

The Department of Health announced on 31st October 2019 that HKICP was granted full accreditation status under the Pilot Accredited Registers Scheme for Healthcare Professions.

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	香港臨床心理學家公會有限公司	Issue Date	31/07/2019
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Policy on Declaration and Handling of Conflict of Interest of Hong Kong Institute of Clinical Psychologists Limited

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

1. Objective

The Hong Kong Institute of Clinical Psychologists Limited (HKICP) is committed to maintaining a high standard of integrity and conduct in its service provision. One of the fundamental integrity requirements is the proper management of conflict of interest. This policy provides the parameters necessary to guide the personnel of HKICP to avoid or declare any real or apparent conflict of interest that may arise or has arisen.

2. Scope and definition

- 2.1 This policy 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 document, the term “member(s)” refers to all personnel of HKICP.
- 2.3 A conflict of interest situation arises where the “private interest” of a member competes or conflicts with the interests of HKICP or the member’s duties in HKICP.
- 2.4 “Private interest” includes both financial and other interests of members 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.
- 2.5 There are circumstances in which a tie of kinship or friendship, or some other association or loyalty which does not give rise to a financial interest, can influence the judgement of a member in discharging his/her duties in HKICP, or may reasonably be perceived as having such an influence. As such, a member’s duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms.

3. Avoiding conflict of interest

- 3.1 All members must avoid situations which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest. They must not allow the pursuit of their private

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interests to interfere with the proper discharge of their duties in HKICP.

3.2 All members should:

- 3.2.1 Refrain from acquiring any investment or any financial or other interest which may lead to a conflict of interest with their duties in HKICP;
- 3.2.2 Refrain from taking part in the deliberation, decision-making, investigation or enforcement process in connection with any matter in which they have a private interest. They should not use or permit the use of their official position in a manner that is intended to coerce or induce another person to provide any benefit to themselves or their relations and friends, etc. Nor should they accord preferential treatment to organizations or persons with whom they have connections;
- 3.2.3 Avoid putting themselves in a position of obligation to any subordinate, any company/organization, or any person with whom they have, or are likely to have, dealings in their capacity in HKICP;
- 3.2.4 Decline to provide assistance, advice or information to relatives, friends etc. in connection with their work in HKICP so as to avoid giving the recipient an unfair advantage over other people. All legitimate requests for assistance, advice and information should be referred to the proper subject officer to be dealt with in the normal way.

4. Members' business dealings with HKICP

- 4.1 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 7.3 and 7.4.
- 4.2 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.
- 4.3 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).
- 4.4 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

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interested entities with HKICP.

5. Potential conflict of interest situations

The following are potential conflict of interest situations:

- 5.1 Financial interest in a matter being considered or dealt with, held by the member or any close relative of his. The Professional Council of HKICP as a whole is the best judge of who, in the particular circumstance, is a “close relative”.
- 5.2 A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organization which is connected with, or the subject of, a matter being considered or handled.
- 5.3 Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a member’s advice to have been influenced by the closeness of the association.
- 5.4 A member who, as a barrister, solicitor, accountant or other professional advisor, has personally or as a member of a company, advised or represented or had frequent dealings with any person or body connected with a matter under consideration or being dealt with.
- 5.5 Any interest likely to lead an objective observer to believe that the member’s advice might have been motivated by personal interest rather than a duty to give impartial advice.

6. Declaration of conflict of interest situations

- 6.1 When a situation involving a conflict of interest cannot be avoided, a member should as soon as possible declare to the Professional Council of HKICP all relevant interests which may or may be seen to conflict with their duties in HKICP by using Form A – Declaration of Conflict of Interest (Appendix 1) or by verbally reporting to the person convening the Professional Council or committee meeting prior to the discussion of the item first and then using Form A – Declaration of Conflict of Interest to make a report. The basic principle to be observed is that members’ advice should be disinterested and impartial and it is the responsibility of a member to judge and decide if the situation warrants a declaration, and to seek a ruling from the person convening the Professional Council

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meeting or the committee meeting in case of doubt.

6.2 Every members of Registration Committee shall declare conflict of interest, if any, in accordance to 6.1 above in every committee meeting and such declaration of presence or absence of conflict of interest shall be recorded in the minutes of meeting.

6.3 Each year, all personnel of HKICP shall be given a copy of this policy and sign a written statement (Appendix 2) certifying to all of the following:

The undersigned certifies the following statements:

6.3.1 I have received a copy of this Policy;

6.3.2 I have read and understand this Policy;

6.3.3 I agree to comply with this Policy; and

6.3.4 I understand that this Policy applies to the Professional Council and its subordinate committees, and staff of HKICP.

6.4 HKICP shall provide each member of the Professional Council and of each committee of HKICP a copy of the written statement for signature prior to or at the first meeting of the year of the Professional Council and of each committee. Any member who refuses or fails to sign such a statement shall be prohibited from participating in discussion or action by the Professional Council of HKICP and of each committee until such statement is signed. Electronic signatures and signed statements returned via facsimile or email are acceptable.

7. Managing conflict of interest situations

7.1 Where a conflict of interest situation may arise or upon receipt of declaration of conflict of interest from a member, the Chairperson of the Professional Council or of the committees shall decide whether the member disclosing any interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting. The Chairperson shall also decide whether the member disclosing any interest may continue to handle the matter, or the matter shall be dealt with by another member. Upon receipt of Form A – Declaration of Conflict of Interest, the Professional Council shall return Form B – Acknowledgement of Declaration (Appendix 3) in which decision is stated to the declaring member within 28 working days.

7.2 If the Chairperson of the Professional Council or of a committee of HKICP declares an interest in a matter under consideration at the

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meeting, the chairmanship may be temporarily taken over by the Vice-chairperson, if appointed, or another member appointed for the purpose by the Professional Council or committee.

- 7.3 When a known direct pecuniary interest exists, relevant materials (applications / meeting papers) shall not be circulated to the member. The member should not access the information related to the review of the subject matters concerned at the meeting.
- 7.4 All cases of declaration of interests by members and the decisions made by the Professional Council of or a committee of HKICP shall be recorded in the minutes of meeting.

8. Reference Documents

- 8.1 Summary of the regulatory regime on prevention of conflict of interest concerning civil servants (n.d.). Retrieved August 21, 2018, from Civil Service Bureau website,
https://www.csb.gov.hk/english/admin/conduct/files/aae_e.pdf
- 8.2 The University of Southern Mississippi Foundation conflict of interest policy (n.d.). Retrieved August 21, 2018, from the University of Southern Mississippi Foundation website,
https://www.usmfoundation.com/s/1149/images/editor_documents/conflict_of_interest_policy.pdf

9. Attachments

9.1 Appendix 1:

Form A: Declaration of Conflict of Interest

9.2 Appendix 2:

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9.3 Appendix 3:

Form B: Acknowledgement of Declaration

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Appendix 1:

Form A: Declaration of Conflict of Interest

From: (Full Name) _____

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

Note:

Members of the Professional Council, its Committees and staff of the Hong Kong Institute of Clinical Psychologists Ltd. are required to make a declaration by completing the form below if there is an 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 Professional 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
Full Name:

Date

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delete where appropriate

Appendix 2:

Hong Kong Institute of Clinical Psychologists Conflict of Interest Policy Signature Page

Each year, each member of the Professional Council, committees and staff of HKICP shall be given a copy of the Conflict of Interest Policy and sign a written statement certifying to all of the following:

The undersigned certifies the following statements:

- (i) I have received a copy of this Policy;
- (ii) I have read and understand this Policy;
- (iii) I agree to comply with this Policy; and
- (iv) I understand that this Policy applies to the Professional Council and its subordinate committees, and staff of HKICP.

HKICP shall provide each member of the Professional Council and of each committee a copy of this statement for signature prior to or at the first meeting of the year of the Professional Council and of each committee. Any member who refuses or fails to sign such a statement shall be prohibited from participating in discussion or action by the Professional Council of HKICP and of each committee until such statement is signed.

READ, UNDERSTOOD, and AGREED:

Signature
Full Name:

Date

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Appendix 3:

Form B: Acknowledgement of Declaration

The information provided in your declaration form dated _____ is noted. It is decided, according to established policy and principles that –

- You may continue to review and deliberate on the matter(s) / application(s) / complaint(s) as described in Form A.
- You may remain as an observer at meetings and provide information upon request on the matter(s) / application(s) / complaint(s) as described in Form A.
- You should abstain from the review / deliberation, and leave the meeting room until the discussion on matter(s) / application(s) / complaint(s) as described in Form A is completed.
- Others (please specify): _____

Signature of Chairperson

Full Name:

Committee:

Date