objectivity when considering or giving his/her views on matters concerning these persons/organizations.

(B) Conflict of Interest

(1) *Definition*

A conflict of interest situation arises when the private interest of a member or reviewer competes or conflicts with the interest of the Council. “Private interest” includes both the financial and other interests of members or reviewers and those of their connections, including family members, relatives, friends, clubs and societies to which they belong, as well as people to whom they owe a favour or are obligated in any way.

(2) *Managing Conflict of Interest*

- (a) The reporting of conflict of interest should be two-tiered. Full declaration according to standard format should be made on first appointment, re-appointment or significant change of circumstances. Members should update or complete and return the “Register of Interests” to the Secretariat on an annual basis. At the second tier, it will be incumbent upon the member to declare interest whenever he/she sees a reason to, on a case by case basis (e.g. when particular issues are to be addressed).
- (b) Members or reviewers should avoid any conflict of interest situation (i.e. situation where their private interest conflicts with the interest of the Council) or the perception of such conflicts. They should not use their official position or any information made available to them in the course of their duties to benefit themselves, their relations or any other persons with whom they have personal or social ties. They should avoid putting themselves in a position that may lead to an actual or perceived conflict of interest. Failure to avoid, declare, disclose or report such conflict in particular with the applicants or

comment on proposals from applicants with affiliation without permission may give rise to criticisms of favouritism, abuse of authority or even allegations of corruption. In this connection, members or reviewers should declare upfront any conflict of interest situation to the Secretariat where appropriate.

- (c) When a conflict of interest is declared and in case there is a meeting to be convened to discuss the matter, the respective Chairman shall decide on whether the member may speak or vote on the matter, remain in the meeting as an observer or withdraw from the meeting altogether. The Secretariat can provide advice according to general government practices and regulations.
- (d) Applicants should be mindful to disclose, declare or report in their application forms their relationship as well as any conflict of interest or potential conflict of interest with nominated external reviewers and declare upfront any conflict of interest situation to the Secretariat.

(3) Members'/Reviewers' Assessment of Applications

- (a) Members or reviewers are appointed in their personal capacity and should in no way represent their own or any institutions. It is important that the assessment given is independent and impartial.
- (b) Members should not assess applications in which they are in any way associated, such as applications from (i) themselves/colleagues in their departments/institutions or (ii) institution that they have served within two years or (iii) institutions that they have been invited for pre-review. Similarly, reviewers should not assess applications in which they are in any way associated, such as (i) applications from themselves/colleagues in the same institution or (ii) applications that have been pre-reviewed by the concerned reviewers before submission to the Council. In case of doubt, members or reviewers should declare upfront the full circumstances to the Secretariat who will seek agreement from the appropriate authority in deciding whether the applications in question should be re-assigned to other members or reviewers.
- (c) Member who is from the same institution of the applicant may participate in the panel discussions when they are invited to do so and should not take part in the decision-making on the applications concerned.

(4) Members Applying for RGC Grants

Under the existing mode of operation of the Council, members may apply for Council funding in their own personal capacity. In order to prevent the public perception of the members using their capacity to obtain financial gains from the Council, the concerned member will be requested

to be excused from the discussion when his/her application is considered. Members are reminded to strictly adhere to the guidelines on managing possible conflict of interest in applying for the funds.

(C) Observe Confidentiality and Use of Confidential and Privileged Information

- (1) A member or reviewer shall not take advantage of, or let any person or organization benefit from, the confidential or privileged information obtained in his/her capacity as a member or reviewer. All meeting papers, including the worksheets, have to be returned to the Secretariat for disposal at the end of the meeting. Soft copies in System and downloadable files such as PDF should only be used during meeting and should not be taken away in any way. A member or reviewer shall not divulge any confidential or privileged information of the Council to any party or contact the applicants directly unless he/she is authorized to do so. Communications, including documentary information and deliberations at meetings and discussions, concerning business of the Council, which will come into the member's or reviewer's knowledge/possession as a result of his/her service for and appointment with the Council, must be held in confidence.
- (2) An applicant should not contact the members or the reviewers to discuss issues relating to the proposals submitted. Likewise, a member / reviewer should not contact the investigators directly for clarification/ additional information relating to their applications or disclose information relating to the assessment. This should be handled by the UGC Secretariat.

(D) Breach of Ordinance and Laws

Members, reviewers and applicants should avoid any unethical action which may be illegal especially when it is in breach of the Personal Data (Privacy) Ordinance or other relevant laws of Hong Kong.

(E) Allocation of Funds

Members shall ensure that all the funds are allocated in a prudent and responsible manner to safeguard public interest. They should only approve fund applications which fall within the objective of the fund, and meet the eligibility and assessment criteria. Members shall particularly ensure that an open, fair and competitive mechanism is adopted for the assessment of fund applications and selection of applicants.

**Extracts from the Prevention of Bribery Ordinance
(Cap 201, Laws of Hong Kong)**

A. 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
 - (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.
- (4) If an agent solicits or accepts an advantage with the permission of his principal, being permission which complies with subsection (5), neither he nor the person who offered the advantage shall be guilty of an offence under subsection (1) or (2).
- (5) For the purposes of subsection (4) permission shall:
 - (a) be given before the advantage is offered, solicited or accepted; or
 - (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 (4), the principal shall, before giving such permission, have regard to the circumstances in which it is sought.

B. Definition of an Advantage (Section 2)

“**Advantage**” means :

- (1) 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;
- (2) any office, employment or contract;
- (3) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (4) 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;
- (5) the exercise or forbearance from the exercise of any right or any power or duty; and
- (6) 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.

C. Definition of Entertainment (Section 2)

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.