

## **Personnel Circular**

### **Code of Conduct**

#### **Introduction**

This Code of Conduct applies to The Ombudsman and all employees appointed under The Ombudsman Ordinance. It is intended to provide general guidance to all officers for the performance of their duties to the highest level of integrity and professionalism. The Ombudsman expects all officers to adhere to the mission, vision and values of the Office and contribute to its established goals and objectives.

2. This code also sets out specific expectations in areas central to the exercise of The Ombudsman's functions and powers.

3. The Code is not intended to be exhaustive. It must be read in conjunction with The Ombudsman Ordinance, other applicable ordinances, operational manual/policy/procedures/guidelines and office instructions and general circulars that are in force or promulgated from time to time. It is the responsibility of all officers to familiarise themselves with all such provisions for effective discharge of their duties.

#### **Standards of Conduct and Performance**

4. The mission of The Ombudsman is to redress grievances and address issues arising from maladministration in the public sector and bring about improvement in the quality and standard of and promote fairness in public administration. The performance of the Office and the conduct and integrity of its staff should, therefore, be of the highest standards, no less than our requirement of the public sector in pursuit of this mission. These standards include –

- rigorous pursuit of truth, without fear or favour
- timely and reasoned response with quality reporting in plain language
- equity and ease of access

- procedural simplicity and fairness
- attending to the public and organisations with courtesy and respect
- no prejudgement, prejudice or private interests
- faithful, diligent and professional discharge of duties and responsibilities
- promotion of fairness in public administration
- advancement of good administrative practices and ethical principles
- efficient and effective use of resources

### **Compliance with the Law, Instructions and Policies**

5. Officers should be fully conversant with The Ombudsman Ordinance as well as the Office's manuals, circulars and instructions promulgated from time to time and comply with them when carrying out their duties.

6. Officers should carry out instructions of their supervisors and give adequate guidance and support to their junior colleagues.

### **Personal Conduct**

7. Officers should act responsibly.

8. Officers should be honest, courteous, just, considerate and fair to colleagues, complainants and complainee organisations: above all, treat them with respect. Officers should conduct themselves in a manner consistent with their position and refrain from engaging in conduct and/or behaviour that might bring discredit or embarrassment to the Office.

9. Officers must not discriminate against any colleagues, complainants and complainee organisations on grounds of race, nationality, sex, age, marital status, language, health, social status, religion, education, occupation, ability and political beliefs.

10. Officers should not engage in frequent, excessive or high stake gambling of any kind with colleagues and/or business associates of the Office to avoid potential conflict of interest.

11. The Office has a prior call at all times on an officer's abilities, efforts and attention. Officers should endeavour to do their utmost to achieve the highest possible standards in the performance of their duties. An officer must obtain approval from the Office before engaging in outside work (whether paid or unpaid) during normal working hours or while on leave, or paid outside work outside normal working hours.

12. Officers should strive to avoid waste and misuse of resources.

### **Professional Conduct**

13. Officers have a duty to maintain a high level of professional competence and should discharge their duties and responsibilities with care, diligence, thoroughness and impartiality with special attention to –

- honesty and integrity
- timeliness, accuracy and completeness
- constructiveness and reasonableness
- impartiality and procedural fairness
- equity and natural justice
- accountability and professionalism
- conflicts of interest
- confidentiality of information

14. Officers should strive for improvement in their performance at all times.

### **Abuse of Official Position**

15. Officers must not misuse or abuse their official position for personal gain or favouring others when carrying out their duties.

### **Dress, Demeanour and Appearance**

16. Officers are expected to maintain professional standards and demeanour and to exercise judgment in both dress and appearance. Casual attire and footwear are acceptable for Saturdays only. Skimpy or flamboyant clothing is not commensurate with the image of the Office.

### **Information Security and Secrecy Provision**

17. Success and integrity of the ombudsman system is built on public confidence and trust. The strictest confidentiality must be maintained in respect of all information that come to an officer's actual knowledge concerning complaints, complainants, enquiries received and investigations undertaken or functions executed, in accordance with the secrecy provisions of The Ombudsman Ordinance.

## **Conflicts of Interest**

18. Conflict or potential conflict of interests, which may be seen to improperly influence the impartial exercise of an officer's duties, must be declared at the first available opportunity. In principle, an officer should seek to be relieved of personal involvement in handling such complaints.

19. General guidance on the definition of conflicts of interest, and the procedures for declaration are set out in the relevant Personnel Circular.

## **Ordinance**

20. The Office of The Ombudsman is included in the Schedule to the Ordinance as one of the "Public Bodies" governed by the Ordinance. All employees of this Office, whether full-time, part-time, temporary or permanent, are, therefore, "public servants" for the purpose of the Ordinance and are subject to its provisions.

## **Acceptance of Advantages, Gifts and Benefits**

21. Soliciting and/or acceptance of advantages, gifts and benefits is subject to the Office's relevant instructions and Personnel Circular in force. As a general rule, officers must not accept any advantage, gift or benefit that might be seen to have an impact on their work or could lead to an actual and apparent conflict between their private interests and their official position. If it would be offensive to refuse such offers, officers should report to, and seek approval from, The Ombudsman for their retention or disposal otherwise.

22. Officers should turn down invitations to meals or entertainment that are excessive in nature or frequency, so as to avoid embarrassment or feeling beholden to the host when conducting business on behalf of the Office. When it is considered not appropriate to decline such an invitation for reasons of courtesy or special circumstances, the officer should seek approval from The Ombudsman. If prior approval is impracticable, the officer might accept the meal or entertainment and report the acceptance, with justifications, in writing to The Ombudsman.

## **Media Enquiries and Public Comment**

23. The Office is committed to an open policy for easy access to information by the media subject to the secrecy provision. All media enquiries should be referred to officers tasked with such responsibilities, coordinated by (External

Relations) and as appropriate for a line of response to be cleared with The Ombudsman or Deputy Ombudsman.

24. Officers must not disclose any information unless it is normal publicity-material or a case already made public in our annual reports, by press announcements, or through speaking engagements, media interviews and other forms of release.

#### **Breach of the Code and Other Instructions**

25. The Ombudsman attaches great importance to the full compliance with this Code of Conduct and the basic principles upon which the Code is developed. If an officer is found to be in contravention of the Code (including any provisions of The Ombudsman Ordinance, regulations and circulars mentioned in this Code), unsatisfactory in the performance of duties or involved in behaviour that would bring this Office into disrepute, he/she may be liable to disciplinary action.

#### **Circulation**

26. This circular will be re-circulated to all staff once every six months.

#### **Enquiries**

27. Enquiries about the content of this circular should be addressed to the  
or