

立法會
Legislative Council

LC Paper No. CMI/54/00-01

Ref: CB(3)/C/2 (00-04)

Committee on Members' Interests

**Minutes of the fifth meeting
held on Friday 1 June 2001 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon David CHU Yu-lin (Chairman)
Hon SIN Chung-kai (Deputy Chairman)
Hon NG Leung-sing
Hon YEUNG Yiu-chung
- Members absent** : Hon Cyd HO Sau-lan
Hon Bernard CHAN
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
- Clerk in attendance** : Mrs Betty LEUNG
Chief Assistant Secretary (3)1
- Staff in attendance** : Mr LAW Kam-sang, JP
Deputy Secretary General

Mr Ray CHAN
Assistant Secretary General 3

Mr LEE Yu-sung
Senior Assistant Legal Adviser

Mr Arthur LEUNG
Senior Assistant Secretary (3)1
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Action

I. Confirmation of the Minutes of the last meeting held on 3 April 2001 (LC Paper No. CMI/46/00-01)

The minutes of the last meeting of the Committee on Members' Interests (the Committee) were confirmed without amendments.

II. The minimum value of registrable one-off material benefits received by Legislative Council (LegCo) Members (LC Paper No. CMI/47/00-01)

Minimum value of registrable one-off material benefits

2. **The clerk** reported that in accordance with the decision made at the last meeting, all Members had been consulted on their preference regarding the four options on the minimum value of registrable one-off material benefits, which were \$10,000, \$5,000, \$3,000 and \$2,000 respectively. The returns had been summarized in the Appendix to LC Paper No. CMI/47/00-01, and by applying the preferential elimination method, the majority preference of Members was to maintain the status-quo at \$10,000.

3. **Mr NG Leung-sing** said that while he did not object to maintaining the minimum value of registrable material benefits at the current level in accordance with the majority preference of LegCo Members, he cautioned that it might be more appropriate if the Committee could place more emphasis on the merits than the popularity of a proposal in making decisions.

4. **The meeting** then decided that the minimum value of registrable one-off material benefits should be maintained at \$10,000 and that all Members should be informed of the decision.

the clerk

The applicability of "material benefits" in the Registration Form on Members' Interests

5. At the last meeting, Hon Andrew WONG had observed that Rule 83(5)(a) and (b) of the Rules of Procedure, which respectively stipulated that "remunerated directorships" and "remunerated employments" were registrable, had not contained the term "material benefits" and had not specified a minimum registrable value for these interests. As a follow-up to Mr WONG's observation, **the Chairman** invited members to consider if the term "material benefits", which referred to non-cash benefits in the definitions of "remunerated directorships" and "remunerated employments" on pages 1 and 2 of the Registration Form on Members' Interests (Registration Form) respectively, should be replaced by another term, such as "other rewards".

Action

SALA

6. In reply to Mr YEUNG Yiu-chung's enquiry, **Senior Assistant Legal Adviser (SALA)** undertook to check the contexts in which the term "other rewards" or other similar terms were used in existing legislation. **Mr NG Leung-sing** said that reference might also be drawn from the term(s) used in the existing rules and regulations set for public officers too, as LegCo Members were also public officers.

SALA

7. **Mr YEUNG Yiu-chung** enquired if Members should register any directorships from which they received benefits the value of which was less than \$10,000 apiece. **The clerk** replied that according to the definition of "remunerated directorships" in footnote (a) on page 1 of the Registration Form, directorships were registrable as long as they involved cash benefits such as a fee, honorarium or allowance, no matter how small the amount was. **Deputy Secretary General (DSG)** advised that the term "other rewards" had the meaning that the interests were received in return for some acts done or not done. Hence, it might be more appropriate to use the more neutral term "material benefits" in the definitions of certain categories of registrable interests. After deliberation, **the meeting** asked **SALA** to consider if there was a more appropriate term to replace the term "material benefits" in the definitions of "remunerated directorships" and "remunerated employments" on pages 1 and 2 of the Registration Form and report on his findings at the next meeting. **The meeting** also decided that, in order to avoid creating confusion to Members in registering interests, the minimum registrable value for interests within the meaning of the new term should be pitched at the same level as that for "material benefits", i.e. \$10,000.

III. Draft paper on the interpretation of the phrase of "a sector thereof" in Rule 84(1) of the Rules of Procedure (LC Paper No. CMI/31/00-01)

the clerk

8. The meeting endorsed the draft paper on the interpretation of the phrase "a sector thereof" in Rule 84(1) of the Rules of Procedure prepared by the Secretariat, and directed that it be issued to all Members for reference.

IV. Amendments to Rule 84 of the Rules of Procedure: the way forward

SALA

9. **SALA** reported that he was considering how the drafting of Rule 84 of the Rules of Procedure could be improved. He said he would go through the minutes of the relevant meetings of the Committee on Rules of Procedure to see how the existing Rule 84 had been arrived at. **The meeting** directed that the Rule needed textual refinements only. **SALA** undertook to prepare a draft for members' consideration at the next meeting.

Action

V. Date of next meeting

10. **The clerk** would consult members regarding the date of the next meeting, which would be some time in September or October.
11. The meeting ended at 9:30 a.m.

Council Business Division 3
Legislative Council Secretariat
4 July 2001