

立法會

Legislative Council

LC Paper No. CMI/29/05-06

Ref: CB(3)C/1(V)

Paper for the House Committee meeting on 31 March 2006

Amendment to Rule 83(5)(a) of the Rules of Procedure proposed by the Committee on Members' Interests

Purpose

This paper informs the House Committee of the proposal of the Committee on Members' Interests (the committee) to amend Rule 83(5)(a) of the Rules of Procedure (RoP).

Background

2. The categories of interests required to be registered by Members of the Council are set out in Rule 83(5) of the RoP, which include "remunerated directorships of companies, public or private". At the committee's meeting held on 19 April 2005, a member proposed that the committee should review and tighten up the registration requirement on remunerated directorships.

Deliberations of the committee

3. At three of its meetings held between June 2005 and January 2006, the committee deliberated the two proposals put forward by the member to tighten up the registration requirement on remunerated directorships. The committee agreed to one of the proposals, which was to stipulate that Members should register the names of the parent companies of the companies in which they held remunerated directorships. To this end, the committee also agreed on the draft amendments to Rule 83(5)(a) of the RoP and Page 1 of the Registration Form on Members' Interests (Registration Form), set out respectively in **Appendices 1 and 2**.

4. The committee subsequently sought the views of all Members on the proposal and the related draft amendments vide LC Paper No. CMI/17/05-06 issued on 24 January 2006. Among the fifty-five Members who responded, 53 were in support of the proposal and two did not express any views.

5. In view of Members' overwhelming support for the proposal, the committee decided at its last meeting on 17 February 2006 that the matter be taken forward. Hon Sophie LEUNG LAU Yau-fun, the chairman of the committee, will move a Resolution, set out in **Appendix 3**, to amend the relevant Rule at the Council meeting to be held on 26 April 2006. If the Resolution is passed, the clerk to the committee will seek the President's permission to amend page 1 of the Registration Form, and will forward the revised page to all Members and invite any Member who is thus affected to register the relevant interests within 14 days thereof.

Advice sought

6. The House Committee's views on the committee's plan in paragraph 5 above are sought.

Council Business Division 3
Legislative Council Secretariat
17 March 2006

**Proposed amendment, as underlined below, to Rule 83(5)(a)
of the Rules of Procedure**

83. Registration of Interests

(5) In this Rule, "registrable interests" means -

(a) remunerated directorships of companies, public or private, and if the company concerned is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), also the name of that other company;

(b)...(h)

Appendix 2

**Proposed amendments, as underlined below, to Page 1 (Directorships) of
the Registration Form on Members' Interests**

Name of Member: _____

Registrable Interest

Directorships

1. Do you have any remunerated directorships in any public or private company?

YES/NO (*Please delete as appropriate*)

If so, please list below. If the company concerned is a subsidiary of another company within the meaning of section 2(4) of the Companies Ordinance (Cap. 32), please provide the name of that other company.

- Notes:**
- (a) "Remunerated directorships" include all directorships for which a fee, honorarium, allowance or other material benefit is payable.
 - (b) The term "material benefit" refers to (i) interests received from a single source in the course of one year where the total value of such interests exceeds 5% of the annual salary* of a Member of the Council (* excluding the general expenses allowance which covers expenses incurred by a Member in his work); or (ii) one-off material benefits exceeding \$10,000 in value. (This definition also applies to the term "material benefit" in categories 2, 4 and 6.)
 - (c) Remunerated directorships of both local and overseas companies are registrable.
 - (d) Remunerated directorships through corporate directors are also registrable. However, particulars of remunerated directorships through corporate directors need only be updated on an annual basis, at the beginning of each legislative session.
 - (e) Where you are a remunerated director of a company, all subsidiary or associated directorships which you hold within the same group, whether remunerated or not, should also be registered.
 - (f) You should give the name of the company, briefly stating the nature of the business of the company in each case.
 - (g) Subsidiary of another company has the same meaning as in section 2(4) of the Companies Ordinance (Cap. 32)

Signature: _____

Date: _____

Appendix 3

**BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION OF THE PEOPLE'S REPUBLIC OF CHINA**

RESOLUTION

(Under Article 75 of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

**RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

RESOLVED that Rule 83(5)(a) of the Rules of Procedure of the
Legislative Council of the Hong Kong Special Administrative
Region be amended by adding “, and if the company concerned is
a subsidiary of another company within the meaning of section
2(4) of the Companies Ordinance (Cap. 32), also the name of that
other company” after “public or private”.