

Whistleblowing Policy

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Table of Contents

1. Objectives	P. 3
2. Scope	P. 3
3. Responsibility for implementation of the Whistleblowing Policy	P. 3
4. Whistleblowing and improprieties	P. 4
5. Protection and non-retaliation	P. 5
6. Confidentiality	P. 5
7. Making a report	P. 6
8. False report	P. 6
9. Investigation process	P. 7
10. Record retention	P. 10
11. Policy review	P. 10
Appendix 1- Whistleblowing report form	P. 11
Appendix 2- Register of Whistleblowing report	P. 12
Appendix 3- Whistleblowing investigation report	P.13

1. Objectives

- 1.1 Hong Kong Breast Cancer Foundation Limited (“HKBCF”) is committed to maintaining good governance, emphasizing accountability and high degree of transparency which ensure reliability and trustworthiness of its service.
- 1.2 The purpose of this Whistleblowing Policy (“WB Policy”) is to set out HKBCF’s policy on, and commitment to, whistleblowing and the protection of whistleblower, and to provide reporting channels and guidance on reporting serious improprieties.
- 1.3 In line with this commitment and social responsibility, HKBCF expects and encourages its staff who have concerns about any suspected serious misconduct or malpractice (Reference: Activities listed in Paragraph 4.2) within HKBCF to come forward and voice those concerns.

2. Scope

- 2.1 The WB Policy applies to employees at all levels of HKBCF. HKBCF will endeavour to respond to the concerns received fairly and properly.

3. Responsibility for implementation of the Whistleblowing Policy

- 3.1 While the Audit Committee of HKBCF (“AC”) has the overall responsibility for the WB Policy, it has delegated the operation of this Policy to the Chairman of the Management Committee (“Chairman”), the Chief Executive Officer (“CEO”) and the Investigator appointed by the Chairman unless the reporting case involved the CEO or above or it is a suspected criminal case (Reference: Section 9 - Investigation Process).
- 3.2 Besides, responsibility has been delegated to the CEO to implement training to staff about the WB Policy.
- 3.3 AC is responsible for monitoring and reviewing the effectiveness of the WB Policy and the actions resulting from the investigation.

4. Whistleblowing and improprieties

- 4.1 Whistleblowing refers to a situation where a person (a “Whistleblower”) decides to report concerns about any serious suspected or actual malpractice, misconduct or irregularity relating to HKBCF.
- 4.2 Activities that constitute serious malpractice, misconduct and irregularity (“Concerns”) may include, but not limited to the following:
 - 4.2.1 Criminal offences or miscarriage of justice;
 - 4.2.2 Non-compliance with laws and regulations;
 - 4.2.3 Bribery or corruption;
 - 4.2.4 Impropriety of fraud relating to accounting, financial reporting, internal controls and auditing matters;
 - 4.2.5 Non-disclosure of conflicts of interest;
 - 4.2.6 Negligence or unethical behaviour;
 - 4.2.7 Misuse or misappropriation of HKBCF's assets or resources;
 - 4.2.8 Any action which endangers the health and safety of employees and service users;
 - 4.2.9 Violation of the policies and guidelines of HKBCF;
 - 4.2.10 Improper use or leakage of confidential or commercially sensitive information;
and
 - 4.2.11 Deliberate concealment of any of the above.
- 4.3 For the extreme suspected criminal offence, for example, urgent personal injury, the affected person/Whistleblower has to report the case to the relevant authority(ies) by himself/herself as soon as possible.
- 4.4 A Whistleblower is required to make his/her report of Concerns (Report) in **GOOD FAITH**.

4.5 For activities being reported that do not constitute Concerns as defined in Paragraph 4.2, such grievances or complaints will be handled in accordance with HKBCF's complaints handling mechanism, rather than the WB Policy.

5. Protection and non-retaliation

5.1 A Whistleblower who reports his/her Concerns in **GOOD FAITH** under the WB Policy will be protected from retaliation or adverse consequences of his/her employment, even if the Concerns are not finally confirmed after investigation. Any staff who retaliates against a Whistleblower who has reported Concerns in good faith or participated in the investigation of a case is subject to discipline.

5.2 **GOOD FAITH** means that the reporting person has held a reasonable belief that the Report made is true, complete and honest as well as not made for personal interest or any ulterior motive.

6. Confidentiality

6.1 To protect the Whistleblower and to ensure the impartiality of the investigation, HKBCF will make every effort to keep both the identity of the Whistleblower and the reported Concerns strictly confidential, unless it is required to be disclosed by legal or statutory requirements.

6.2 In order not to jeopardise the investigation, the Whistleblower is also required to keep confidential the fact that a report has been made, the nature of the Concerns and the identities of those involved and any information relating to the Report.

6.3 The Whistleblower is required to provide his/her name and contact details, so that clarification of the report made or further appropriate information can be obtained directly from him/her, where required.

6.4 The Whistleblower is advised to report as much specific information as possible to facilitate assessment and investigation.

6.5 Anonymous report will not be handled since the anonymity status will hinder the investigation as well as follow-up actions, due to limited information available for investigation.

7. Making a report

- 7.1 Any Whistleblower who wishes to make a whistleblowing report should inform the Chairman¹ by sending the Whistleblowing Report Form (“Form”) as attached in Appendix 1, with supplementary information, if any, by the following way:

Method	Details
By Post	<p>In sealed envelope clearly marked with “Strictly Private and Confidential - To be opened by Addressee Only”</p> <p>To: Chairman of Management Committee Hong Kong Breast Cancer Foundation Limited 22/F, Jupiter Tower, 9 Jupiter Street, North Point, Hong Kong</p>

- 7.2 The Form will be directly and immediately passed to the Chairman by the Executive Office.
- 7.3 A register should be kept for recording every incoming whistleblowing report as attached in Appendix 2. The register should be protected by password which is kept by the CEO unless it is otherwise determined by the Chairman.

8. False report

- 8.1 All Reports must be made in **GOOD FAITH**. If a Whistleblower maliciously makes a false report, with an ulterior motive, without reasonable grounds that the information in the Report is accurate or reliable, or for personal gain, the Whistleblower may face disciplinary action, including termination of employment where appropriate.

¹ In the absence of the Chairman of the Management Committee, either one of the Vice Chairmen of the Management Committee will perform all duties of the Chairman of the Management Committee stipulated in this WB Policy.

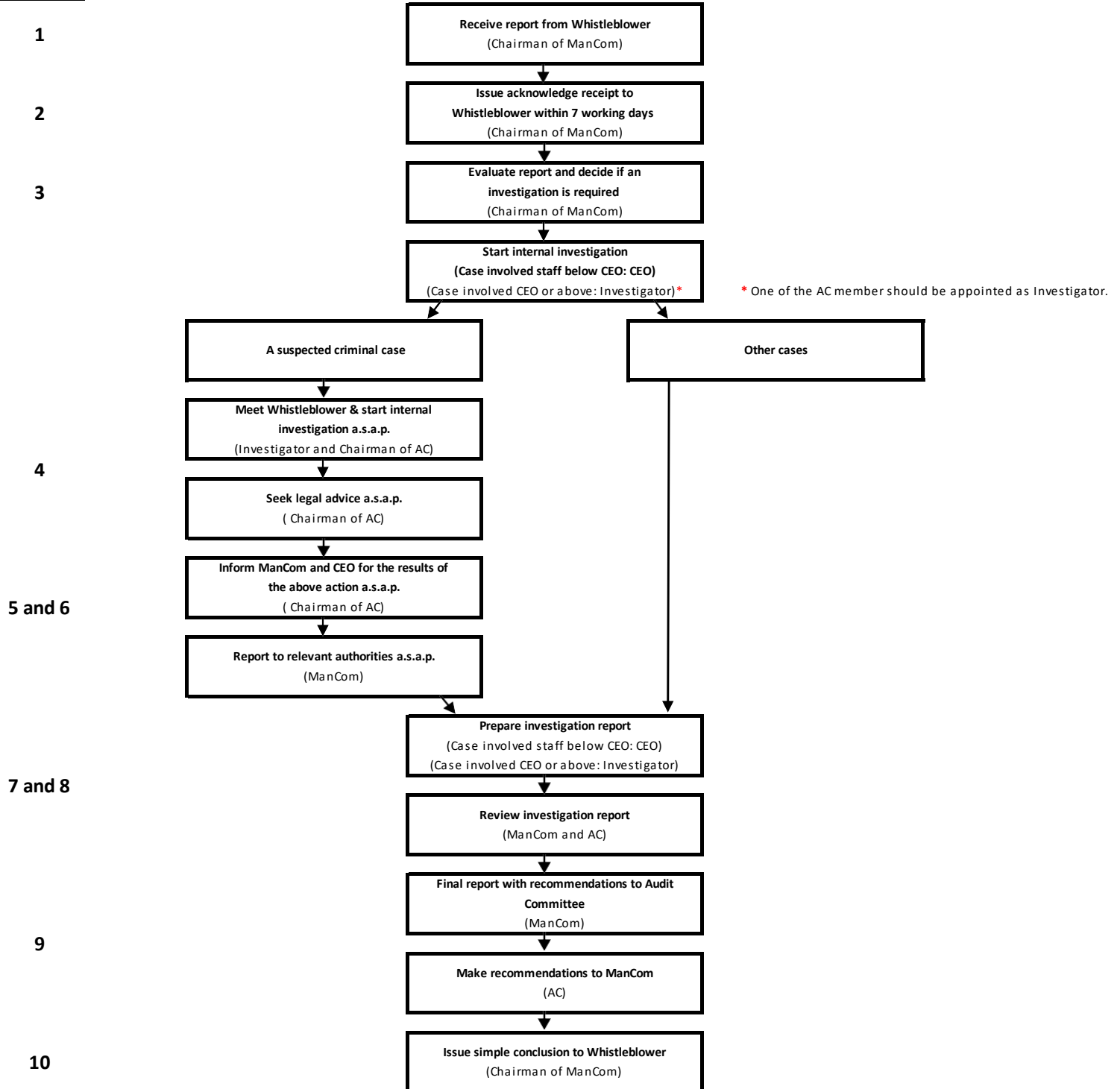
9. Investigation process

- 9.1 HKBCF has endeavoured that there is a whistleblowing mechanism to treat the Reports seriously and fairly.
- 9.2 An acknowledgement receipt of the Report will be sent to the Whistleblower by the Chairman within 7 working days confirming that his/her Report has been received.
- 9.3 The Chairman will assess each reporting case and decide if an investigation is required. If an investigation is warranted, for the reporting case that involved any staff below the CEO, the Chairman will appoint CEO to perform investigation. For the reporting case that involved the CEO or above, the Chairman will form a designated investigation team (“Investigator”) to look into the matter. One of the AC Member should be appointed in the investigation team if the reporting case involved CEO or above.
- 9.4 Where the Report discloses a suspected criminal offence, the Investigator and Chairman of AC may ask the Whistleblower to provide more accurate information as soon as possible. Besides, the Chairman of AC, in consultation with legal advisers of HKBCF, will decide if the matter should be referred to the relevant authority(ies) for further action as soon as possible.
- 9.5 Should the Chairman of AC consider it appropriate to refer the case to the relevant authority(ies), the Chairman of AC will inform the Management Committee (“ManCom”) and the CEO of the decision. ManCom will make final decision whether the case will be referred to the relevant regulatory authority(ies), such as the Hong Kong Police Force, the Independent Commission Against Corruption, the Hong Kong Customs and Excise Department.

- 9.6 Once the matter is referred to the authority(ies), HKBCF will not take further action on the matter². The Whistleblower may be asked to provide more information during the course of the investigation by the relevant authority(ies).
- 9.7 The investigation report will be prepared by the Investigator and reviewed by ManCom and AC.
- 9.8 Possible outcomes of the investigation included:
- 9.8.1 The allegation could not be substantiated;
- 9.8.2 The allegation is substantiated with one or both of the following:
- 9.8.2.1 Corrective action should be taken to ensure that the problem will not occur again;
- 9.8.2.2 Disciplinary or appropriate action should be taken against the wrongdoer.
- 9.9 A final investigation report, with recommendations (if appropriate), will be submitted to AC. The AC will review the final report and make recommendations to ManCom. The template of the investigation report is attached in Appendix 3.
- 9.10 A simple conclusion of the complaint will be sent to the Whistleblower by the Chairman by oral or other communication means.
- 9.11 A Whistleblower may provide additional evidence to the Chairman for investigation after receiving summary of outcome. If the Chairman considers additional evidences are warranted, the Concerns will be investigated again.
- 9.12 A Whistleblower is advised to consult his/her legal advisers, if needed.
- 9.13 The workflow of investigation process is summarised as follows:

² For example, Section 30 of the Prevention of Bribery Ordinance (Cap. 201) would prevent HKBCF from disclosing to the public that a particular person is the subject of an investigation by the Independent Commission Against Corruption. Under the anti-money laundering regime, section 25A(5) of the Organised and Serious Crimes Ordinance (Cap. 455) stipulated the procedure for filing of a suspicious transaction report to an authorised officer or to the appropriate person in accordance with the procedure established by employers. Therefore, it is an offence for a person to disclose to any other person any matter which is likely to prejudice any investigation which might be conducted.

Procedure



10. Record retention

- 10.1 All originals and copies of the Whistleblowing Report Forms, documents and materials of the Whistleblowing cases (eg. record of interviews, evidence, other relevant information, etc) and investigation reports should be filed and kept at the CEO office, including whistleblowing cases which are not substantiated.
- 10.2 All records shall be kept confidential for 7 years after the whistleblowing cases have been withdrawn, resolved, or the investigation is completed (or whatever other period may be specified by any relevant legislation).

11. Policy Review

- 11.1 The WB Policy will be monitored and reviewed regularly by the AC and approved by the ManCom.

Appendix 1

(STRICTLY CONFIDENTIAL)

HONG KONG BREAST CANCER FOUNDATION LIMITED

WHISTLEBLOWING REPORT FORM

If you wish to report a whistleblowing concern, please fill in this form. All information will be kept in a strictly confidential manner.

Whistleblower's Information:

Full Name: _____
Job Title: _____ Department: _____
Tel no.: _____ Email: _____

Details of Concern:

Please provide full details of your concern: names of the persons involved, dates, places, reasons, etc. and any other supporting evidence(s). (Continue on separate sheet if necessary)

Signature: _____ Date: _____
(Name: _____)

Notes to Whistleblower:

1. Please deliver your Form by post to Chairman of the Management Committee in a sealed envelope clearly marked with "Strictly Private and Confidential"-to be opened by Addressee Only" to Hong Kong Breast Cancer Foundation Limited, 22/F, Jupiter Tower, 9 Jupiter Street, North Point, Hong Kong. Please refer to Section 7 of this Whistleblowing Policy for details.
2. A Whistleblower could report serious malpractice, misconduct and irregularity relating to HKBCF listed in section 4.2 of this Whistleblowing Policy.
3. The Chairman of Management Committee (Chairman) will assess each reporting case. If an investigation is warranted, for the reporting case that involved staff below CEO, the Chairman will appoint CEO to perform investigation. For the reporting case that involved CEO or above, the Chairman will form a designated investigation team ("Investigator") to look into the matter. CEO, Investigator and Audit Committee may ask the Whistleblower to provide more accurate information during the course of investigation.
4. A Whistleblower may be asked to provide more information by the regulatory authority(ies) if the case involved criminal offence and HKBCF has referred case to the relevant regulatory authority(ies).
5. To protect the Whistleblower and to ensure the impartiality of the investigation, HKBCF will make every effort to keep both the identity of Whistleblower and the reported Concerns strictly confidential, unless it is required to be disclosed by legal or statutory requirements. Please refer to section 6 of this Whistleblowing Policy.

Personal Information Collection Statement

All personal data collected will only be used for purposes which are directly related to the whistleblowing case you reported. The personal data submitted will be held and kept confidential by HKBCF and may be transferred to parties with whom we will contact during our handling of this case. The information provided may also be disclosed to law enforcement authorities or other concerned units. Where relevant, under the Personal Data (Privacy) Ordinance (Cap. 486) of Hong Kong, you shall have the right to request access to and correction of your personal data. If you wish to exercise these rights, requests should be made in writing to the Chairman at the address shown in section 7 of this Whistleblowing Policy.

HONG KONG BREAST CANCER FOUNDATION LIMITED
REGISTER OF WHISTLEBLOWING REPORT
(Strictly Confidential)

	Date of receiving Whistleblowing report	Whistleblower	Nature of the Concerns and description	Any investigation Yes/ No? If yes, by whom?	Outcome of the investigation	Status (Receiving/ Investigating / Completed/ Close file)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Appendix 3

HONG KONG BREAST CANCER FOUNDATION LIMITED

**WHISTLEBLOWING INVESTIGATION REPORT
(STRICTLY CONFIDENTIAL)**

To: Management Committee of Hong Kong Breast Cancer Foundation Limited

From: _____
[Insert the name(s) of Investigator(s)]

Date of report: _____

Basic Information

Date of receiving Whistleblowing Report:	
Type of Whistleblowing case:	
Name, Job title and Department of the Whistleblower(s):	
Name, Job title and Department of the person(s) concerned	
Investigator(s):	

Particular of the whistleblowing case (Continue on separate sheet if necessary)

Case Background
Remit of the investigation

Witnesses
Preliminary assessment
Investigation process
Findings
Proposed actions
Comments from ManCom
Comments and recommendations from Audit Committee
Conclusion