



HKAS Supplementary Criteria on Code of Conduct

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New HKAS Supplementary Criteria on Code of Conduct

- On the advice of the Accreditation Advisory Board (AAB), HKAS Executive has decided to require **every accredited organisation** to establish and implement a code of conduct based on its own circumstances
- A AAB Working Group on Code of Conduct was established in April 2011 to develop a framework for a unified code of conduct and enhance the accreditation criteria
- A meeting of the AAB Working Group was held on 18 July 2011 and the members **agreed to prepare a new HKAS Supplementary Criteria on Code of Conduct** to provide detail requirements





- Chair of this AAB Working Group
 - Ms. Ada FUNG, J.P., Deputy Director of Housing (Development & Construction), Housing Authority
- Members
 - Dr. Raymond YUNG, Assistant Medical Superintendent, Hong Kong Sanatorium and Hospital
 - Dr. Richard FUNG, Chief Executive, Hong Kong Standards and Testing Centre
 - Ir. Helen KWAN, JMK Consulting Engineers Limited
 - Prof. Christopher LEUNG, Professor and Head, Department of Civil and Environmental Engineering, Hong Kong University of Science and Technology
 - Ms. Esther SUEN, Vice Chairman and Managing Director, Simatelex Manufacturing Company Limited





- The draft Supplementary Criteria document was circulated to **all stakeholders** for comment in September 2011
- After review of collected comments, the **HKAS Supplementary Criteria No. 6 - Code of Conduct** will be issued in November 2011





- Clause 5.7 of HKAS 002 Regulations for HKAS Accreditation stipulates that an accredited organisation shall maintain complete integrity and impartiality in all circumstances
- Clause 5.12 requires an accreditation organisation to have a clear policy in writing concerning the provision or receipt of advantages as stipulated in the Prevention of Bribery Ordinance by its staff





- The policy document shall contain a statement notifying its staff the law under Section 9 of the Prevention of Bribery Ordinance (Cap 201)
- The accredited organisation shall further ensure that the policy is made known to all its staff members





- In order to ensure that an HKAS accredited organisation meets HKAS 002 regulations, it shall document and implement a code of conduct in accordance with requirements stated in HKAS Supplementary Criteria No. 6





- The code of conduct shall apply to **directors, staff and other personnel** working on behalf of the organisation
- In accordance with HKAS 002 clause 6.7, suspension of accreditation may be imposed by HKAS Executive when an accredited organisation is, in the opinion of HKAS Executive, involved in any impropriety, corrupt practice or other activities which is prejudicial to the good reputation of HKAS



Essential Requirements for Code of Conduct

- The code of conduct of an accredited organisation shall be a document within its management system for stating its policies on impartiality, confidentiality, professionalism, integrity, conflict of interest, and the organisation's commitment to complying with the [Prevention of Bribery Ordinance \(Cap 201\)](#) of Hong Kong or [applicable laws and regulations](#) of the country where the accredited organisation is located





- The code of conduct shall cover at least the following aspects
 - Acceptance of advantage
 - Offer of advantage
 - Entertainment
 - Compliance with laws of Hong Kong or of relevant jurisdictions
 - Compliance with relevant requirements of applicable professional standards

(Note: If the accredited organisation has documented its policies and procedures for compliance with applicable professional standards in a separate management system document, the code of conduct shall provide a cross-reference to that document)





- The code of conduct shall cover at least the following aspects (cont'd)
 - Conflict of interest
 - Use of company assets
 - Confidentiality of company information
 - Outside employment
 - Relationship with customers, suppliers and contractors
 - Procedures for reporting suspected violation and established mechanism for the prompt and fair adjudication of alleged violations
 - Disciplinary actions to be taken against violations





- The contents of the code of conduct shall be **determined by the organisation** in accordance with its circumstances to ensure that all persons working for it act lawfully, ethically, professionally, and honestly and to protect the impartiality, independence and integrity of the organisation
- Accredited organisations may consult the Sample Code of Conduct as given in the “**Corruption Prevention Guide for Testing and Certification Industry**” prepared by the Independent Commission Against Corruption (ICAC) for the Testing and Certification industry



Implementation of Code of Conduct

- The organisation shall ensure that all its directors, staff and other personnel working for it **understand and practice** the code of conduct
- Training shall be provided to all personnel as part of the orientation training when they join the organisation and refresher training shall be provided to all members periodically thereafter
- The organisation shall periodically remind all personnel working for it the code of conduct





- The code of conduct shall be accessible to all personnel working for the organisation
- The authorised representative shall report any impropriety or unlawful act of the organisation or any iniquitous management and/or staff to HKAS Executive in accordance with HKAS 002 clause 5.7
 - *“The authorised representative shall report any impropriety or unlawful act of the organisation or any iniquitous management and/or staff to HKAS Executive. He/she shall further report immediately any corrupt practice to the ICAC (or similar authority or the police when outside the jurisdiction of the HKSAR)”*





- The organisation shall periodically review the code's suitability and adequacy; and implement improvement as appropriate





HKAS Assessment

- HKAS Executive will evaluate the effective implementation of the code of conduct in assessment visits
- Ineffective implementation of the code of conduct is a nonconformity against clause 1.2 of the HKAS Supplementary Criteria No. 6
- HKAS may, at its discretion, withdraw the approval (e.g. approval for signing HKAS endorsed reports, approved operators, etc.) granted to a person working for an accredited organisation if that person is confirmed to have violated the code of conduct of that organisation

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Other Requirements

For HOKLAS

Requirements for strengthening supervision, capacity audit, etc.

- **HOKLAS Supplementary Criteria No. 11**
“Construction Materials” Test Category – Accreditation of Site Sampling
- **HOKLAS Supplementary Criteria No. 36**
“Construction Materials” Test Category – Additional Accreditation Requirements





For HKIAS

- Similar requirement of establishing a system to safeguard against any impropriety of the inspector and attempts to exert improper influence on them by the suppliers is stated in
 - **HKIAS Supplementary Criteria No. 1** – Consumer Product Inspection
 - **HKIAS Supplementary Criteria No. 2** – Construction Product Inspection - General Products
 - **HKIAS Supplementary Criteria No. 3** – Construction Product Inspection – Welding inspection





For HKCAS

- **HKCAS Supplementary Criteria No. 2 – Accreditation Programme for Product Certification**

Para 6.4

- Require to maintain a **working environment** to be free from undue pressure
- Require to **implement a system to uphold integrity** of its staff working at premises of suppliers or other locations outside its office
- Require CB to **make known to suppliers its policy** and ask the supplier to **comply with this policy** as part of the contract
- Require suppliers to **sign an acknowledgement of its integrity policy**
- The CB shall also **issue a code of conduct to all its personnel**, which set out their expected conduct when they interact with representatives of suppliers and other parties





Thank You

