

立法會
Legislative Council

LC Paper No. LS53/05-06

**Paper for the Meeting of the
Committee on Members' Interests on 4 April 2006**

Proposed amendments to add new provisions to the Rules of Procedure

At the last meeting of the Committee on Members' Interests (the Committee) held on 17 February 2006, a member enquired if the conduct expected of a Member in claiming reimbursement of operating expenses (OER) should be clearly set out in the Rules of Procedure (RoP). Should the Committee consider this approach appropriate, the necessary amendments to the RoP to achieve this are shown blue typeface below. As Members may, in addition to making OER claims after incurring the expenses, also apply for advance of operating funds, the opportunity is also taken to include such cases in the mechanism for handling complaints and allegations concerning Members' OER claims. The other amendments as set out in LC Paper No. CMI/20/05-06 which the Committee had endorsed at the said meeting are singly-underlined.

73. Committee on Members' Interests

- (1) There shall be a standing committee to be called the Committee on Members' Interests -
 - (a) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
 - (b) to consider any proposals made by Members or others as to the form and contents of the Register;
 - (c) to consider any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so and, if it thinks fit after consideration, investigate such complaint;
 - (ca) to consider any complaint made in relation to the conduct of Members in respect of their claims for reimbursement of operating expenses or applications for advance of operating funds and, if it thinks fit after consideration, investigate such complaint;

- (d) to consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters;
- (e) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests) or Rule 85A (Sanctions relating to Claims for Reimbursement of, Operating Expenses or Operating Funds).

(1A) In considering or investigating a complaint referred to in subrule (1)(ca), the committee shall, in addition to any other matter that the committee may consider relevant, have regard to the provisions of A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council.

(2).....(7)

83AA. Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds

When making a claim for reimbursement of operating expenses or applying for advance of operating funds in accordance with A Guide for Reimbursement of Operating Expenses for Members of the Legislative Council, or acting for purposes related thereto, a Member shall -

- (a) ensure that any information, declaration or certification provided or made is true, accurate and complete; and
- (b) act according to any undertaking that he has given.

85. Sanctions relating to Interests, Operating Expenses or Operating Funds

Any Member who fails to comply with Rule 83 (Registration of Interests), 83A (Personal Pecuniary Interest to be Disclosed), 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) or 84(1) or (1A) (Voting or Withdrawal in case of Direct Pecuniary Interest) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

~~85A. Sanctions relating to Claims for Reimbursement of Operating Expenses~~

~~A Member who has been recommended by the Committee on Members' Interests to be sanctioned pursuant to investigation conducted under Rule 73(1)(ca) (Committee on Members' Interests) may be admonished, reprimanded or suspended by the Council on a motion to that effect.~~

Prepared by
LEE Yu-sung
Senior Assistant Legal Adviser
Legislative Council Secretariat
24 March 2006