

Hong Kong Science and Technology Parks Corporation

WHISTLEBLOWING POLICY

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Whistleblowing Policy

1. POLICY

The Corporation is committed to adhere to the highest standards of ethical, moral and legal conduct of business operations. To maintain these standards, the Corporation encourages its employees and external parties who have concerns about any suspected misconduct or malpractices to come forward and express these concerns without fear of punishment or unfair treatment. This policy aims to provide an avenue for employees and external parties to raise concerns on any actual or potential violations of legal or regulatory requirements, fraudulent activities or misrepresentation of any financial statements and reports and records.

2. SCOPE

Various stakeholders of the Corporation can avail of the channel provided by this Policy for raising an issue covered under this Policy. These stakeholders may fall into any of the following broad categories:

- (a) Employees of the Corporation
- (b) Employees of other agencies deployed for the Corporation's activities, whether working from any of the Corporation's offices or any other location
- (c) Contractors, vendors, suppliers or agencies (or any of their employees) providing any material or service to the Corporation (e.g. facilities management companies)
- (d) Customers of the Corporation
- (e) Any other person having an association with the Corporation

3. PROTECTION TO WHISTLEBLOWERS

3.1. Person making appropriate complaint under this policy is assured of protection against unfair dismissal, victimization or unwarranted disciplinary action even if the concerns turn out to be unsubstantiated. Any other person assisting in the said investigation shall also be protected to the same extent as the Whistleblower. The protection is available provided that:

- (a) The communication/disclosure is made in good faith
- (b) He/She reasonably believes that information, and any allegations contained in it, are substantially true and
- (c) He/She is not acting for personal gain

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- 3.2. The Corporation will not tolerate the harassment or victimization of anyone raising a genuine concern. Where it is determined that there is a prima facie case that an individual has suffered adverse treatment, harassment or victimization as a result of his or her disclosure, a further investigation may take place and disciplinary action may be taken against the perpetrator.
- 3.3. Person who does not act in good faith or make an allegation without having reasonable grounds for believing it to be substantially true, or make it for purposes of personal gain, or make it maliciously knowing it to be untrue may be subject to disciplinary actions.

4. MISCONDUCT AND MALPRACTICE

- 4.1. The list of the activities that constitute misconduct or malpractice may include:
- (a) Any unlawful act whether criminal/civil
 - (b) Deliberate violation of law/regulation and the policies and procedures of the Corporation
 - (c) Improper conduct or unethical behavior
 - (d) Internal control weaknesses or loopholes
 - (e) Fraudulent activities (e.g. manipulation of data/records)
 - (f) Unethical conduct in recruitment and selection
 - (g) Unjustified or unapproved preferential rental treatment
 - (h) Unfair/improper admission of tenants or incubatees
 - (i) Unfair/improper selection of suppliers or service providers
 - (j) Kickbacks
 - (k) Financial irregularities, including fraud or suspected fraud or deficiencies in internal control or deliberate error in preparations of Financial Statements or misrepresentation of financial reports
 - (l) Wastage/misappropriation of funds/assets
 - (m) Attempts to suppress or conceal any information relating to any of the matters listed above
- 4.2. Personal grievances (e.g. bullying, harassment, discrimination, discipline) are not covered by this Policy. They should be handled by the Head of Human Resources and Office Administration under the HR Policy and Procedures. If in the course of investigation any concern raised in relation to the above matters appears to relate more appropriately to personal grievances, the above mentioned procedures will be invoked.

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5. RESPONSIBILITY FOR IMPLEMENTATION OF POLICY

- 5.1. The Audit Committee has overall responsibility for this policy, but has delegated day-to-day responsibility for overseeing and implementing it to the Chief Compliance Officer. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for action resulting from investigation into complaints lies with the Audit Committee.
- 5.2. Management must ensure that all stakeholders feel able to raise concerns without fear of reprisals. All employees should ensure that they report to the Chief Compliance Officer of any misconduct or malpractice which has grave impact on the reputation, operations and performance of the business of the Corporation. Any questions about the contents or application of this policy should be addressed to the Chief Compliance Officer.
- 5.3. Management must ensure that all whistleblowing cases (including anonymous complaints) received are referred to the Chief Compliance Officer. The Chief Compliance Officer will discuss with the CEO on how to handle the complaint.
- 5.4. The Chief Compliance Officer will log all concerns received and report to the Audit Committee on an annual basis.

6. REPORTING PROCEDURES

- 6.1. Whistleblowers should send all concerns and information directly to the Chief Compliance Officer whose contact details are as follows:

Chief Compliance Officer
Corporate Compliance Division,
5/F, Building 5E,
5 Science Park East Avenue,
Hong Kong Science Park,
Shatin, New Territories, Hong Kong

Email Address: comply@hkstp.org
Telephone No.: 2629 6867

- 6.2. All reported complaints or concerns should preferably be reported in writing in English or Chinese so as to ensure a clear understanding of the issues raised. The report should be factual and not speculative or in the nature of a conclusion, and should contain as much specific information as possible to allow for proper assessment of the nature and extent of the concern and the urgency of a preliminary investigative procedure.

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- 6.3. Anonymous complaints may be reported, investigated or acted upon having regard to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

7. INVESTIGATION PROCEDURES

- 7.1. The Chief Compliance Officer will send an acknowledgement receipt to the whistleblower within 3 working days where the whistleblower has provided his/her contact details.
- 7.2. Every report received will be evaluated to decide if a full investigation is necessary. If an investigation is warranted, the Chief Compliance Officer will be appointed to look into the matter. The Chairman of the Audit Committee will be consulted if the complaint involves highly sensitive issues (e.g. senior management fraud and irregularities).
- 7.3. Where the report discloses a possible criminal offence, the matter will be referred to the CEO who will decide if the matter should be referred to the law enforcement agencies for further action. The Audit Committee will be informed of such a decision.
- 7.4. The Corporation may refer the matter to the law enforcement agency without prior notice or consultation with the whistleblower. Once the matter is referred to the law enforcement agency, the Corporation will not be able to take further action on the matter, including advising the Whistleblower of such referral.
- 7.5. The investigation report will be reviewed by the CEO and the Audit Committee. If an investigation concludes that an improper or unethical act has been committed, the CEO shall recommend to the Audit Committee such disciplinary or corrective action. It is clarified that any disciplinary or corrective action initiated against the Subject as a result of the findings of an investigation pursuant to this Policy shall adhere to the applicable personnel or staff conduct and disciplinary procedures.
- 7.6. In the event that an individual has a conflict of interest in dealing with the complaint, he/she should refrain from participating in the entire process.
- 7.7. The Whistleblower will be informed the outcome of the investigation, if appropriate. Because of legal constraints, the Corporation will not be able to provide the details of the action taken or a copy of the investigation report to the Whistleblower.

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8. APPEAL PROCEDURES

The Whistleblower has the right of appeal if he/she believes that the process within the policy has not been followed. Appeal should be made to the Audit Committee Chairman within 15 days of the outcome letter. On receipt of the appeal against the process, the Audit Committee Chairman will discuss with the Board Chairman whether they feel that the investigation undertaken was appropriate or if they feel that further investigation should be undertaken. In the event that further investigation is deemed appropriate it will be for the Audit Committee Chairman and the CEO to jointly agree an appropriate person to undertake this investigation.

9. CONFIDENTIALITY

The Corporation will make every effort to keep the Whistleblower's identity confidential in order not to jeopardize the investigation, the Whistleblower is also required to keep confidential the fact that he or she has filed a report, the nature of concerns and the identities of those involved.

10. RECORD RETENTION

All complaints and the related information will be retained securely in accordance with the HKSTP's data retention policy and Data Protection Principles under the Personal Data (Privacy) Ordinance (Cap.486).