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Committee on Members' Interests
Paper for the 7th meeting on 25 April 2002

Maintaining the Register of Members' Interests in both English and Chinese

Purpose

This paper seeks the views of the Committee on Members' Interests on a proposal from a member of the public that the Register of Members' Interests should be made available for public inspection in both Chinese and English.

Background

2. Rule 83 of the Rules of Procedure provides, among other things, that a Member shall furnish to the Clerk of the Legislative Council, in such form as may be approved by the President, particulars of his registrable interests and any change in such interests. The Rule does not stipulate the language to be used by Members in furnishing such particulars. At present, a Member may register his interests in English or Chinese, or in both, in the form approved by the President, and the form is then entered into and form part of the Register of Members' Interests. Since 2 January 2001, the Register of Members' Interests has been placed onto the LegCo website, in addition to being deposited in the LegCo Library, for public inspection.

Legal advice

3. Advice of the Legal Service Division is that under Rule 83, Members are required to furnish particulars of registrable interests in such form as may be approved by the President. In the absence of any specific language requirement in the Rule, Members may choose to register in either the English or Chinese approved forms. The Official Languages Ordinance (Cap. 5) only provides that the English and Chinese languages are the official languages of Hong Kong for the purposes of court proceedings and communication between the Government or any public officer and members of the public. There is no requirement under that Ordinance or other Ordinances which require a register of this nature to be in both English and Chinese. Members may also note that the returns setting out election donations under the Election (Corruption and Illegal Conducts) Ordinance (Cap. 554) are not required to be made in bilingual form.

Practice of overseas legislatures with more than one official language

4. The Secretariat has conducted a study on the languages that other multi-lingual parliaments use in maintaining their Registers of Members' Interests.

5. In Singapore, the English language is the administrative language and any document written in other official languages, including the declaration of interests, is translated into English, and the Register of Members' Interests is maintained in English.

6. In Switzerland, Members provide particulars of interests in either French or German and these particulars as furnished are entered into the Register of Members' Interests without translation.

7. In Canada, there is no such register as her House of Commons' "House Committee concluded that a Register of Members' interests was not warranted".

Options and implications

8. Possible options include:

- (a) to provide a bilingual Register. Members will continue to furnish their registrable interests in either English or Chinese, which will be translated by the Secretariat. However, some terms or proper nouns such as the names of persons, office titles and, companies will not be translated, unless Members have provided such terms in both Chinese and English, in order to avoid inaccuracy. If individual Members so wish, the translated version will be sent to them for vetting before being incorporated into the Register. The translated version will be marked as such and will refer readers to the original version for authenticity. This arrangement will result in additional resources (estimated at about 60 man-days for 60 sets of forms) for the Secretariat, as well as for Members. There will also be a time lapse, estimated at one to 12 working days, depending on the amount of translation work involved, before the translated versions are ready for incorporation into the Register; or
- (b) having regard to the legal advice as contained in paragraph 3 and the manner in which returns on election donations are lodged under the Election (Corrupt and Illegal Conducts) Ordinance, Members will continue to furnish particulars of their registrable interests to the Clerk in either Chinese or English, or both, on the form approved by the President, and such filled-in forms are then incorporated into the Register of Members' Interests. This option does not have any resource implications but persons who are not bilingual may be inconvenienced when inspecting the Register.

Advice sought

9. Members are invited to consider the options in paragraph 8 above.

Council Business Division 3

8 April 2002