

**立法會**  
**Legislative Council**

LC Paper No. CMI/14/08-09

Ref: CB(3)/C/2(08-12)

**Committee on Members' Interests**

**Minutes of the first meeting  
held on Thursday, 20 November 2008 at 8:30 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP (Chairman)  
Hon Emily LAU Wai-hing, JP (Deputy Chairman)  
Hon WONG Yung-kan, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Sing-chi

**Members absent** Hon Abraham SHEK Lai-him, SBS, JP  
Hon Paul CHAN Mo-po, MH, JP

**Clerk in attendance** : Mr Arthur LEUNG  
Chief Council Secretary (3)1

**Staff in attendance** : Mrs Justina LAM  
Assistant Secretary General 3

Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Miss Lolita SHEK  
Senior Council Secretary (3)1

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Action

- I. Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such**  
(LC Paper No. CMI/5/08-09)

The Chairman referred members to the draft “Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such” (Advisory Guidelines), set out in the Appendix of LC Paper No.

CMI/5/08-09, which had been issued to all Legislative Council (LegCo) Members by the Committee on Members' Interests (CMI) of the Third LegCo. She invited members to consider the following amendments proposed by the Secretariat to the draft Advisory Guidelines:

- (a) paragraphs (3) and (4) be removed from the draft Advisory Guidelines, since the substance of the two paragraphs had already been reflected in Rule 83 (Registration of interests), 83A (Personal Pecuniary Interest to be Disclosed) and 84(1) and (1A) (Voting or Withdrawal in case of Direct Pecuniary Interest) of the Rules of Procedure (RoP), and sanctions for failure to comply with any of the rules were already provided in RoP 85;
- (b) paragraph (7) be removed, as amendments had been made to RoP in 2006 setting out the specific conduct required of Members in making claims for reimbursement of the operating expenses or applications for advance of operating funds (RoP 83AA), empowering CMI to consider and investigate related complaints (RoP 73(1)(ca)) and providing for sanctions for failure to comply with RoP 83AA (RoP 85); and
- (c) the headings of "General Standards" and "Specific Standards" be deleted, and the sub-paragraphs under paragraphs (1) and (6) be set out as separate paragraphs.

2. Regarding the proposed amendment to remove paragraphs (3) and (4) from the Advisory Guidelines, the Clerk added that as these paragraphs were just restating the relevant rules in RoP, the inclusion of the paragraphs in the Advisory Guidelines might have the undesirable effect of misleading Members into thinking that these rules were advisory in nature.

3. Regarding the proposed amendment to delete the headings of "General Standards" and "Specific Standards" in the Advisory Guidelines, Mr Alan LEONG asked why the guidelines were grouped under the two headings in the first place. The Clerk replied that CMI had followed the practice adopted by the Parliament of the United Kingdom when it first drew up the Advisory Guidelines in 1995.

4. Members agreed to the aforesaid amendments proposed by the Secretariat. Ms Emily LAU suggested that since there were quite a number of new Members in the current LegCo, who might be unfamiliar with the background to the formulation and the nature of the Advisory Guidelines,

arrangements might be made for the Chairman to speak on the revised Advisory Guidelines at a House Committee meeting or Council meeting. Mr WONG Yung-kan suggested that all Members be consulted on the revised draft Advisory Guidelines before they were finalized. Mr Alan LEONG proposed that a circular be issued to all Members explaining the amendments made to the Advisory Guidelines and seeking their views on the Advisory Guidelines. Members agreed to these proposals.

LegCo  
Secretariat

5. The Chairman asked the Secretariat to revise the draft Advisory Guidelines accordingly and then circulate them to members for further comments. After incorporating members' further comments (if any), the Secretariat should issue them to all Members for comments.

**II. The procedure of the Committee on Members' Interests for handling complaints received in relation to the registration or declaration of Members' interests or Members' claims for reimbursement of operating expenses or applications for advance of operating funds**

(LC Paper No. CMI/6/08-09)

6. The Chairman referred members to the draft "Procedure for the Committee on Members' Interests for handling complaints received in relation to the registration or declaration of Members' interests or Members' claims for reimbursement of operating expenses or applications for advance of operating funds" (the Procedure), set out in the Appendix of LC Paper No. CMI/6/08-09, which had been issued to all Members by the CMI of the Third LegCo.

7. Members did not propose any amendment to the draft Procedure. Ms Emily LAU suggested that, similar to the arrangement agreed for the revised draft Advisory Guidelines, all Members be consulted on the draft Procedure before it was finalized. She further suggested that the consultation on the revised draft Advisory Guidelines and the draft Procedure should be conducted at the same time. Given the importance of the two documents, arrangements should also be made for the Chairman to speak on them either at a House Committee meeting or Council meeting. Members agreed.

8. Mr WONG Sing-chi enquired whether the draft Procedure had ever been put to use. The Clerk replied that when CMI of the Third LegCo investigated in late 2004 the case of a Member's failure to register registrable interests with the Clerk to LegCo pursuant to RoP 83, it had made reference to the 1999 version of the Procedure. CMI then revised the Procedure in 2006, which had not been put to use since then.

The  
Chairman

9. Mr Alan LEONG suggested that CMI members should seek the views of those Members of their own political groupings on the revised draft Advisory Guidelines and the draft Procedure. Members agreed. The Chairman undertook to remind those members who did not attend the meeting to do so.

10. Mr Alan LEONG further suggested that in view of the importance of the two documents, a briefing session should be conducted for all Members, at which the Chairman and other CMI members could explain the Advisory Guidelines and the Procedure to Members. Members agreed.

LegCo  
Secretariat

11. Assistant Secretary General 3 said that the Secretariat would prepare a consultation paper on the two documents and arrange for a briefing session. After the two documents had been finalized, the Secretariat would then propose the appropriate arrangement for the Chairman to speak on the two documents either at a House Committee meeting or Council meeting.

12. The meeting ended at 8:51 a.m.