

Hong Kong Institute of Speech Therapists Limited	Document No.	HKIST-A-COC-v2
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Foreword

- 1.1 The code of conduct includes, but not be limited to, compliance with all local legislation(s), conflict of interest, confidentiality of information, prohibition of accepting and offering advantage, principles and rules governing the practice of advertising, etc.
- 1.2 This Code takes reference from the Corruption Prevention Department of Independent Commission Against Corruption (ICAC)'s sample code of conduct for private organisations.
- 1.3 This Code applies to all personnel of HKIST including the Board of Directors, employees, staff, members of the Professional Council and its Committees (and sub-committees, if any).
- 1.4 In this Code, the term "member(s)" refers to all personnel of Hong Kong Institute of Speech Therapists Limited (hereafter referred to as HKIST).

2.0 Core value

- 2.1 HKIST is fully committed to the following principles in the delivery of services to the public:
 - 2.1.1 Honesty and integrity,
 - 2.1.2 Objectivity and impartiality,
 - 2.1.3 Accountability for decisions and actions,
 - 2.1.4 Dedication, professionalism and diligence,
 - 2.1.5 Fairness,
 - 2.1.6 Confidentiality,
 - 2.1.7 Independence and objectivity in making registration decisions, and
 - 2.1.8 Avoidance of conflict of interest.
- 2.2 Members should uphold the above core values. They should always act in the best interest of public, place public interest above private interest and ensure that their conducts do not bring HKIST into disrepute

3.0 Prevention of Bribery

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HKIST prohibits all forms of bribery and corruption. All members are prohibited from soliciting, accepting or offering any bribe in conducting HKIST's business or affairs. In conducting all business or affairs of HKIST, they must comply with the prevention of Bribery Ordinance (POBO) of Hong Kong.

[The relevant sections of the POBO are detailed at Appendix 1]

4.0 **Solicitation and Acceptance of Advantages**

4.1 HKIST prohibits members from soliciting or accepting any advantage from any persons or companies having official dealings with HKIST (e.g. service recipients, suppliers, contractors, professional fund-raisers), and (for office bearers) from staff to whom the Board may have an influence^{1*}, and (for staff) from any subordinates*, except that they may accept, but not solicit, the following advantages when offered on a voluntary basis:

- 4.1.1 advertising or promotional gifts or souvenirs² of a nominal value;
- 4.1.2 discount or other special offers given by any person or company to them as customers, on terms and conditions equally applicable to other customers in general; or
- 4.1.3 gifts given by donors to an office bearer or staff in his private capacity

[Acceptance of gifts by office bearers from staff to whom they may have an influence, or by staff from subordinates could invite allegations of impropriety, hence it should be discouraged. However, if an Organisation, having regard to its size and organisation structure, wishes to give permission³ for office bearers or staff to accept such an advantage, it should impose restriction as below: gifts (including red packets, gift cheques⁴) given by staff to office bearers who may have an influence over them, or subordinates to their supervisors on festive (e.g. Chinese New Year) or special occasions (e.g. birthday, wedding, retirement), subject to a maximum limit of \$ 500 in value⁵]*

¹ E.g. Staff members whose appointment, performance, remuneration and contract renewal are subject to the Board's decisions, or who request for favour from office bearers on matters related to the Organisation for himself or others.

² Include food offered which is not for immediate consumption, like mooncakes, radish cakes or Christmas hampers. Whenever practicable, the accepted advantage should be shared with service recipients.

³ Organisations should decide if they would provide a blanket permission, or require office bearers/ staff to apply for special permission in each case. Special permission is recommended from a control perspective as the Organisation can consider the circumstances before its decision to grant the permission.

⁴ E.g. gift cheques issued by banks (禮券) or supermarket or department store coupons.

⁵ Amounts allowed for festive and special occasions should be minimal as such they might not be perceived as

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4.2 Even if the offeror does not have any official dealings with HKIST, an office bearer or staff should decline an offer of an advantage if the acceptance could affect his objectivity in conducting HKIST’s business, induce him to act against HKIST’s interest or place him under an improper obligation, or where he believes the offeror has such an intention, or lead to the perception or allegation of impropriety or conflict of interest. Members should ensure that the solicitation or acceptance of any advantages can stand up to public scrutiny and will not bring HKIST into disrepute.

5.0 **Acceptance of Entertainment**

5.1 Members should not accept lavish, or unreasonably generous or frequent entertainment⁶ from any person having official dealings with HKIST.

6.0 **Practice of advertising and public statements**

6.1 To maintain and retain the reputation of HKIST and to ensure that information to media is accurate and properly presented, only the Chairperson of the Professional Council and Board of Directors or the designated representatives would give interviews or make public statements on behalf HKIST to media. Any other Members receiving requests for information from media, or any external agency, should refer to the Secretariat who would consult Chairperson of the Professional Council and Board of Directors before authorizing to reply to such requests. The Chairperson of the Professional Council and Board of Directors should take the update from HKIST members before interaction with media and any other external agencies.

6.2 Advertising and public statements include, but are not limited to, communication by means of periodical, book, circular, brochure, list, directory, business card, television, radio, motion picture, emails, website, electronic devices, facsimile, solicitation, workshop or testimonial.

6.3 Where members receive the benefits of any advertising and other promotional activities by third parties, they are reminded that they are not permitted to do

influencing the recipient's impartiality, taking into consideration the recipient’s income and public perception.

⁶ As defined in section 2 of the POBO (Appendix 1), “entertainment” means 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 the provision of food or drink.

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through others what they are prohibited from doing themselves by the Code of Ethics for Speech Therapy in Hong Kong issued by HKIST.

- 6.4 In making public statements, announcements of services, advertising, and promotional activities, members should serve the purpose of helping the public to make informed judgments and choices.
- 6.5 Members should not include the following behaviours when making public statements in announcing or advertising the availability of speech therapy related products, publications or services:
- 6.5.1 any statement which is false, fraudulent, unfair, misleading, deceptive or likely to mislead or deceive;
 - 6.5.2 any statement claiming or implying superiority of the member over any or all other members;
 - 6.5.3 any statement intended or likely to create false or unjustified expectations of favourable results;
 - 6.5.4 any statement intended or likely to appeal to a client's fears, anxieties or emotions concerning the possible results of failure to obtain the offered services;
 - 6.5.5 any unwarranted claim stating or implying that the member uses exclusive or superior apparatus, methods or materials;
 - 6.5.6 any statement that is vulgar, sensational or otherwise such as would bring, or tend to bring, HKIST into disrepute;
 - 6.5.7 any statement that denigrates the profession or discipline of speech therapy generally.
- 6.6 Members should clearly identify or acknowledge any paid advertisement or sponsorship for the member's activities.

7.0 **Conflict of Interest**

- 7.1 A conflict of interest situation arises when the "private interests" of an office bearer or staff compete or conflict with the interests of HKIST or the official duties of the office bearer or staff. Private interests include financial and other interests of the office bearer or staff himself, and those of his connections including family and other relations, personal friends, the clubs and societies to which he belongs, and

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any person to whom he owes a favour or to whom he may be obligated in any way. [*Examples of conflict of interest at **Appendix 2***]

- 7.2 A fundamental integrity requirement is that all Members should avoid situations which may compromise (or be seen to compromise) their personal judgement or integrity at work or lead to conflict of interest. An office bearer or staff's duty to avoid or declare a conflict of interest goes beyond the disclosure of interests that are definable in pecuniary terms

8.0 **Declaration of Conflict of Interest situations**

- 8.1 When a situation involving a conflict of interest cannot be avoided, Members should as soon as possible make full disclosure of all relevant interests which conflict, may conflict or may be seen to conflict with their official duties. Any declarations made and the related decisions should be recorded in a minute in the subject file or a central declaration file, or use a sample declaration form (Form A / B at **Appendix 2**) for major tender exercises.
- 8.2 For members, organisations may make reference to the declaration guidelines at **Appendix 2**. For staff members who have made a declaration, their supervisors / the Board of Directors/ Approving authority will then decide on the appropriate course of action to be taken. If members have doubts concerning the handling of conflict of interest situation, they should immediately consult their supervisors / the Board of Directors/ Approving authority respectively.
- 8.3 Every member 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.
- 8.4 Each year, all personnel of HKIST shall be given a copy of this Code and sign a written statement (**Appendix 3**) certifying to all of the following:
- 8.4.1 The undersigned certifies the following statements:
- 8.4.1.1 I have received a copy of this Code;
 - 8.4.1.2 I have read and understand this Code;
 - 8.4.1.3 I agree to comply with this Code; and
 - 8.4.1.4 I understand that this Code applies to the Professional Council and its subordinate committees, and staff of HKIST.

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8.5 HKIST shall provide each member of the Professional Council and of each committee of HKIST 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 HKIST and of each committee until such statement is signed. Electronic signatures and signed statements returned via facsimile or email are acceptable.

9.0 **Managing conflict of interest situations**

9.1 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 / B at **Appendix 2**– Declaration of Conflict of Interest, the Professional Council shall return the acknowledgement of Declaration (**Appendix 2**) in which decision is stated to the declaring member within 28 working days.

9.2 If the Chairperson of the Professional Council or of a committee of HKIST declares an interest in a matter under consideration at the 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.

9.3 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.

9.4 All cases of declaration of interests by members and the decisions made by the Professional Council of or a committee of HKIST shall be recorded in the minutes of meeting.

10.0 **Confidentiality of Information**

10.1 Members should not disclose any classified or proprietary information of HKIST without authorisation or misuse any HKIST's information (e.g. for personal gain or the benefit of others). Special care should be taken when handling any personal

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data of the members, volunteers and service recipients to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486) and HKIST's data privacy policy.

- 10.2 Members should continue to observe their duty of confidentiality after they have left HKIST. They should not use, or take advantage of any classified or proprietary information obtained in the course of their official duties.

11.0 **Compliance**

- 11.1 Any office bearer and staff in breach of the Code will be subject to disciplinary action, including termination of appointment.

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Appendix 1

Extracts of the Prevention of Bribery Ordinance (Cap. 201)

<p>Section 9</p> <p>(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 –</p> <p>(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</p> <p>(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.</p> <p>(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 –</p> <p>(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</p> <p>(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,</p> <p>shall be guilty of an offence.</p> <p>(3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document –</p> <p>(a) in respect of which the principal is interested; and</p> <p>(b) which contains any statement which is false or erroneous or defective in any material particular; and</p> <p>(c) which to his knowledge is intended to mislead the principal, shall be guilty of an offence.</p> <p>(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)</p>	<p>(5) For the purposes of subsection (4) permission shall –</p> <p>(a) be given before the advantage is offered, solicited or accepted; or</p> <p>(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.</p> <p>Section 4</p> <p>(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's-</p> <p>(a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;</p> <p>(b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or</p> <p>(c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body, shall be guilty of an offence.</p> <p>(3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section.</p>
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Extracts of the Prevention of Bribery Ordinance (Cap. 201)

<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">Section 2</div> <p>“Advantage” means :</p> <ul style="list-style-type: none"> (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), 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 	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">Section 8</div> <ul style="list-style-type: none"> (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence. (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Section 19</div> <p>In any proceedings for an offence under this Ordinance, it shall not be a defence to show that any such advantage as is mentioned in this Ordinance is customary in any profession, trade, vocation or calling.</p>
<p>“Entertainment” means :</p> <p>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.</p>	

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Appendix 2

Guidelines on Declaration of Conflict of Interest by Members

1.0 General Principles

When an office bearer has a potential conflict of interest in a matter placed before HKIST, he should make full disclosure of his interest. The basic principle to be observed is that members' advice, decisions or views should be disinterested and impartial and it is the responsibility of each office bearer to judge and decide if the situation warrants a declaration, and to seek a ruling from the Board of Directors in case of doubt.

It is impossible to define or describe all the situations that would call for such a declaration, because each individual case differs, and because of the difficulty of catering for unusual and unforeseen circumstances. On the other hand, it is not intended that an office bearer should make a declaration of conflict of interest simply because the committee is considering a matter in which he has knowledge or experience.

2.0 Potential Conflict of Interest Situations

The following are potential conflict of interest situations:

- 2.1 Pecuniary interests in a matter under consideration by the Board, held either by the office bearer or by any close relative of his. Members are themselves the best judge of who, in the particular circumstances, is a "close relative".
- 2.2 A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organisation which is connected with, or the subject of, a matter under consideration by the Board.
- 2.3 Some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe an office bearer's advice to have been influenced by the closeness of the association.
- 2.4 A member, who, as a barrister, solicitor, accountant or other professional adviser, 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 by the Board.
- 2.5 Any interest likely to lead an objective observer to believe that the office bearer's advice might have been motivated by personal interest rather than a duty to give impartial advice.

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More Examples of Conflict of Interest for Members

Procurement of Products or Services

- An office bearer, or a staff involved in a procurement process, has interest in or is closely associated with a company which provides Hong Kong Institute of Speech Therapists (HKIST) with paid services (e.g. training, consultancy, legal, accounting), or bids for supply of goods or services to HKIST.
- An office bearer or his close relative / friend has financial interest in a professional fundraiser (e.g. a marketing or public relations company) which HKIST engages to solicit donations.
- An office bearer or staff leases or sells his property to HKIST.

Contract Administration

- A staff responsible for contract administration solicits quotations from or employs contractors of HKIST for renovating his home.

Staff Administration

- An office bearer gets paid to undertake a staff position and appoints his relatives or friends to take up posts in HKIST.
- One of the candidates under consideration in a recruitment or promotion exercise is a family member, a relative or a close personal friend of the members responsible for the exercise.

Others

- An office bearer attends a meeting for evaluation of an NGO supplier of which he is also an office bearer.
- An office bearer's company, being a sponsor for an event of HKIST, is favoured over other sponsors, e.g. publicity or best seats in the event.
- A client of an office bearer's business bids for purchase of an asset owned by HKIST.
- A staff responsible for assessing eligibility of applications for food assistance provided by HKIST is considering an application from his personal friend or relative.

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FORM A

Hong Kong Institute of Speech Therapists Declaration of Conflict of Interest by Members excluding Staff

Part A – Declaration *(To be completed by Declaring Member)*

To : HKIST Board of Directors

I would like to report the following existing / potential* conflict of interest situation in relation to the discussion item:

i) Matter to be discussed by the Board
ii) Brief description of my connection with the matter in (i) above (e.g. directorship in a company which is connected with the matter)

(Name of Declaring Member)
(Date)

Part B – Acknowledgement *(To be completed by the Board of Directors)*

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To : (Declaring Member)

Acknowledgement of Declaration

The information contained in your declaration form of (Date) is noted. It has been decided that:

- You may continue to speak and vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may continue to speak but should not vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may remain in the meeting as an observer on the matter as described in Part A, provided that there is no change in the information declared above.
- You should withdraw from the meeting and immediately return to the secretary any documents regarding the matter sent to you earlier.
- Others (please specify) : _____

** Please delete as appropriate*

(Name of Director)
(Date)

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FORM B

Hong Kong Institute of Speech Therapists Declaration of Conflict of Interest by Staff

Part A – Declaration *(To be completed by Declaring Staff)*

To : HKIST Board of Directors via (supervisor of the Declaring Staff, if applicable)

I would like to report the following existing / potential* conflict of interest situation arising during the discharge of my official duties:

Persons / companies with whom / which I have official dealings
My relationship with the persons / companies (e.g. relative)
Relationship of the persons / companies with our Organisation (e.g. supplier)
Brief description of my duties which involved the persons / companies (e.g. handling of tender exercise)

(Name of Declaring Staff)
(Post)
(Date)

Part B – Acknowledgement *(To be completed by Approving Authority)*

To : (Declaring Staff) via (supervisor of the Declaring Staff)

Acknowledgement of Declaration

The information contained in your declaration form of ____ (Date) ____ is noted. It has been decided that:

- You should refrain from performing or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- You may continue to handle the work as described in Part A, provided that there is no change in the information declared above.
- Others (please specify):

* Please delete as appropriate

(Name of Director)
(Date)

Appendix 3

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Hong Kong Institute of Speech Therapist Code of Conduct Signature Page

Each year, each member of the Professional Council, committees and staff of HKIST shall be given a copy of the Code of Conduct 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 Code;
- II. I have read and understand this Code;
- III. I agree to comply with this Code; and
- IV. I understand that this Code applies to the Professional Council and its subordinate committees, and staff of HKIST.

HKIST 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 HKIST and of each committee until such statement is signed.

READ, UNDERSTOOD, and AGREED:

(Name of Declaring Member)
(Date)