

立法會
Legislative Council

LC Paper No. CMI/120/10-11

Ref: CB(3)/C/CON/7 (08-12)

Paper for the House Committee meeting on 24 June 2011

**Priority allocation of a debate slot
to the Chairman of the Committee on Members' Interests**

Purpose

This paper invites the House Committee to consider the request of the Committee on Members' Interests ("CMI") for priority allocation of a debate slot to its Chairman to move a motion for debate on issues in relation to procedural rules on pecuniary interests that are set out in the Report of the Committee on Members' Interests on its consideration of a complaint against Ir Dr Hon Raymond HO, Hon Jeffrey LAM and Hon Abraham SHEK ("the CMI Report") at the Legislative Council meeting of 13 July 2011. The CMI Report was tabled at the Council meeting of 22 June 2011.

Proposed motion debate

2. Rule 83A of the Rules of Procedure ("RoP") provides that "In the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he discloses the nature of that interest".

3. In considering the issue of whether a Member's position as a non-executive director of a company may give rise to a situation under which the Member is considered to have a pecuniary interest by virtue of that position under Rule 83A of RoP as raised in the complaint referred to in the CMI Report, CMI has considered the following issues:

- (a) the information provided to Members on disclosure of interests, including direct and indirect pecuniary interests;
- (b) the meaning of direct and indirect pecuniary interests under Rule 83A of RoP;
- (c) the role of an independent non-executive director ("INED") in a company and the circumstances under which a Member who is an INED of a company would be required to make disclosure of pecuniary interests under Rule 83A of RoP; and
- (d) how Rule 83A of RoP is interpreted and applied when speaking at meetings, including at which point in time should a pecuniary interest be disclosed and whether the same pecuniary interest should be disclosed each time when the Member speaks.

4. CMI has also deliberated and recommends that the following five principles be applicable to Rule 83A of RoP:

- (a) a company is regarded as having a direct pecuniary interest in a project if the company has bid for a contract or has been awarded a contract under the project;
- (b) if a company is regarded as having a direct pecuniary interest in a project by virtue of (a) above, a Member who is a director of the company is regarded as having an indirect pecuniary interest in the project;
- (c) there is no distinction between executive directors, non-executive directors and independent non-executive directors as far as disclosure of pecuniary interest under Rule 83A of RoP is concerned;
- (d) a Member is expected to take reasonable steps to find out, for the purpose of making the required disclosures under Rule 83A of RoP, whether the company of which he is a director has a pecuniary interest in the matter under consideration by a committee; and
- (e) generally speaking, if a subsidiary of a company ("parent company") has bid for a contract or has been awarded a contract under a project, then, the parent company is regarded as having an indirect pecuniary interest in the

project and on this basis, a Member who is a director of that parent company is regarded as having an indirect pecuniary interest in the project.

5. As all Members are required to comply with Rule 83A of RoP, CMI decided that its Chairman, Hon Mrs Sophie LEUNG, should move a motion on the issues in relation to procedural rules on pecuniary interests that are set out in the CMI Report for debate at the Council meeting of 13 July 2011 to enable Members to express their views on these issues.

6. According to Rule 13(a) of the House Rules ("HR"), no more than two debates with no legislative effect initiated by Members should be held at each regular Council meeting. Rule 14A of the HR provides for the arrangements for allocation of slots for debates to chairmen of committees of the Council. Under HR 14A(h), committees and subcommittees of the Council may make a request for priority allocation of debate slot and such request shall be put forward to the House Committee for consideration on a case-by-case basis. Should the House Committee accede to such a request, the debate slot shall not be counted as the mover's own slot.

7. Pursuant to HR 14A(h), CMI requests the House Committee to consider the priority allocation of a debate slot for its Chairman to move a motion for debate on issues in relation to procedural rules on pecuniary interests that are set out in the CMI Report at the Council meeting of 13 July 2011. The wording of the motion is in the **Appendix**.

Advice sought

8. Members are invited to consider the request of CMI in paragraph 7 above.

2011年7月13日(星期三)
立法會會議席上
梁劉柔芬議員就
"有關金錢利益程序規則的事宜"
動議的議案

議案措辭

"本會察悉載於《議員個人利益監察委員會就一宗針對何鍾泰議員、林健鋒議員及石禮謙議員的投訴作出考慮後的報告》內有關金錢利益程序規則的事宜。"

(Translation)

**Motion on
"Issues in relation to procedural rules on pecuniary interests"
to be moved by Hon Mrs Sophie LEUNG Yau-fun
at the Legislative Council meeting
of Wednesday, 13 July 2011**

Wording of the Motion

"That this Council takes note of the issues in relation to the procedural rules on pecuniary interests that are set out in the Report of the Committee on Members' Interests on its consideration of a complaint against Ir Dr Hon Raymond HO, Hon Jeffrey LAM and Hon Abraham SHEK."