

HONG KONG GREEN BUILDING COUNCIL LIMITED

Probity Rules for Election of Directors from Institutional Members

To ensure a fair and clean election, **NO one shall**:

Nomination

1. Offer, solicit or accept any advantage (including money, gift, etc.), food, drink or entertainment as an inducement or a reward for any person's standing or not standing as a candidate or withdrawing from the election.
2. Use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw from the election.
3. Induce any person by deception to stand or not to stand as a candidate, or to withdraw from the election.

Electioneering

1. Provide any false or misleading information about any candidate for the purpose of promoting or prejudicing the election of the candidate.
2. Provide any false or misleading information about the support of any organisation or person for a candidate without prior written consent from that organisation or person, with the intent to imply that the candidate has gained the support of that organisation or person.
3. Conduct any canvassing activities within the building of the voting venue on the voting day.

Voting

1. Offer, solicit or accept any advantage (including money, gift, etc.), food, drink or entertainment as a condition or reward for any person's not voting at the election, or voting or not voting for a particular candidate.
2. Use or threaten to use force or duress to induce any person to vote or not to vote at the election, or to vote or not to vote for a particular candidate.
3. Induce any person by deception not to vote at the election, or to vote or not to vote for a particular candidate.

4. Vote at the election knowing that he/she is not entitled to do so; or after having knowingly or recklessly given false or misleading information to HKGBC Secretariat.
5. Induce any person to vote at the election knowing that the person is not entitled to do so; or knowing that the person has given false or misleading information to HKGBC Secretariat.
6. Destroy, deface, remove, take or otherwise interfere with a ballot form in use or that has been used at the election, without lawful authority.
7. Destroy, remove, open or otherwise interfere with a ballot box in use at the election, without lawful authority.

The above list is not exhaustive. All related parties shall ensure that the election is conducted in a fair and clean manner in strict accordance with the principles of integrity, honesty and incorruptibility, and shall comply with the laws of Hong Kong, including the Prevention of Bribery Ordinance.

Procedures for Handling Directors' Election Complaints

1. All complaints concerning the election should be lodged with Head of Finance and Administration (F&A) of HKGBC no later than 45 days after the election date.
2. A complaint shall be made in writing with the following information:
 - the complainant's name, title, company, correspondence address, email address and telephone number
 - details of the complaint and evidence
3. Anonymous complaint will be considered as far as practicable.
4. All information concerning the complainant shall be treated in strict confidence.
5. On receiving a complaint, the Head of F&A will send a notice of acknowledgement to the complainant within 7 days and refer the complaint to the relevant Committee (the Committee) for consideration.
6. For cases of suspected violation of the probity rules of election, the Committee shall make recommendations to the Board which shall decide the course of action to be taken, including but not limited to:
 - (a) setting up a task force which may comprise external members to investigate into the complaint;
 - (b) disqualification of the candidate, invalidating the election result or removing the Director; and
 - (c) referring the matter to law enforcement authorities if corruption or any other criminal act is suspected.
7. The Head of F&A will send a notice to the person being complained about (Complainee) to:
 - (a) inform him/her of the complaint and the allegation; and
 - (b) request him/her either to make written representations to HKGBC within 14 days or to reply in writing within 14 days that he/she chooses to make representations in person at the meeting of the Board or the task force.
8. The complainee shall be allowed to appoint legal representative. In such case, HKGBC shall appoint its own legal representative.

9. The Head of F&A will notify the complainant and the complainees of the Board's decision in writing not more than 3 days from the date of the Board's decision. The Head of F&A will also inform the complainees of his/her right to appeal against the decision within 28 days from the date of notice.
10. If an appeal is lodged by the complainees, the Head of F&A will notify the complainant in writing of the appeal.

Procedures for Appeal

11. Upon receipt of the notice of appeal from the complainees (Appellant), the Board shall appoint a separate Appeal Panel (AP) consisting of members who shall not have any interest in the concerned appeal or connection with any party which has an interest therein. None of the AP Members shall have been a member of the Board or the task force appointed by the Board for handling the complaint as mentioned under clause 6(a) above.
12. The Appellant is required to give grounds of appeal when he/she submits the notice of appeal.
13. The AP shall convene a meeting to consider the case if proceeded and give not less than 28 days' notice to inform the Appellant and the Board that both parties may attend the meeting and make representations to the AP.
14. The decision of the AP is binding and final, which will be reported to the Board.

Suspension of Complaint Procedures

If a complaint against criminal, illegal or corrupt activities is made or referred to the relevant authorities such as the Police or the ICAC, the complaint procedures by HKGBC shall be suspended until a decision or ruling is reached by the authority.