

Corruption Prevention

Recently, there have been a growing number of corruption cases in the construction industry involving works in both the private and public sectors. The Buildings Department is concerned that the spread of corruption in the construction industry might lead to building works failing to comply with the Buildings Ordinance. The purpose of this practice note is to draw the attention of Authorized Persons (AP) and Registered Structural Engineers (RSE) to the need to combat corruption in the construction industry and the proper way to handle situations if they or their staff are offered a bribe.

2. APs and RSEs are required under the Buildings Ordinance to give periodic supervision and make such inspections as may be necessary to building works on site to ensure that they are constructed in accordance with the provisions of the Buildings Ordinance and the approved building plans. Very often, site staff are employed to assist in these duties. It is important for the APs and the RSEs to expressly prohibit their site staff from soliciting or accepting advantages from contractors and suppliers or offering advantages to other people in relation to their work. In this connection, it is advisable that APs and RSEs should develop company Code of Conduct and promulgate staff instructions on these prohibitions. When an AP, RSE or his staff is offered a bribe, he should report **immediately** to the ICAC. The telephone number for this purpose is :

ICAC : 2526 6366 (24 hours)

3. A bribe may not be always be money. It can be a loan, a gift, a favour, an offer of employment or any other advantage. The full definition of the term “advantage” is contained in the Prevention of Bribery Ordinance, Cap 201. An extract of the definition is reproduced at Appendix I.

Advisory Services Group of ICAC

4. The ICAC has a dedicated Advisory Services Group which provides free and confidential corruption prevention advice to private companies. The Group also assists companies in their development of company Code of Conduct and staff instructions. APs and RSEs interested in promoting corruption prevention practices and developing related staff instructions in their companies are invited to call the Group hotline Tel No. 2526 6363.

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Building Authority

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Under the Prevention of Bribery Ordinance, Cap 201, “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).

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