



**NORTHERN CORRIDOR IMPLEMENTATION AUTHORITY**


**INTEGRITY DEPARTMENT**

**TITLE: NO GIFT POLICY**

Reference No. : **NCIA-ID-PP-03**  
Rev. No. : **00**  
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## REVISION HISTORY

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## 1.0 INTRODUCTION

### 1.1 Policy

1.1.1 In any circumstances, the following gifts/ hospitality is strictly prohibited from receiving/ giving by or to NCIA employees or through family members or through any other person to give or receive on behalf:

- a) Any articles, services, goods, or things of whatever description that might offend any law for the time being in force in Malaysia;
- b) Any articles, services, goods, or things of whatever description that may influence business decisions concerning the NCIA, for example, the award of a contract; and
- c) Sexual favours.


### 1.2 The objective of this policy is:

- a) To avoid NCIA employees from any conflict of interest that places employees in a position that may call into question their conduct while performing their obligation for NCIA.
- b) To guide how to recognize and deal with the right practice of accepting and giving gifts in the working environment at NCIA; and
- c) To prevent NCIA employees from being convicted under any bribery or Anti-Corruption laws for the time being in force in Malaysia.

### 1.3 Amendments to the document

Shall there any requirements to update, improve, and / or amend this document, proposed changes must be reviewed by Head of Department/ Unit. Such changes shall be deliberated by the Policy and Procedure Committee (hereinafter referred as "PPC") and recommend to the Management Committee (hereinafter referred as "MC") for final recommendation to the Audit Committee for approval. Upon recommendation, process owner/ department representative shall seek approval from the Audit Committee of any proposed changes to the document including changes to the Appendices.

The document may also be revised in the event of major changes in any activities stipulated in the plan or during Audit Committee. Internal review on the records shall be carried out at least once a year and the frequencies may increase, if so, required depending on the circumstances.

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#### 1.4 Authorised Use Permission

This document is for internal use only and is NOT to be taken out of NCIA premises. Users are advised to treat the information contained in this document as confidential and must be kept it in a safe place.

## 2.0 SCOPE

This policy applies to all NCIA employees, irrespective of ranks and designation, whether on a permanent, temporary (secondment) or contractual basis.


NCIA also expects this policy to guide third-party contractors, suppliers, vendors, consultants, agents, funders, sponsors, and any other third-party performing works or services for or on behalf of NCIA.

## 3.0 DEFINITION, ABBREVIATIONS & LEGENDS


### 3.1 Abbreviations

**Table 3.1: Table of Abbreviations**

Abbreviation	Definition
NCIA	Northern Corridor Implementation Agency established under the Northern Corridor Implementation Authority Act 2008 (Act 687)
Management Committee	Management Committee of NCIA formed by the approved organizational structure of NCIA by the Council Members
Council Members	Council Members of NCIA constituted by the Northern Corridor Implementation Authority Act 2008 (Act 687)
Chief Executive	Chief Executive Officer of NCIA appointed by the Northern Corridor Implementation Authority Act 2008 (Act 687)
Head of Department	Officer who is responsible for a department, or unit of NCIA, and includes any officer authorized in writing by the Chief Executive to carry out the functions of a Head of Department for any period
Family members	Includes the spouse(s), children (including stepchildren and adopted children), parents, stepparents, siblings, step-siblings, grandparents, grandchildren, in-laws, uncles, aunts, nieces, nephews, and first cousins of NCIA employees
Third parties	contractors, suppliers, business partners, vendors, consultants, agents, and any other person or entity performing works or services for or on behalf of NCIA.

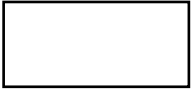
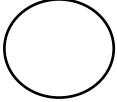
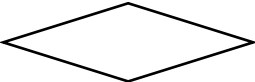



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Conflict of Interest	A situation in which an NCIA employee is in a position to take advantage of his/her role in NCIA, by using confidential information, assets, or intellectual property for his/her benefit, including the benefit of his/her relatives
Declaration	All employees are required to disclose in full disclosure and transparent all gifts/ hospitality received/given exceeding RM500 in total value for one occasion per person, whether received/given from/to customers, suppliers, vendors, or any person who has any business dealings with NCIA;
Secret profits	Any unauthorized transactions made on a person's behalf, using an organization's facilities, assets, or properties and gaining a profit from the transaction
Gift	Means any form of monetary or non-monetary gratification such as goods, services, cash or cash equivalents, fees, rewards, facilities, or benefits given to or received by an NCIA's employee or any other person on his or her behalf
Hospitality	Considerate care of guests, which may include refreshments, accommodation, and entertainment at a restaurant, hotel, club, resort, convention, concert, sporting event, or other venues such as company offices, with or without the personal presence of the host. Provision of travel may also be included, as may other services such as the provision of guides, attendants, and escorts; use of facilities such as a spa and golf course with equipment included
Policy	the "No Gift Policy"

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### 3.2 Legends


**Table 3.2: Table of Legends**

	Regular Activities to be performed		Connector to Next Page
	Verification Gate/ Decision/ Option		Terminator (Start and End of a Process)
	Flow		Sub-Process

## 4.0 RESPONSIBILITIES

### 4.1 NCIA Employees

- i. Shall at all times observe this policy, failing which shall constitute serious misconduct or offense warranting disciplinary action as per the Terms of Employment NCIA Employee Handbook.
- ii. Mandatory declaration to disclose to respective Head of Department/ Unit/ State Office for all gifts/hospitality received/given exceeding RM500 in total value for one occasion per person, whether received from or given to customers, suppliers, vendors, or any person who has any business dealings with NCIA.
- iii. Voluntary declaration to disclose to respective Head of Department/ Unit/ State Office for all gifts/hospitality received/given RM500 or less in total value for one occasion per person, whether received from or given to customers, suppliers, vendors, or any person who has any business dealings with NCIA.

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#### 4.2 Head of Department/ Unit/ State Office

- i. Head of Department/Unit/ State Office shall consider the submitted declaration through **Form A** based on the general guidelines as per **Appendix 2**:
  - a) Ensure that the gift/ hospitality received is allowed under Terms of Employment NCIA Employee Handbook together with its amendment, variation, or modification from time to time;
  - b) The gift/ hospitality received shall not give rise to any suspicion that the NCIA employee had used his public position or authority to receive the gift/ hospitality
  - c) The frequency/ pattern/ method of the NCIA employees receiving the gift/ hospitality
  - d) The relationship between the NCIA employees with the third parties relating to NCIA employees' roles and duties; and.
  - e) The interest of the department or NCIA.


Having satisfied the criteria above, the Head of Department/ Unit / State shall decide as follows:

- a) Return the gift/ hospitality to Giver through the Head of Department or
  - b) The gift/ hospitality to be kept by the Integrity Department.
  - c) Permit NCIA employees to retain the gift/ hospitality.
- ii. If the Head of Department/ Unit/ State suspects any conflict-of-interest situation involving the party providing such a gift/hospitality and NCIA, the Head of Department/ Unit/ State Office shall escalate this matter to the Chief Executive for decision and consultation with Integrity Department.

#### 4.3 Integrity Department

- i. Receive, record and maintain approved **Form A** submitted by respective Department/ Unit/ State Office.
- ii. In the event the Head of Department/ Unit/ State Office suspects any conflict-of-interest situation involving the party giving or receiving such a gift/hospitality and NCIA, Head of Department/ Unit/ State Office will consult the Chief Executive who in turn may seek consultation with Integrity Department.



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- iii. If the Chief Executive, in consultation with Integrity Department, cannot approve the acceptance of the said gift, the gift/hospitality shall be politely returned through the Corporate Communication Department with a note of explanation on the Company's "No Gift" Policy.
- iv. Integrity Department of NCIA may lodge a report against the offender to the relevant authority such as the Malaysian Anti-Corruption Commission (MACC), the Royal Malaysia Police (PDRM) or any other relevant authority for severe infringement of any law for the time being in force relating to bribery or corruption.

#### 4.4 Corporate Communication Department

- i. Based on the decision by Chief Executive, CCD assists in returning the gift/ hospitality and communicates to the party who provided/ anticipated the gift/hospitality the explanation of the Organization's "No Gift" Policy.

#### 4.5 Human Resource Unit

- i. Initiate action against the offender under Terms of Employment NCIA Employee Handbook together with its amendment, variation, or modification from time to time and the recognized and acknowledged terms of contracts/appointment of said NCIA employee.

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## 5.0 POLICY STATEMENT AND EXCEPTION

### 5.1 Policy Statement


5.1.1 NCIA's corporate integrity statement lays out the principles of a strong ethical working culture that governs NCIA employees. Therefore, the No-Gift Policy is focused on managing the receiving and giving of gifts or hospitality by or to NCIA's employees with stakeholders, emphasizing self-integrity and strong moral principles.

5.1.2 This policy shall be read and construed together with and complements the Terms of Employment NCIA Employee Handbook together with its amendment, variation, or modification from time to time.

5.1.3 NCIA employees to comply with this policy to avoid any conflict of interest or the appearances of conflict of interest between NCIA and third parties as gifts can be seen as a bribe that may tarnish NCIA's good name, credibility, and reputation or be in violation of the Malaysian Anti-Corruption Commission Act 2009 [Act 694], or any law for the time being in force in Malaysia relating to corruption.

5.1.4 A conflict of interest may occur in a situation where an NCIA employee can take advantage of his role in NCIA for his personal gain, including that of his family members and friends. This would undermine the duties of good faith, loyalty, honesty, and dignity in performing its duties and obligations as required by NCIA.

5.1.5 If any NCIA employee has questions about and/or needs clarification of any aspect of the policy, the employee should refer to their respective Head of Department/ Unit/ State Office as guided by "No Gift Policy".

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## 5.2 Exception to the Policy

This policy covers declaration for received or given:

### 5.2.1 Gift or hospitality

5.2.1.1 The exchange of gifts may be important as a symbol of friendship, a token of appreciation, and as part of business etiquette in some cultures or circumstances. Thus, the possible circumstances are as follows:

- i. Receiving gift or hospitality related to official duty
  - a) Attend/organize an open house during the usually festive season organized by/for Industry players only if the event is held openly and attended by other external guests, not specifically for NCIA employees only;
  - b) Receive an honorarium as a token from the organizers of talks, seminars, forums, workshops, training, or focus groups in which he had participated;
  - c) Receive any gift on behalf of NCIA under an exchange of gifts at the organization-to-organization level (for example gifts exchanged between Government-to-Government as part of an official company visit/courtesy call) which the gift shall be treated and retained as NCIA's archive/property;
  - d) Receive gifts from NCIA during an internally or externally recognized NCIA's function, event, and celebration (for example in recognition of an employee's service to the NCIA);
  - e) Pay an honorarium to the speaker as a token for giving talks in seminars, forums, workshops, training, or in a focus group;
  - f) Offer, on behalf of NCIA, gifts to external institutions or individuals during an NCIA's official functions, events, and celebrations (for example- commemorative gifts or door gifts offered to all guests attending the event); and
  - g) Offer, on behalf of NCIA, token gifts of nominal value bearing the NCIA's logo (such as pens, notepads, planners, calendars, and other small promotional items) that are given out to employees, customers, delegates, students, and members of the public, attending events such as conferences, exhibitions, training, career fairs, etc, and deemed as part of the NCIA's brand building or promotional activities; and gifts to external parties who have no business dealings with NCIA (e.g. monetary gifts or gifts-in-kind to charitable organizations).

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ii. Receiving gifts/ hospitality not related to official duty

- a) Accepting a gift from a colleague due to retirement, transfer, engagement, and marriage;
- b) Accepting a gift from family members and siblings of the spouse(s);
- c) Accepting gifts from relatives and friends due to birthday, engagement, the marriage of the NCIA employees or his children, or some other customs and religious ceremony; or
- d) Accept gifts in the form of perishable goods such as food, vegetable, confectionery, beverages, and flowers.

5.2.1.2 Shall the NCIA employee is in doubt on the gift/ hospitality not related to official with regards to:


- a) The type, amount, or value of a gift received by him is commensurate with the purpose such gift is given; or
- b) Whether the gift may raise a conflict of interest in regard to his duties and responsibility

he/she shall as soon as practicable submit to his Head of Department/ Unit/ State Office a written report containing a full description and the estimated value of the gift/ hospitality and the circumstances under which the gift was received for approval via “**Form A**” attached to this policy.

5.2.1.3 In the execution of or in relation to his official duty, whereby:

- a) The circumstances make it difficult for the NCIA employees to refuse a gift/ hospitality;
- b) Refusing a gift is likely to injure the relationship between NCIA and the third parties; or
- c) Said NCIA employee doubts whether the form, amount, or value of the gift he receives is commensurate with the purpose such gift is given.

as soon as practicable after receiving the gift, the said NCIA employee shall submit to their Head of Department/ Unit/ State Office a written report containing a full description and the estimated value of the gift and the circumstances under which the gift was received for approval via “**Form A**” attached to this policy.


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5.2.1.4 Value of the gifts/ hospitality received/ given may vary as stipulated below:


- i. Gift received and/ or given by an NCIA employee in the execution of or in relation to his official duty is worth **less than RM250.00** and in the form of any of the following. He/she may accept and keep the gift without informing his/her Head of the Department/ Unit/ State Office:
  - a) Plaque, pennant, or handcrafted item;
  - b) A promotional tool such as pens, diaries, notebooks, folders, box files, calendars, planners, and so on; or
  - c) in the form of perishable goods such as food, vegetable, confectionery, beverages, flowers, and so on.
  
- ii. If the gift/ hospitality received/ given is worth **RM250.00 and more, but RM500.00 or less**, the NCIA employee is encouraged to inform his Head of Department/ Unit/ State Office in **Form A** of the Policy.
  
- iii. Notwithstanding the abovementioned provisions, NCIA employees shall disclose all gifts/hospitality received/given **exceeding RM500** in total value for one occasion per person, whether received from or given to customers, suppliers, vendors, or any person who has any business dealings with NCIA.

5.2.1.5 The reception of a gift/ hospitality whether the type, amount, or value is commensurate or not with the purpose for which such gift/ hospitality is given become an offense when:

- a) The gift is received or has been requested with the intention of bribery which encourages or rewards NCIA employees to do or to omit or has done or omitted any act in relation to their official duty as NCIA employees;
- b) The third parties have an official relationship with the NCIA employees or their subordinates and the giving and receiving were not done in good faith or with criminal intent; or
- c) Within the NCIA employee's knowledge, the gift is received from third parties with the understanding that it will influence the NCIA employees' current and future official duty.

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- 5.2.1.6 NCIA employee may give any gift or hospitality either in his official or non-official capacity if:
- a) The gift or hospitality shall in no way affect or influence the performance of his duties in the interest of that receiving person or organization;
  - b) The gift or hospitality does not raise any suspicion of conflict of interest;
  - c) Such gift or hospitality is not in any way inconsistent with the Terms of Employment NCIA Employee Handbook together with its amendment, variation, or modification from time to time; and
  - d) The gift or hospitality is consistent with policy stated in clause 1.1.1.
- 5.2.1.7 Subject to clause 5.2.1.4 of the policy, NCIA employees are encouraged to do a **voluntary declaration** to disclose all gift or hospitality received/given **RM500 or less** in total value for one occasion per person, whether received from or given to customers, suppliers, vendors, or any person who has any business dealings with NCIA.
- 5.2.1.8 Disclosure can be made by using **Form A**. The signed Form A should be submitted to the Integrity Department **within five (5) working days** from the date the gift/hospitality was received or given.
- 5.2.1.9 Any other circumstances other than the above mentioned may be considered only with the permission of the Head of Department/Unit/ State Office and approved by Chief Executive in consultation with Integrity Department.
- 5.2.2 Charitable contributions, sponsorship, and political donations
- i. NCIA in principle does not make political donations in any situation. However, according to any prevailing law governing political contribution and satisfactory opinion from NCIA's qualified legal advice as to its legality under applicable laws, NCIA may make contributions to political parties. All political contributions shall require prior approval from the Audit Committee.
  - ii. All employees must request the provision and prior approval from Chief Executive in consultation with Integrity Department before proceeding to make or offer any charitable contribution, donation, or sponsorship (excluding political in nature) valued above MYR 500 on behalf of NCIA.


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5.2.2.1 All donations and sponsorships must be in line with the policy and receive prior authorization from Chief Executive in consultation with Integrity Department.

- a) Any donation and sponsorship activity must not be used as a conduit to circumvent, avoid or evade the laws or regulatory requirements nor to facilitate bribery, corruption, illegal and money laundering activities, or improperly influence a business outcome.
- b) As part of NCIA’s sustainable development goals (“SDG”) commitment to social responsibility and sustainable development, NCIA aims to be an active corporate citizen in the communities where we operate. Part of the commitment means supporting local community initiatives which is sometimes also exercised as acts of kindness through donations or sponsorships.
- c) All requests received for donations and sponsorships are to be directed to the Corporate Communication Department of NCIA. All donation and sponsorship requests will be carefully examined by the department for legitimacy and against the criteria set in the Policy before presenting them to the Management Committee in consultation with Integrity Department for decision.
- d) Any sponsorship or donation with a tax exemption/relief incentive will be prioritized and verified by the Finance Department during the evaluation process to meet NCIA’s cost-saving initiative.
- e) As a rule of thumb, NCIA will consider carefully making donations that are meaningful and beneficial to the community. All requests for donations are evaluated against internally set criteria that have been developed. The Group supports philanthropy which can include donating to a worthy cause or volunteering time, effort, or other forms of altruism in support of hard-core poor communities, education for children, disaster relief, the environment, and other causes beneficial to the community

5.2.2.2 Receiving/ Giving Sponsorship

NCIA or any of its departments, club, society, or association may request or accept sponsor from any third party subject to the approval of the Management Committee in consultation with the Integrity Department.


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- 5.2.2.3 The Management Committee shall adhere to the following conditions when considering a proposal or accepting a sponsorship:
- a) The sponsorship received by third parties shall not bind NCIA with any obligations and shall be free from any mala fide terms and conditions.
  - b) The sponsorship is voluntarily given by the third parties.
  - c) The sponsorship shall be in good condition and fit for a particular purpose.
  - d) The spare part of the sponsorship can be easily obtained.
  - e) The sponsorship does not require NCIA to create new additional posts for its management or maintenance.
  - f) NCIA's financial capacity is sufficient to cover the expense of sustaining or maintaining the sponsorship; or
  - g) The sponsorship will give advantages and benefits to NCIA.

5.2.3 Commissions, Discounts, And Secret Profits

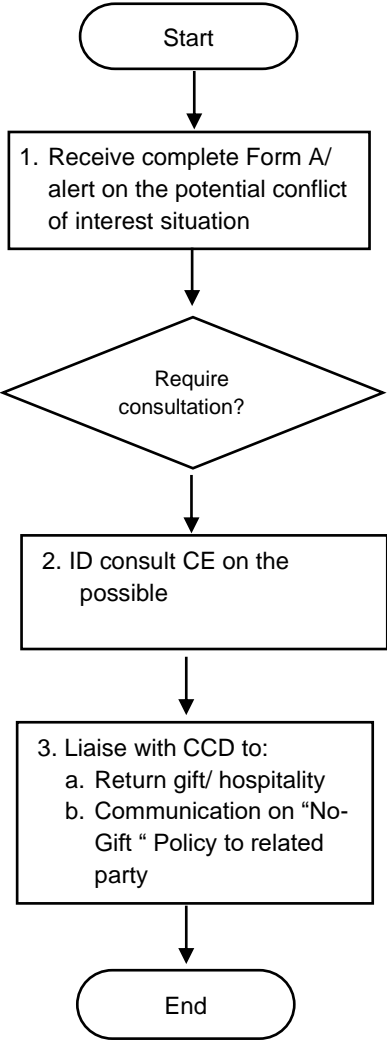
All NCIA's employees must not, directly, or indirectly, receive or obtain, in respect of any goods, favours or services purchased or other business transacted (whether or not, by them) by or on behalf of NCIA, any discount, rebate, commission, service, interest, consideration of value or another benefit (including any secret profits), favour or payments of any kind (whether in cash or in-kind) which is not authorized by NCIA.




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## 6.0 FLOWCHART

### 6.1 Transparent and full disclosure of Conflict of Interest

Activity	PIC	Document	Duration
 <pre> graph TD     Start([Start]) --&gt; Step1[1. Receive complete Form A/ alert on the potential conflict of interest situation]     Step1 --&gt; Decision{Require consultation?}     Decision --&gt; Step2[2. ID consult CE on the possible]     Step2 --&gt; Step3[3. Liaise with CCD to: a. Return gift/ hospitality b. Communication on "No- Gift " Policy to related party]     Step3 --&gt; End([End])           </pre>	<p>Integrity Department</p> <p>1. Integrity Department 2. OCE</p> <p>1. Integrity Department 2. Corporate Communication Department</p>	<p>Form A</p> <p>Explanation Notes</p>	<p>Within 30 w.d</p>

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## 7.0 APPENDICES

Appendix 1: Form A - Declaration of Gifts and Hospitality Form

Appendix 2: General Principles

## 8.0 REFERENCE DOCUMENTS

- i. Do the Right Things Right! - Do's and Don'ts of Ethical Behaviour for i-STARS NCIA.
- ii. Malaysia Anti-Corruption Commission Act 2009 [Act 694].
- iii. NCIA Employee Handbook.
- iv. NCIA's Corporate Integrity Statement.
- v. Penal Code [Act 574].
- vi. The Northern Corridor Implementation Authority Act 2008 (Act 687).